Unit Three Summative Assessment

Essential Questions: The U.S. Constitution is said to be a “living” document. Is that statement still true today? How is the interpretation of a constitutional right influenced by time, place, and perspective?

Prompt: The U.S. Constitution provides the laws and framework for our society. It is said to be a “living” document that can be interpreted and amended based on the changing needs of society. However, is that statement still true today? Choose one of the rights established in the Constitution and investigate how the historical context of time, place, and perspective influences how the Supreme Court defines and interprets that right. Be sure to describe a minimum of two points of view (from the cases listed) and the factors that influenced them.

- **Read** over the rights and cases provided below and select the issue that most interests you.

- **Research** the two corresponding Supreme Court decisions using the links provided. (You may use other reputable websites, but ONLY if they are operated by a university, museum, or government agency.) **Take notes** in your graphic organizer. Keep track of your sources for information and pictures, as you will include citations in the text and a bibliography of sources used.

- After completing your research, in your chosen presentation mode, **analyze** and **explain**

  - Why the Supreme Court made its decision in the first case, focusing on how time, place, and perspective influenced the decisions of the Court; and

  - Why it changed or extended its interpretation of the right in the second case (again, focusing on the effect of time, place and perspective).

### Part 1: Constitutional Rights - Select a topic that matches your interest.

<table>
<thead>
<tr>
<th>Right</th>
<th>Level of Difficulty</th>
<th>Cases and Resources</th>
</tr>
</thead>
</table>
| **The 1st Amendment's rights to free exercise of religion and free speech, as applied to the recitation of the Pledge of Allegiance** | Moderate | a. *Minersville School District v. Gobitis* (1940) - The Court upheld Pennsylvania’s mandatory flag salute. The Court held that the state's interest in "national cohesion" was "inferior to none in the hierarchy of legal values."  
*Minersville School District v. Gobitis* - Oyez.com  
*Minersville School District v. Gobitis* - PBS  
*Minersville School District v. Gobitis* – Bill of Rights Institute  
Can You Not Say That? – First Amendment Schools  

*West Virginia State Board of Education v. Barnette* – Oyez.com  
Barnette, Frankfurter, and Judicial Review  
*West Virginia State Board of Education v. Barnette* – Encyclopedia Brittanica  
The Flag Salute Cases and the First Amendment |

| **The 8th Amendment right to be free from cruel and unusual punishment, as applied to death penalty cases where the accused was under 18 at the time of the crime.** | Moderate | a. *Stanford v. Kentucky* (1989) – The Constitution does not prohibit the execution of individuals who were 16 or 17 at the time of the offense.  
*Stanford v. Kentucky* – Oyez.org  
*Stanford v. Kentucky* – Capital Punishment in Context  
The Death Penalty for Juveniles  

b. *Roper v. Simmons* (2005) – The Constitution prohibits the execution of individuals who were under 18 at the time of the offense.  
*Roper v. Simmons* – Oyez.org  
*Roper v. Simmons* – Capital Punishment in Context  
*Roper v. Simmons: Can Juvenile Offenders be Executed?*  
*Roper v. Simmons: The Collision of National Consensus and Proportionality Review* |
### The 14th Amendment Right to Due Process and Equal Protection under the Law, as Applied to Marriage Rights

| Challenge | a. *Loving v. Virginia* (1967) – A Virginia law, which made the marriage between two people of different races a crime, violated the Due Process and Equal Protection Clauses of the 14th Amendment.  
*Loving v. Virginia* – Oyez.org  
*Loving v. Virginia* Comes to Fore as Court Takes up Gay Marriage  
Today in Supreme Court History: *Loving v. Virginia*  
Public Support For Same-Sex Marriage Surpasses Support For Interracial Marriage In 1991  
*Loving v. Virginia* and the Secret History of Race |
| --- | --- |
| b. *Obergefell v. Hodges* (Pending Decision in June 2015) - Same-sex marriage supporters believe the unions are permitted nationally under the Constitution’s Due Process and Equal Protection provisions. But four states in this lawsuit – Ohio, Michigan, Kentucky and Tennessee – believe same-sex marriage eligibility should be determined by the states, through a political process that gives voters a role in the decision.  
*Obergefell v. Hodges* – Oyez.org  
What’s at Stake in the Supreme Court’s Gay-Marriage Case  
At Center of Supreme Court Gay Marriage Case, a Story of Love Amid Crippling Disease  
Religious Americans Support Gay Marriage  
Supreme Court Hears Arguments in Historic Gay-Marriage Case |

