

# “He had taken on the President of the United States. The betting money was against him”

(Hammer & Coleman 2014 pg. 138)

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## **Lesson Overview:**

This case is not the first time the Court and the Presidency had clashed, but in the context of the time (1971) the Case would decide the limits of Presidential power.

The 1960's allowed Diversity. From Civil Rights Movements, riots, Freedom of Speech issues, Anti-war protest and growing Woman's Rights activities; Americans of all types found they had a Voice that could influence the American Landscape more than any other period in our past. Presidents had the ability to set the Agenda for the American People for most of our History. With so many Voices being used, this ability to unify the country was facing one of its most difficult periods. Those who choose not to speak became the “Silent Majority” and in general, President Nixon assumed he was speaking for them. The opposition was a diverse group trying to “equalize” their rights as they interpreted from the Constitution and Bill of Rights. The result was that the arena moved from political opinion to the interpretation of our Constitution. And that is our Federal Courts System.

This particular Case: United States v. Sinclair 1971 was assigned to Judge Keith as a Federal Judge for the Eastern District of Michigan. His ruling in the Case was, as expected, was appealed thru to the Supreme Court. The Supreme Court upheld Judge Keith decision unanimously, while this is not uncommon in Supreme Court decisions, it was a shock that the Court was unified in its decision given how divided the nation the nation was at the time.

## **Objectives:**

Using primary and secondary source information students will apply the information to predict how current times would be effected by an alternative outcome of past events.

## **Content & Standards:**

Common Core

CCSS.ELA-Literacy.RH.9-10.1 Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as date and origin of the information.

CCSS.ELA-Literacy.RH.9-10.2 determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

CCSS.ELA-Literacy.RH.9-10.4 determine the meaning of words and phrases as they are used in a text including vocabulary describing political, social or economic aspects of history/social science.

CCSS.ELA-Literacy.RH.9-10.9 Compare and contrast treatments of the same topic in several primary and secondary sources.

CCSS.ELA-Literacy.RH.9-10.10 By the end of 10<sup>th</sup> grade, read and comprehend history/social studies text in the grades 9-10 text complexity band independently and proficiently.

### **Michigan Content & Standards:**

P1.1 Use close and critical reading strategies to read and analyze complex text pertaining to social science; attend to nuance, make connections to prior knowledge, draw inferences, and determine main ideas and supporting details.

P2.4 Use multiple perspectives and resources to identify and analyze issues appropriate to social studies discipline being studied.

P3.1 Clearly state an issue as a question of public policy, trace the origins of the issue, analyze various perspectives and generate and evaluate possible alternative resolutions.

### **Time required:**

Author suggest a minimum of 3 to 5 class periods with out of classroom work expectations.

**ERA:** 8 and possible 9 United States History and Geography

### **Preparation:**

Teacher provided context on the 1960's focusing on protest movements of the time and how the changes that were accomplished then relate to today. If possible, utilizing video clips from Civil Rights, Anti-war, Women's Movement is strongly suggested as a table setter with class discussion to follow focusing on their influence on today. The outcome is for students to utilize source material to make a predictive analysis of the Courts decisions and how a different outcome may have impacted our current times.

### **Resources:**

Source Materials Suggestions:

Background Source Materials:

Crusader for Justice Federal Judge Damon Keith Hammer & Coleman Wayne State University Press 2014  
ISBN: 978-0-8143-3845-2 or ISBN: 978-0-8143-3846-9 e-book

[http://www.leagle.com/decision/19711395321FSupp1074\\_11188.xml/UNITED%20STATES%20v.%20SIN](http://www.leagle.com/decision/19711395321FSupp1074_11188.xml/UNITED%20STATES%20v.%20SIN)

[http://lsr.nellco.org/cgi/viewcohttp://www.supremecourt.gov/ntent.cgi?article=1047&context=columbia\\_pllt](http://lsr.nellco.org/cgi/viewcohttp://www.supremecourt.gov/ntent.cgi?article=1047&context=columbia_pllt)  
[CLAIR#](http://www.supremecourt.gov/)

<http://www.supremecourt.gov/>

<http://www.lessonsite.com/ArchivePages/HistoryOfTheWorld/Lesson31/Protests60s.htm>

