



Constitution in the Classroom

Lesson Plan

Rule of Law

Middle & High School Curriculum

About Constitution in the Classroom

Lawyers, law students, and educators have a valuable resource to share with students: knowledge and appreciation of the Constitution. Constitution in the Classroom brings ACS members into high school, middle school, or elementary classrooms to raise awareness of fundamental constitutional principles and excite young minds about their constitutional rights and responsibilities.

About the American Constitution Society

Founded in 2001, the American Constitution Society realizes the promises of the U.S. Constitution by building and leading a diverse legal community that dedicates itself to advancing and defending democracy, justice, equality, and liberty; to securing a government that serves the public interest; and to guarding against the abuse of law and the concentration of power.

As we celebrate our 20th anniversary, the American Constitution Society (ACS) continues to be the nation's leading progressive legal organization, with over 200 student and lawyer chapters in almost every state and on most law school campuses. In addition to shaping debate on key legal and policy issues, ACS is building the bench for the next generation of progressive lawyers, judges, policy experts, legislators, and academics.

I. Icebreaker

The League of Women Voters of Alameda County, in partnership with ACS, has created an online trivia game with general questions about the Constitution, VerifyIt!. This is a great, interactive way to start a CITC lesson. You can either send the game link to the students and they can play a round on their own or you can screen share and allow students to answer questions either out loud or by writing answers down and sharing their results at the end of the round.

The game is easily played on mobile phones, computers, or tablets using - **Individual Player** (on your own) or **Multi-Player** (in the classroom - virtual or online). These instructions for Multi-Player games will help you set up a game that all your students can play on their computers at one time - with you tracking their progress and knowledge as the "game runner." You will also be able

to use the Leaderboard to make it fun to play - and you can choose whether to show students' names or give them anonymous numbers to keep names private.

Instructions for using a Game with your class.

1. On your computer, go to VerifyIt! Game URL: <https://verifyit.buzz/teachers>.
2. Select the game you want to play: "**Civics-U.S. Constitution Mixed-6 - 6 questions**" is recommended for this lesson plan.
3. Find the "**Start a new game**" button at the bottom of the list and click on it. Note that the next screen shows the questions selected for this Game
4. Follow the instructions listed on this screen to **distribute the Game** to your students. You can directly share the URL through email or text it to your students, or, if you are conducting class via Zoom, put it in the Chat
5. Students will enter their "handle" (name) and sign into the Game. You will see their names on your screen when they successfully sign in - and you can track their progress!

II. Introduction

The rule of law is one of the foundations of democracy. But it can be a difficult concept to understand. To paraphrase a certain famous science-fiction film, the rule of law is like a force that binds us all together. It is our collective agreement as a society. We agree to obey the law, and expect that the law will treat us all fairly in return. Similarly, we expect in a democracy that those laws will be created by people that we elect, and will be designed to benefit everyone, not just those in power.

Everyday interactions are evidence of the silent agreement that makes up the rule of law. Imagine you are walking to the local grocery store. As the traffic signal turns to the walk sign, you cross the street on the way to the store, expecting others to obey the light and allow you to cross. You expect to be allowed to enter the grocery store and not be denied access because of what you look like. When you start picking out produce, you expect that this has been inspected and deemed safe to eat. When you walk down the aisle, you expect that the floor has been cleaned so that you can navigate the store safely. Later when you go to the check-out to pay for your groceries, you expect that the cashier will accept the money you use to pay for what you picked out.

Something could go wrong at any point in this transaction. The driver could refuse to obey the light as you cross the street, putting you in danger. The store could deny you entry based on what you look like. The food could be contaminated. You could slip and fall on a floor that has not been cleaned. The cashier could refuse to accept your payment for your groceries. And if any of those did happen, we would expect the law to help us punish the wrongdoer and make us whole again, usually through monetary compensation. Likewise, the driver or the grocery store employee at fault would expect to be treated fairly through that process, including being given an opportunity to defend themselves in court. And both sides would expect the judge or jury in the

case to look at the evidence fairly and impartially in deciding which side should win.

Those same expectations exist in every single case, from the grocery store on up to the highest levels of government. We want to believe that nobody, not even the President, is above the law. We also want to believe that everyone, from the most to the least powerful, will be treated fairly by the law. [Here](#) is a video from judges on how the rule of law protects our rights, and this lesson explores how the United States has lived up to that promise, and how it has not.

III. Discussion Options

There are two discussion options for this lesson. The first is the American Bar Association’s materials on Exploring the Rule of Law. Students will divide into groups, and explore the rule of law with quotes provided by primary sources from throughout American history, and will answer questions on those sources. Each group will then present to the rest of the class based on their answers to the discussion questions at the end of each handout. The ABA materials can be found [here](#).

Alternatively, the second discussion option is to examine the rule of law through the lens of one of the most famous legal cases in American history: *United States v. Nixon* (1974). Just ten days before President Richard Nixon’s unprecedented resignation from office, the Supreme Court unanimously declared that the President is not completely above the law, and could not use his executive privilege to shield evidence that was “demonstrably relevant” to the criminal trial that arose from the Watergate scandal. Teaching materials on the case can be found [here](#). The background handout and the handout on Nixon’s views on presidential power will be most relevant to this discussion.

IV. Discussion Questions

1. Return to the example at the top of this handout. How do you experience the law and the rule of law in your everyday life? Have those experiences made you feel safer? Why or why not?
2. (ABA activity): Re-read the quotation from MLK on what makes a law just. Is a law only unjust when the people it targets were not given a say in its creation? Or can a law be unjust even when it is democratically enacted? If so, would you follow the rule of that law? Why or why not?
3. (ABA Activity): Consider the quote from Theodore Roosevelt’s “Square Deal” speech. Do you think our justice system treats everyone equally? Who might it treat better than others? TR’s speech is over 100 years old, and we are still discussing these same issues today. Will we ever get to a place where the law treats everyone equally?
4. (Nixon activity): Another aspect of the rule of law is that judges are independent, neutral actors who will administer the law fairly. President Nixon had appointed four members of the Supreme Court, including the Chief Justice, Warren Burger. One of his appointments, William

Rehnquist, did not take part in the decision because he had previously served in the Nixon administration in the Department of Justice. The three remaining Nixon appointees voted against the President. Why is this important? Why shouldn't a Justice side with the President that appointed them?

5. (Nixon activity): Consider Nixon's view of Presidential power. "If the President does it, that means it's not illegal." Do you agree? Is this something a President should say? What if it was a President you liked and agreed with, would that change your answer?
6. Which do you think is more important: that people follow the law regardless of what the law says, or that people should not follow the law when it is fundamentally unfair? Does this break the social contract we talked about in the introduction? Why or why not?