### The 14th Amendment Right to Equal Protection under the Law, as Applied to Segregation

| Challenge | a. *Plessy v. Ferguson* (1896) – The Supreme Court decided by a 7-1 margin that “separate but equal” public facilities could be provided to different racial groups.  
Plessy v. Ferguson – Oyez.org  
Plessy’s Place in the List of Worst Supreme Court Decisions  
Plessy v. Ferguson – Jim Crow Stories - PBS  
Plessy v. Ferguson – History.com  
Plessy v. Ferguson: Separate isn't Equal |
| --- | --- |
| b. *Brown v. Board of Education* (1954) – The Supreme Court overturned *Plessy*, deciding that separate is not equal and schools must be integrated.  
Brown v. Board of Education – Oyez.org  
Brown v. Board of Education - PBS  
Brown v. Board of Education – History.com  
Separate is Not Equal – Smithsonian |

### Part 2: Research Process, Product Options, and Schedule

1. All research, notes, products, and writing should be your own individual work. **DO NOT PLAGIARIZE.**

2. You **must use the links provided.** You may use other reputable websites, but ONLY if they are operated by a university, museum, or government agency, or you obtain teacher approval.

3. The final product may be one of the following options: Adobe Voice (with iMovie), Puppet Pals, Voice Thread, Explain Everything, Keynote, PowerPoint, Glogster, Canva, Easelly, Infogr.am, Piktochart, or Smore.

4. Please **cite evidence within the text and include a bibliography** for all sources of information and images.

5. Post your final product to the Schoology Assignment “Unit Three Summative Assessment.”

6. The Schedule for this project is as follows:  
   - **Research and Note-Taking Phase:** Thursday – Friday, May 26<sup>th</sup> – 27<sup>th</sup>  
   - **Product Development Phase:** Tuesday – Wednesday, May 31<sup>st</sup> – June 1<sup>st</sup>  
   - **Project Due Date:** Thursday, June 2<sup>nd</sup> at 8:00 a.m.
### Unit Three Summative Assessment Organizer – Case One

<table>
<thead>
<tr>
<th>Case name and year</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the <strong>historical context</strong> of the case? Look closely at the time and place of the case. What was happening in that locale, in the U.S., and in the world? What were the predominant views at that time on the issue before the court? How public opinion influence the Supreme Court’s decision?</td>
<td></td>
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<td>What were the <strong>facts</strong> of the case? What specifically happened? (Think of “reporters’ questions”: who, what, when, where, why.)</td>
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<th>Category</th>
<th>Meets Standards</th>
<th>Working towards Standards</th>
<th>Experiencing Difficulties with Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purpose and Focus</strong></td>
<td>There is a clear description of both cases, focusing particularly on the <strong>historical context</strong> of the cases and how time, place, and perspective influenced the Court’s decision. All of the elements of each case are included: • Historical Context • Facts • Issue • Constitutional provision • Decision • Impact</td>
<td>There is some description of both cases, including some information on the <strong>historical context</strong> of the cases and how time, place, and perspective influenced the Court’s decision. Most of the elements of each case are included: • Historical Context • Facts • Issue • Constitutional provision • Decision • Impact</td>
<td>A clear description of both cases, including the <strong>historical context</strong> of the cases and how time, place, and perspective influenced the Court’s decision, is minimal or missing. Several of the elements of each case are missing: • Historical Context • Facts • Issue • Constitutional provision • Decision • Impact</td>
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<td><strong>Evidence</strong> (10 Points)</td>
<td>There is specific and detailed evidence from appropriate sources showing how time, place, and perspective influenced the decisions of the Court.</td>
<td>There is some evidence from appropriate sources showing how time, place, and perspective influenced the decisions of the Court.</td>
<td>Evidence from appropriate sources showing how time, place, and perspective influenced the decisions of the Court is either minimal or missing.</td>
</tr>
<tr>
<td><strong>Citations and Documentation</strong> (6 Points)</td>
<td>All sources (including photographs) were cited accurately to demonstrate the credibility and authenticity of the information presented.</td>
<td>Most sources of information were cited using proper format to enable accuracy checking.</td>
<td>Citations were incomplete or inaccurate, and provided no way to check the validity of the information gathered.</td>
</tr>
<tr>
<td><strong>Visual Presentation</strong> (4 Points)</td>
<td>The visual component is directly related and substantiates the claim.</td>
<td>The visual component is somewhat related and substantiates the claim.</td>
<td>The visual component is not related and substantiates the claim.</td>
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**Total:** _____/30