[https://en.wikipedia.org/wiki/Counterculture\\_of\\_the\\_1960s](https://en.wikipedia.org/wiki/Counterculture_of_the_1960s)

[http://www.oyez.org/cases/1970-1979/1971/1971\\_70\\_153](http://www.oyez.org/cases/1970-1979/1971/1971_70_153)

**Procedure:** Teacher will set up lesson plan by an overview of the 1960's focusing on "Protest Movements", riots and events of the time including the concept of "Silent Majority". Then students will familiarize themselves with the issues in the case. (Suggested readings list included). Once students are familiar with the issues of the case, they will then use what they have learned to predict what the results would have been had the case been overturned. With this writing assignment, attention is to be paid to **present times** and how they may be different. Attention should be focused on the roles of the Court and the Presidency and the impact on everyday life that results. Students will support their opinions with Primary and Secondary source texts and citation method would be at teacher's discretion.

Once context of the 1960's is established, students should **independently** research United States v. Sinclair 1971, Judge Damon Keith, and the Political, Economic and Social situation of the time.

**Driving Question for Persuasive Writing: How would our life today be different if the Supreme Court had overturned Judge Keith's decision?**

**Evaluation:**

Author has provided 2 examples of what can be used.

**Persuasive Essay Rubric: Common Core for Reading and Writing Standards**

Based on Common Core Standards for Reading/Writing in History/Social Sciences ([www.corestandards.org](http://www.corestandards.org))

Note: Students must MEET or EXCEED standard on the asterisked indicators in order to meet standard on the essay

Below Standard	Exceeds Standard	Meets Standard	Almost to Standard	MUST
<b>REWRITE</b>				
<b>Thesis/Claim</b>	<input type="checkbox"/> Thesis/Claim is precise, knowledgeable, significant, and distinguished from alternate or opposing claims	<input type="checkbox"/> Thesis/Claim is precise and knowledgeable, and answers the prompt (W1)	<input type="checkbox"/> Thesis/Claim may be unclear or irrelevant, and/or may not answer prompt	<input type="checkbox"/> Thesis/Claim is missing
<b>*Use of Evidence</b>	<input type="checkbox"/> Develops the topic thoroughly by selecting the most significant and relevant facts, concrete details, quotations, or other information and examples from the text(s)  <input type="checkbox"/> Skillfully integrates information into the text selectively to maintain the flow of ideas and advance the thesis  <input type="checkbox"/> Skillfully assesses the strengths and limitations of each source	<input type="checkbox"/> Develops the topic by selecting significant and relevant facts, concrete details, quotations, or other information and examples from the text(s) (W2)  <input type="checkbox"/> Integrates information into the text selectively to maintain the flow of ideas and advance the thesis(W8)  <input type="checkbox"/> Assesses the strengths and limitations of each source (W8)	<input type="checkbox"/> Attempts to develop the topic using facts and other information, but evidence is inaccurate, irrelevant, and/or insufficient  <input type="checkbox"/> Attempts to integrate information into the text selectively to maintain the flow of ideas and advance the thesis, but information is insufficient or irrelevant  <input type="checkbox"/> Attempts to assess the strengths and limitations of each source, but misinterprets information	<input type="checkbox"/> Does not develop the topic by selecting information and examples from the text(s)  <input type="checkbox"/> Does not integrate information from the text  <input type="checkbox"/> Does not assess the strengths and limitations of each source
<b>*Use of Analysis</b>	<input type="checkbox"/> Skillfully draws evidence from informational texts to support analysis and thesis/claim  <input type="checkbox"/> Skillfully delineates and evaluates the argument and specific claims in cited texts, assessing whether the reasoning is valid and the evidence is relevant and sufficient  <input type="checkbox"/> Skillfully identifies false statements and fallacious reasoning	<input type="checkbox"/> Draws evidence from informational texts to support analysis and thesis/claim (W9)  <input type="checkbox"/> Delineates and evaluates the argument and specific claims in cited texts, assessing whether the reasoning is valid and the evidence is relevant and sufficient (R8)  <input type="checkbox"/> Identifies false statements and fallacious reasoning.(R8)	<input type="checkbox"/> Attempts to draw evidence from informational texts to support analysis and thesis/claim but evidence is insufficient and/or irrelevant  <input type="checkbox"/> Attempts to delineate and evaluate the argument and specific claims in cited texts, assessing whether the reasoning is valid and the evidence is relevant and sufficient, but analysis is insufficient  <input type="checkbox"/> Attempts to identify false statements and fallacious reasoning, but argument is incomplete or insufficient	<input type="checkbox"/> Does not use evidence from the informational texts to support analysis and/or thesis/claim  <input type="checkbox"/> Does not delineate or evaluate claims in text  <input type="checkbox"/> Does not identify false claims or fallacious reasoning

