

Summer '10**Lesson****PA Constitutional vs Nat'l Constitutional Rights
Court System Flows**Pre-knowledge:Vocab Words:

Civil Rights
Commonwealth
Constitution
Supremacy Clause

Sequence:

PA & US Constitutional Rights and the flow of the system:

- a) Bellringer
- b) Intro Concept
- c) Review for Understanding on Key vocab (done through bell ringer &/or homework previously assigned)
- d) Provide students with handouts 1, 2a & 2b, 3—pick up at start of class (See below)
- e) Divide class into three groups (A & B & C)
 - 1) Group A is to
 - a) identify a right found in both the PA & US Constitution
 - b) explain why the founders of PA would have this duplication
 - c) identify & explain which PA Court you would use if you feel that the State of PA was violating/denying you this right
 - d) create a pyramid flow chart of the PA appeal system from letter 'c' above onward
- 2) Group B is to
 - a) identify a right found in the PA but not in the US Constitution
 - b) explain, using the definition of the word Commonwealth, why Pennsylvanians have this 'extra right'
 - c) identify & explain which PA Court you would use if you feel that the State of PA was violating/denying you this right
- d) create a pyramid flow chart of the PA appeal system from letter 'c' above onward

Sequence (cont):

- 3) Group C is to
 - a) identify a right found in the US Constitution but not in the PA constitution
 - b) explain, using the Supreme Clause, why this US Constitutional right still applies to PA citizens but, additionally, explains the possible negative consequence if the US Constitution was changed
 - c) identify & explain which US Court you would use if you feel that the US government was violating/denying you this right
 - d) create a pyramid flow chart of the US appeal system from letter 'c' above onward
- f) Group Presentations
 - 1) Each group elects a secretary to compile answers
 - 2) Each group elects a spokesmen to share 'final group' answers with other group
- g) Discussions
- h) Future Connections

To consider for tomorrow: Imagine you have lost your case. Now what? The pyramid will guide you but tomorrow...
- i) Wrap Up/Assessments

Possible assessments include, but not limited to,

 - a) Flow chart
 - b) Verbal participation
 - c) Essay writing to the Essential Question
 - d) Exit Slip pertaining to topic at hand
 - e) Anticipation Guide

Equipment/Resources:

Texts (if needed for research/reminders).

Understanding PA Civics

Magruder's American Government by William A. McClenaghan
Pearson, Boston, MA, 2009.

Essential Questions:

What rights should PA &/or US citizens have?

What universal rights, if any, exist?

Enduring Understanding:

Students will be able to demonstrate, both orally & in written form, through comparing & contrasting rights found (and not found) in the US Constitution vs the PA Constitution

Students will be able to show the consequences of such omissions and additions

Students will be able to visually demonstrate the appeal process on the national and state (of PA) level

Students will be able to show the validity of their opinion by learning the ability to research, reason, articulate and defend said opinion

Standards:Gov't:

5.1.12 A, C, D, E

5.2.12 A, B, D

5.3.12 A, C, F

History

8.1.12 A, B, C

8.2.12 A-D

8.3.12 A-D

R/W/L/S:

1.2.12 B,C

1.4.12 B, C

1.5.12 A-F

1.6.12 A, B

1.8.12 B,C

Learning Styles:1) Mastery

a) Focus of Topic

1) Clear Instructions

b) Focus of Task(s)

1) Clear Reasons why doing

c) Facts of courts job descriptions/jurisdiction are definitive

e) Eventual 'correct' info shared

2) Understanding

a) Debating

b) Various 'correct answer' as choices/interpretations allowed

1) Students make a connection and reason it out

c) Limited Problem solving is involved

3) Interpersonal

a) Group work

b) Limited, but, coaching possible

c) Able to generate lists of 'feelings' re: definition of Commonwealth

d) The 'why' questions allow for Problem Solving through human interaction is involved in reading and discussion w/in group(s)

