

You Have the Right...

Gideon v. Wainwright & Miranda v. Arizona

Daniel Schwarz, Shayna Pond
Published by *K20 Center*

This work is licensed under a Creative Commons CC BY-SA 4.0 License

Grade Level	11th – 12th Grade	**Time Frame**	105 minutes
Subject	Social Studies	**Duration**	2-3 Periods
Course	U.S. Government		

Essential Question

How did Gideon v. Wainwright and Miranda v. Arizona extend the rights of Americans?

Summary

This lesson explores a couple of Supreme Court decisions that have specified individual rights of due process under the Constitution. Students will examine the events that led up to the cases of Gideon v. Wainwright and Miranda v. Arizona by analyzing portions of the 5th, 6th, and 14th amendments. They will also investigate the ways in which both cases have extended the rights of Americans and draw parallels between the cases and current events.

Snapshot

Engage

Students view a clip from a film about the Gideon case and reflect on what they have seen by completing an I Notice, I Wonder activity.

Explore

Students use the interactive Tea Party strategy to analyze passages from the 5th, 6th, and 14th amendments with their classmates.

Explain

Students watch two videos and read briefs about the cases, use Graphic Organizers to categorize relevant information to each case, and complete T-Chart handouts to compare and contrast the information they have learned.

Extend

Students participate in a Constructive Controversy exercise, which will help them to think critically about modern-day issues that may present challenges to both rulings.

Evaluate

Students complete a Quick Write exercise to summarize what they have learned about the ways in which both cases have extended the rights of Americans.

Standards

Oklahoma Academic Standards (Social Studies: United States Government (9th through 12th grade))

USG.3.11: Analyze historic and contemporary examples of landmark Supreme Court cases which have specified individual rights of due process under the Constitution, including:
USG.3.11B: Gideon v. Wainwright (1963)
USG.3.11C: Miranda v. Arizona (1966)

Attachments

- Case Comparison T-Chart—You Have the Right... - Spanish.docx
- Case Comparison T-Chart—You Have the Right... - Spanish.pdf
- Case Comparison T-Chart—You Have the Right....docx
- Case Comparison T-Chart—You Have the Right....pdf
- Constructive Controversy Organizer—You Have the Right... - Spanish.docx
- Constructive Controversy Organizer—You Have the Right... - Spanish.pdf
- Constructive Controversy Organizer—You Have the Right....docx
- Constructive Controversy Organizer—You Have the Right....pdf
- Gideon Graphic Organizer—You Have the Right... - Spanish.docx
- Gideon Graphic Organizer—You Have the Right... - Spanish.pdf
- Gideon Graphic Organizer—You Have the Right....docx
- Gideon Graphic Organizer—You Have the Right....pdf
- Gideon v. Wainwright Brief—You Have the Right... - Spanish.docx
- Gideon v. Wainwright Brief—You Have the Right... - Spanish.pdf
- Gideon v. Wainwright Brief—You Have the Right....docx
- Gideon v. Wainwright Brief—You Have the Right....pdf
- Lesson Slides—You Have the Right....pptx
- Miranda Graphic Organizer—You Have the Right... - Spanish.docx
- Miranda Graphic Organizer—You Have the Right... - Spanish.pdf
- Miranda Graphic Organizer—You Have the Right....docx
- Miranda Graphic Organizer—You Have the Right....pdf
- Miranda v. Arizona Brief—You Have the Right... - Spanish.docx
- Miranda v. Arizona Brief—You Have the Right... - Spanish.pdf
- Miranda v. Arizona Brief—You Have the Right....docx
- Miranda v. Arizona Brief—You Have the Right....pdf
- Tea Party Note Cards—You Have the Right... - Spanish.docx
- Tea Party Note Cards—You Have the Right... - Spanish.pdf
- Tea Party Note Cards—You Have the Right....docx
- Tea Party Note Cards—You Have the Right....pdf

Materials

- Computers with Internet access
- Scrap paper
- Pens/pencils
- Lesson Slides (attached)
- Tea Party Cards handout (attached; at least two copies per class)
- *Gideon v. Wainwright* Graphic Organizer (attached; one for every other student)
- *Miranda v. Arizona* Graphic Organizer (attached; one for every other student)
- *Gideon v. Wainwright* Brief (attached; one for every other student)
- *Miranda v. Arizona* Brief (attached; one for every other student)
- Case Comparison T-Chart handout (attached; one per student pair)

- Constructive Controversy Organizer handout (attached; one page per student; should match case they studied)
- Chart Paper

10 minutes

Engage

Use the attached **Lesson Slides** to guide the lesson. Display **slide 3**. Explain to your students that they will be watching a clip from a movie called *Gideon's Trumpet.*

Prior to starting the clip, tell your students they will be participating in an activity called I Notice, I Wonder as they watch the clip. Ask your students to take out a piece of scrap paper and draw a vertical line down the middle of it. At the top of the left column, have them write "I Notice" and have them write "I Wonder" at the top of the right column. Tell students that as they watch the clip, they should write down things they notice in the film in the left-hand column.