<p><b>*Organization, Writing Style and Conventions</b></p>	<p><input type="checkbox"/> Organization skillfully sequences the claim(s), counterclaims, reasons, and evidence.</p> <p><input type="checkbox"/> Provides a concluding statement or section that skillfully follows from or supports the argument presented</p> <p><input type="checkbox"/> Skillfully produces clear, coherent, sophisticated writing in which the development, organization, and style are appropriate to task, purpose, and audience</p>	<p><input type="checkbox"/> Organization logically sequences the claim(s), <b>counterclaims</b>, reasons, and evidence.(W1)</p> <p><input type="checkbox"/> Provides a concluding statement or section that follows from or supports the argument presented (W1)</p> <p><input type="checkbox"/> Produces clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience (W4)</p>	<p><input type="checkbox"/> Attempts to create a logical organization, but may be missing some elements of the assignment, <b>such as a counterclaim</b></p> <p><input type="checkbox"/> Attempts to provide a concluding statement or section that follows from or supports the argument presented, but statement does not support thesis</p> <p><input type="checkbox"/> Attempts to produce clear and coherent writing, but errors in conventions and writing style detract from understanding</p>	<p><input type="checkbox"/> Does not provide logical organization</p> <p><input type="checkbox"/> Does not provide a concluding statement or section that follows from or supports the argument presented</p> <p><input type="checkbox"/> Does not produce clear and coherent writing</p>
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Score for this draft: \_\_\_\_\_

Teacher notes and additional comments:

## Persuasive Writing Scoring Guide

COMPONENT	6	5	4	3	2	1
<b>Focus</b>	Takes a clear position and supports it consistently with well-chosen reasons and/or examples; may use persuasive strategy to convey an argument.	Takes a clear position and supports it with relevant reasons and/or examples through much of the essay.	Takes a clear position and supports it with some relevant reasons and/or examples; there is some development of the essay.	Takes a position and provides uneven support; may lack development in parts or be repetitive OR essay is no more than a well-written beginning.	Takes a position, but essay is underdeveloped.	Attempts to take a position (addresses topic), but position is very unclear OR takes a position, but provides minimal or no support; may only paraphrase the prompt.
<b>Organization</b>	Is focused and well organized, with effective use of transitions.	Is well organized, but may lack some transitions.	Is generally organized, but has few or no transitions among sections.	Is organized in parts of the essay; other parts are disjointed and/or lack transitions.	Is disorganized or unfocused in much of the essay OR is clear, but too brief.	Exhibits little or no apparent organization.
<b>Sentence Fluency and Word Choice</b>	Consistently exhibits variety in sentence structure and word choice.	Exhibits some variety in sentence structure and uses good word choice; occasionally, words may be used inaccurately.	Most sentences are well constructed but have similar structure; word choice lacks variety or flair.	Sentence structure may be simple and unvaried; word choice is mostly accurate.	Sentences lack formal structure; word choice may often be inaccurate.	Sentences run-on and appear incomplete or rambling; word choice may be inaccurate in much or the entire essay.
<b>Conventions</b>	Errors in grammar, spelling, and punctuation are few and do not interfere with understanding.	Errors in grammar, spelling, and punctuation do not interfere with understanding.	More frequent errors in grammar, spelling, and punctuation, but they do not interfere with understanding.	Errors in grammar, spelling, and punctuation sometimes interfere with understanding.	Errors in grammar, spelling, and punctuation interfere with understanding in much of the essay.	Errors in grammar, spelling, and punctuation prevent reader from fully understanding essay.