4) Self-Expressive

a) Student driven—they created reasons why PA has done what it has done re: rights to its citizens

b) They are "Shocked" by variety of categories/subcategories of rights that are (or are not) found in PA's Constitution

c) Creation of flow charts allow for the artistic nature to be nurtured

d) Student will be able to understand how this effects them personally

Relate to personal life

- 1) Students need to see how the PA Constitution protects them as well as the US Constitution
- 2) Students will understand how and why different rights are afforded by states and the implications that can have on your life
- 3) Students need to be able to understand the appeals process both on the state & national level to appreciate how the system is designed as well as how to use it if ever necessary

Handout 1

Constitutional Rights		
Rights	US Constitution	PA Constitution
Freedom of Religion	Amendment 1	Art. I, Secs` 3-4
Freedom of Speech	Amendment 1	Art. I, Sec. 7
Equal Suffrage	Amendments 15, 19, 24, 26	Art. I, Sec. 5
Freedom of the Press	Amendment 1	Art. I, Sec. 7
The right to Petition	Amendment 1	Art I, Sec. 20
The right to Keep and Bear Arms	Amendment 2	Art I, Sec. 21
Freedom from Quartering Troops in private homes	Amendment 3	Art I, Sec 23
Freedom from Double Jeopardy	Amendment 5	Art I, Sec 10
Freedom from Self incrimination	Amendment 5	
Due Process	Amendment 5, 14	
No cruel and unusual punishment	Amendment 8	
Clean Air, Water, Natural Resources		Art I, Sec 27
Sexual Equality (ERA)		Art I, Sec 28
To alter, reform, or abolish government		Art I, Sec 2
Enjoy life, liberty, and pursuit of happiness		Art I, Sec 2
Acquire, possess and protect personal property		Art I, Sec 1

Handout 2a

Description of PA Court Systems

PA Supreme Court

The Supreme Court of Pennsylvania is the highest court in the Commonwealth. It is also the oldest appellate court in the nation, dating to 1684. The court makes final interpretations of state law and has administrative authority over the entire Pennsylvania court system. The Supreme Court receives about 2,500 civil and criminal appeals each year. It has the discretionary power to hear and decide only those cases that it deems to have statewide importance or to require clarification on a point of law. The court must review certain types of cases such as all death penalty cases and appeals from lawsuits that originate in Commonwealth Court. The Supreme Court also can take up any case in any court in Pennsylvania if it considers an issue of immediate public importance to be at stake. When it does this, the court exercises one of two powers known as the "King's Bench" power or the power of "extraordinary jurisdiction."

PA Superior Court

The Superior Court is one of Pennsylvania's two statewide intermediate appellate courts. This court, which was established in 1895, reviews most of the civil and criminal cases that are appealed from the Courts of Common Pleas in the Commonwealth's 67 counties. A huge volume of appeals flows to Superior Court from the trial courts. Generally, appeals are heard by panels of three judges sitting in Philadelphia, Harrisburg or Pittsburgh. The court often is the final arbiter of legal disputes. Although the Supreme Court may grant a petition for review of a Superior Court decision, most such petitions are denied and the ruling of the Superior Court stands.

PA Commonwealth Court

The Commonwealth Court is one of Pennsylvania's two statewide intermediate appellate courts. This court, which was established in 1968, is unlike any other state court in the nation. Its jurisdiction generally is limited to legal matters involving state and local government and regulatory agencies. Litigation typically focuses on such subjects as banking, insurance and utility regulation and laws affecting taxation, land use, elections, labor practices and workers compensation. Commonwealth Court also acts as a court of original jurisdiction, or a trial court, when lawsuits are filed by or against the Commonwealth.

PA Common Pleas Court

The Courts of Common Pleas are the trial courts of Pennsylvania. Major civil and criminal cases are heard in these courts. Judges also decide cases involving adoption, divorce, child custody, abuse, juvenile delinquency, estates, guardianships, charitable organizations and many other matters.