Display **slide 4** and play the Gideon's Trumpet Part 1/11 clip for students from the 5:40 to 9:00 marks. After students have finished watching the clip, ask students to take a couple of minutes to write any questions they might have about what happened in the film in the right-hand column. Once students have finished, call on some volunteers to share what they have noticed and are wondering.

Embedded video
https://youtube.com/watch?v=rOnsB2S5nJc

Before moving on to the Explore, explain to students that this film portrayed the first criminal trial of Clarence Earl Gideon, which ultimately led to the Supreme Court case of *Gideon v. Wainwright* in 1963. Let your students know that this was a landmark case dealing with the Due Process Clause, and that they'll be learning more about the Gideon case, the Miranda case, and the clause over the course of the lesson. Display **slides 5** and **6** to introduce the lesson's essential question and learning objectives.

25 minutes

Explore

Teacher's Note: Tea Party

Prior to the start of this activity, you will want to print out and cut up at least two copies of the attached **Tea Party Cards** handout. That way, each card will likely be distributed to two different students. It's okay for students to have the same cards. Two students with the same card could discuss what they think the meaning is of the phrase on their shared cards.

Display **slide 7** and pass out approximately 20 Tea Party Cards to your students. Let them know that they will be participating in an activity called Tea Party. Inform your students that the cards list passages from the 5th, 6th, and 14th amendments. Students will be able to see the number of the amendment where each passage is found. Paraphrased text is included below the actual text on each card.

Make sure to go over the rules carefully and explain that they will have about 10 minutes to discuss what they think their passage means with their classmates. Consider having students interact with a different partner every couple of minutes, encouraging them to speak with at least five of their peers.

Once students have met with several of their classmates, arrange students in groups of three and make sure that each student in a group has a card with a passage from a different amendment. Give your students at least five more minutes to discuss what they learned from the cards over the course of the Tea Party with their small groups.

At this point in the process, ask your students to reconvene for a whole-class discussion. It may be helpful to write some of the big picture themes that students suggest on the board for reference as their understanding evolves during the remainder of the lesson. Some of the important themes that students may notice include:

- Protecting life, liberty, and property
- Fair and just treatment for all
- Equality under the law
- Preventing abuse of power

It's okay if they don't find these exact words, as there will be time for them to refine their understanding further in the lesson.

30 minutes

Explain

Display **slide 8** and inform the students that they will be watching a couple of videos about both cases. Have students take out another sheet of scrap paper, and have them divide it in half and label it "I Notice" and "I Wonder" as they did during the Engage. Encourage students to write down what they notice in the video and what they are wondering about the case and how it relates to the Due Process Clause.

Click the first link on **slide 9** and play the Gideon v. Wainwright video for students. After the video has finished, give students a minute or two to write down what they are still wondering about the case. Call on a few volunteers to share their thoughts on what they noticed and wondered.

Click on the second link on the slide, and repeat the process with the Miranda v. Arizona video. Students will again write down what they notice and are wondering about the case and its relation to Due Process, and several volunteers can share their thoughts after the video has played.

Display **slide 10**, and pass out handouts of the attached ***Gideon v. Wainwright* Brief, *Miranda v. Arizona* Brief,** and the corresponding **Graphic Organizers** to your students. Make sure that half of your students receive the brief and organizer for the Gideon case and the other half of your students receive the brief and organizer for the Miranda case.

Give students 10 minutes to read carefully through the brief and fill in the graphic organizer in their own words. As students read about their case, they should be able to mark in their graphic organizer which of the rights that have been discussed were in question. Ultimately, it's important for students to walk away from this activity aware of the right to legal representation (Sixth Amendment) in *Gideon v. Wainwright* and the right against self-incrimination and the right to counsel during custodial interrogations (Fifth and Sixth Amendments) in *Miranda v. Arizona.*

After they have finished, pair each student who has read about the Gideon case with a student who has read about the Miranda case, and pass out **Case Comparison T-Chart** handouts to each student pair. Display **slide 11**, and let students know they will be completing a T-Chart exercise to compare and contrast the information they have learned. Give pairs another 10 minutes or so to share what they have learned with each other while answering the two reflection questions for the cases they were assigned.

