

**Unit Name:** Constitutional Law/14<sup>th</sup> Amendment – Due Process, Equal Protection and Privacy

**Time Frame:**

**Author: Egg Harbor Township High School Social Studies Department**

## UNIT

Subject: Constitutional Law

Country: **USA**

Course/Grade: 12th

State/Group: **NJ**

School: **Egg Harbor Township High School**

**UNIT SUMMARY:** The student will learn about the 14<sup>th</sup> Amendment, the historical context surrounding its passage and what rights are set forth in the amendment. The student will then examine the Due Process Clause, its meaning and its varied interpretations by the Supreme Court. The student will then learn about the Equal Protection Clause, its meaning, and its varied interpretations by the Supreme Court. Finally, students shall examine the constitutional bases for the right of privacy and its application in a variety of factual situations.

## UNIT RESOURCES

United States Constitution, Amendment V  
United States Constitution, Amendment 14  
Various Supreme Court cases  
*Dred Scott vs. Sandford*  
*Lochner vs. New York*  
*West Coast Hotel vs. Parrish*  
*United States vs. Carolene Products*  
*Griswold vs. Connecticut*  
*Roe vs. Wade*  
*The Civil Rights Cases*  
*Plessy vs. Ferguson*  
*Brown vs. Board of Education*  
*Korematsu vs. United States*  
Various internet resources

## Internet Resource Links:

<http://supremecourtreview.com/default/issue/index/id/9>  
<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/epcscrutiny.htm>  
<http://www.lincoln.edu/criminaljustice/hr/Dueprocess.htm>  
<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/proceduraldueprocess.html>

<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/gayrights.htm>  
<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/rightofprivacy.html>  
<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/dueprocesstudents.htm>  
<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/abortion.htm>  
other resources tbd

## STAGE ONE

### GOALS AND STANDARDS

#### 6.1.4.A.2

Explain how fundamental rights guaranteed by the United States Constitution and the Bill of Rights (i.e., freedom of expression, freedom of religion, the right to vote, and the right to due process) contribute to the continuation and improvement of American democracy.

#### 6.1.4.A.3

Determine how “fairness,” “equality,” and the “common good” have influenced change at the local and national levels of United States government.

#### 6.1.4.A.9

Compare and contrast responses of individuals and groups, past and present, to violations of fundamental rights.

#### 6.1.8.A.3.g

Evaluate the impact of the Constitution and Bill of Rights on current day issues.

#### 6.1.8.D.5.d

Analyze the effectiveness of the 13th, 14th, and 15th Amendments to the United States Constitution from multiple perspectives.

#### 6.1.12.D.4.e

Analyze the impact of the Civil War and the 14th Amendment on the development of the country and on the relationship between the national and state governments.

#### 6.1.12.A.11.c

Determine if American policies regarding Japanese internment and actions against other minority groups were a denial of civil rights.

#### 6.1.12.A.13.b

Analyze the effectiveness of national legislation, policies, and Supreme Court decisions (i.e., the Civil Rights Act, the Voting Rights Act, the Equal Rights Amendment, Title VII, Title IX, Affirmative Action, Brown v. Board of Education, and Roe v. Wade) in promoting civil liberties and equal opportunities.

## **ENDURING UNDERSTANDINGS**

The Fourteenth Amendment to the Constitution confers citizenship, and guarantees due process of law and equal under the law against encroachments by state and local governments.

Due Process of law guarantees both substantive due process, that is, the protection of fundamental rights, and procedural due process, that is, the rule of law and fair procedural safeguards from arbitrary governmental action.

The Supreme Court has found a constitutional basis for a right to privacy that guarantees the privacy of individuals in a variety of situations.

## **ESSENTIAL QUESTIONS**

What does “due process of law mean” mean?

What type of process is “due” under the Constitution?

What is “equal protection under the law”?

Is the government required at all times to treat people equally?

In what circumstances do we have a right of privacy?

## **KNOWLEDGE AND SKILLS**

Students will know:

The Fourteenth Amendment guarantees due process of law and equal protection under the law.

Due Process of law encompasses substantive due process, that is, the protection of certain fundamental rights, and procedural due process, a system of fair and regular procedures.

Equal Protection under the law mandates that people be treated equally, and that there are certain categories where the government bears a heavy burden of proof when it tries to discriminate between certain groups.

The right to privacy is not explicitly stated in the Constitution, but is inferred from a number of sources within the Constitution, and the Supreme Court has recognized a privacy interest in certain areas of peoples’ lives.

## STAGE TWO

### PERFORMANCE TASKS

- oral presentations
- case analysis
- debates
- web quests
- essays
- power point presentations

### OTHER EVIDENCE

- Teacher-created formative assessments
- Teacher-created summative assessments
- self-assessments
- peer review
- lesson tests
- section quizzes
- vocabulary quizzes

## STAGE THREE

### LEARNING PLAN

Daily format:

Begin with a warm-up question (essential question) and an overview of the day's objectives

Introduce basic vocabulary

Deliver content-specific material related to the unit in the form of notes, power points, video clips, guided reading or interactive websites

Students work independently or in groups on the day's activities

Suggested activities:

- have students' debate different sides of a particular case
- Due Process/Equal Protection/privacy issues case analysis
- moot court competition