Handout 2b

Description of part of the US Court System

US Court of Claims

This court is a United States federal court that hears monetary claims against the U.S. government. It hears claims for money that arise from the United States Constitution, federal statutes, executive regulations, or an express or implied in fact contract with the United States Government. The court receives a variety of claims against the Government, including, but not limited to, breach of contract claims, illegal exaction claims, takings claims under the 5th Amendment, claims involving military pay, claims for patent and copyright infringement against the Government, federal tax refund claims, and protests regarding contract bidding procedures.

US Court of Appeals for the Federal Circuit

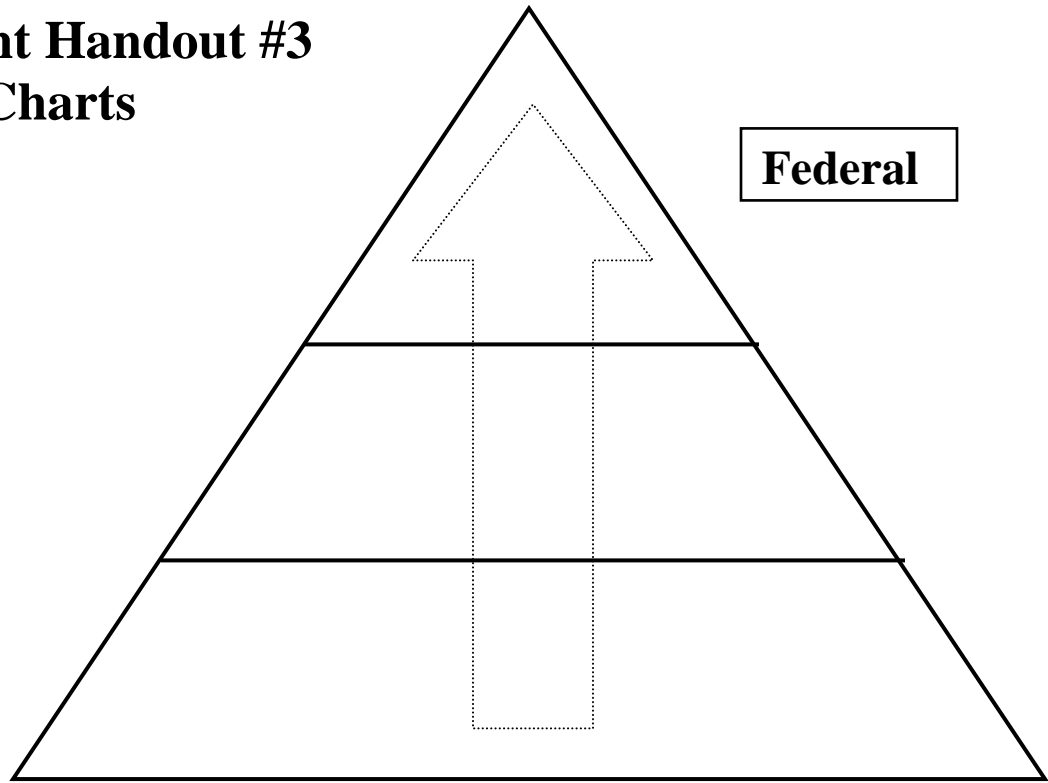
This court hears appeals from the US Court of Federal Claims and the US Court of Appeals for Veterans Claims. This court's jurisdiction is nationwide and it is mostly concerned w/ appeals of decisions in patent, copyright, US Int'l Trade and lawsuits against the US government. Only about 1% of their decisions are successfully appealed to the US Supreme Court.