Follow the reading and graphic organizer with a brief discussion of due process. Ask students to recall some of the themes that you wrote on the board during the Explore activity. Make sure to emphasize the following points, which are included in the notes at the bottom of slide 11:

- Due process guarantees that individuals are treated fairly, given notice of any legal actions against them, and have the opportunity to be heard before any life, liberty, or property is taken from them.
- It refers to the procedural rights upheld by the government when taking legal action against an individual. This includes the right to a fair and impartial hearing, the right to be represented by an attorney, the right to present evidence and witnesses, and the right to appeal a decision.
- Due process acts as a safeguard against abuse of power by the government and ensures that individuals are not subjected to unjust actions or unfair treatment.

35 minutes

Extend

The next activity follows a modified Constructive Controversy procedure. Have students continue to work with the court case they were assigned to read during the Explain portion of this lesson. Half the class will look at a contemporary issue related to Gideon v. Wainwright, and half of the class will look at a contemporary issue related to Miranda v. Arizona.

Distribute one copy of the **Constructive Controversy Organizer** handout to each student, and make sure that they receive whichever handout focuses on the case they'll be discussing. Each student will use their organizer to take notes on their reasoning as they go through this process. Before you begin the activity, display **slide 12**, and make sure to explain the structure of the activity to students.

First, provide five minutes for students to look at the first two boxes of the handout and write a response to both the YES and NO side of the issue on their own.

Next, set up a timer for 10 minutes and have them get into small groups of 2-3 students and compare their answers. Make sure that everyone in each small group has worked on the same case as their groupmates.

Display **slide 13**. Let students know that they should spend time discussing the YES and NO answers to their prompt, so that they are prepared to write a shared statement of reasoning later in the activity.

After all groups have their reasoning ready to share, spend about five minutes as a class allowing a volunteer from each group to share their reasoning out loud. This will provide students with exposure to different perspectives regarding both cases.

Have students return to their small groups, and set up the timer for 10 minutes. Display **slide 14**, and have the students discuss how they can balance both sides of their reasoning to determine what would be the most fair practice in relation to their assigned issue. Make sure that they write their statements of advice in the third box of their organizer. Take five minutes at the end to have each small group share with the class one more time.

5 minutes

Evaluate

Display **slide 15**. Have students take out a piece of paper to complete a brief writing assignment as a Quick Write. Ask students to answer the lesson's essential question: *How did Gideon v Wainwright and Miranda v Arizona extend the rights of Americans?*

Teacher's Note: Reassuring Students

Reassure students that they will be evaluated solely on the content of their writing (not grammar, punctuation, etc.). Their goal is simply to write a few sentences about the ways in which both cases have extended the rights of Americans.

After students have had about five minutes to write, collect their responses as a summative assessment.

Resources

- K20 Center. (n.d.). Bell ringers and exit tickets. Strategies. https://learn.k20center.ou.edu/strategy/125
- K20 Center. (n.d.). Constructive Controversy. Strategies. https://learn.k20center.ou.edu/strategy/3136
- K20 Center. (n.d.). I notice, I wonder. Strategies. https://learn.k20center.ou.edu/strategy/180
- K20 Center. (n.d.). Quick write. Strategies. https://learn.k20center.ou.edu/strategy/1127
- K20 Center. (n.d.). T-chart. Strategies. https://learn.k20center.ou.edu/strategy/86
- K20 Center. (n.d.). Tea party. Strategies. https://learn.k20center.ou.edu/strategy/105
- SlickSwiftProduction. (2010, June 8). Gideon's trumpet part 1/11 [Video]. YouTube. ?? https://www.youtube.com/watchv=rOnsB2S5nJc&list=PL0B9A647C97DC48AA&index=2
- THIRTEEN. (2007). The Supreme Court: A nation of liberties [Video]. PBS LearningMedia. https://oeta.pbslearningmedia.org/resource/bf09.socst.us.const.gideon/gideon-v-wainwright/
- THIRTEEN. (2007). The Supreme Court: A nation of liberties [Video]. PBS LearningMedia. https://oeta.pbslearningmedia.org/resource/bf09.socst.us.const.miranda/miranda-v-arizona/