US Supreme Court

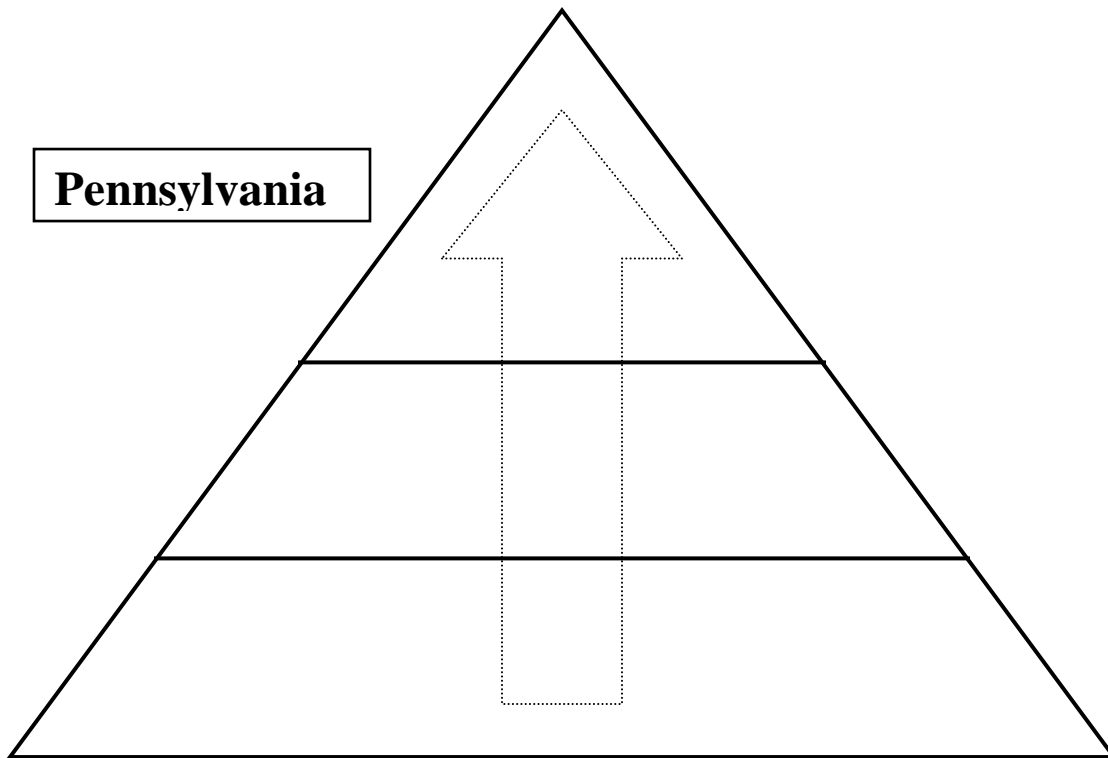
The Supreme Court of the United States is the highest judicial body in the United States, and leads the federal judiciary. The Constitution specifies that the Supreme Court may exercise original jurisdiction in cases affecting ambassadors and other diplomats, and in cases in which a state is a party. In all other cases, however, the Court has only appellate jurisdiction. It considers cases based on its original jurisdiction very rarely; almost all cases are brought to the Supreme Court on appeal. In practice, the only original jurisdiction cases heard by the Court are disputes between two or more states.

Student Handout #3

Flow Charts



Student Notes:



Teacher Reference—Key to Groups A, B & C

1) Group A is to

- a) identify a right found in both the PA & US Constitution—**various see chart**
- b) explain why the founders of PA would have this duplication

2 reasons:

- 1) **If the US Amendment goes away we, in PA, still have that right.**
 - 2) **Originally, the US Constitution was interpreted to restrict only the US Gov't. By having it in PA Constitution, it also now limits the PA Gov't**
- c) identify & explain which PA Court you would use if you feel that the State of PA was violating/denying you this right

Answer: **Commonwealth Court of PA**

- d) create a pyramid flow chart of the PA appeal system from letter 'c' above onward—**see teacher key of chart**

2) Group B is to

- a) identify a right found in the PA but not in the US Constitution—**various see chart**
- b) explain, using the definition of the word Commonwealth, why Pennsylvanians have this 'extra right'

Commonwealth means that the state cares a little bit more than the average state does about the welfare of its citizens, & thus, we gave ourselves some 'extra rights' to make our lives better.

Note:

- 1) Could add in discussion of Barren v Baltimore here
 - 2) Other Commonwealth states are—VA, KY & MA
- c) identify & explain which PA Court you would use if you feel that the State of PA was violating/denying you this right

Answer: **Commonwealth Court of PA**

- d) create a pyramid flow chart of the PA appeal system from letter 'c' above onward--**see teacher key of chart**

3) Group C is to

- a) identify a right found in the US Constitution but not in the PA constitution—**various see chart**

b) explain, using the Supreme Clause, why this US Constitutional right still applies to PA citizens but, additionally, explains the possible negative consequence if the US Constitution was changed

1) Use definition of Supremacy Clause

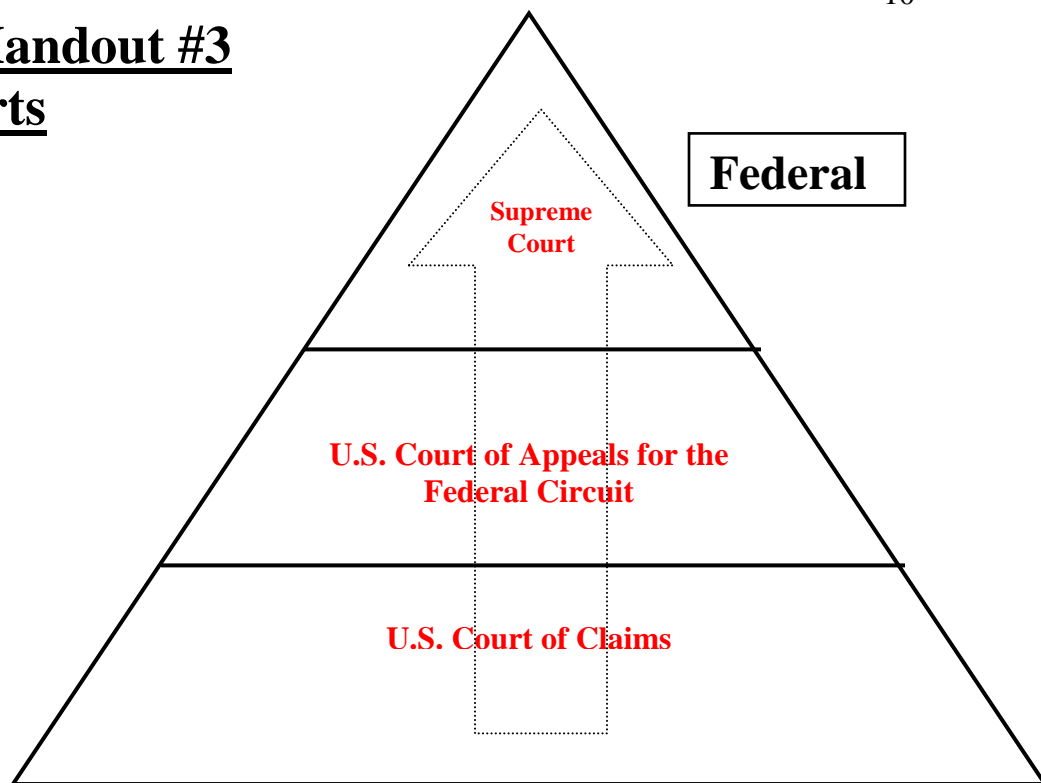
2) If the US Constitutional right 'goes away', Pennsylvanians no longer have that protection

c) identify & explain which US Court you would use if you feel that the US government was violating/denying you this right

Answer: **US Court of Federal Claims (formerly US Claims Court)**

d) create a pyramid flow chart of the US appeal system from letter 'c' above onward---**see teacher key of chart**

Teacher Handout #3
Flow Charts



Teacher Notes:

