



LAW ★ DAY 2021  
ADVANCING THE  
**RULE** OF LAW **NOW**



# Celebrating Law Day


by Jodi Pushkin, President Florida Press Educational Services

Law Day is May 1. The 2021 Law Day theme is Advancing the Rule of Law Now. The American Bar Association notes, "The rule of law is the bedrock of American rights and liberties—in times of calm and unrest alike. The 2021 Law Day theme—Advancing the Rule of Law, Now—reminds all of us that we the people share the responsibility to promote the rule of law, defend liberty, and pursue justice."

Florida Press Educational Services (FPES) and its member newspapers are proud to celebrate Law Day and encourage teachers, parents and students to read the newspaper daily in school and at home to enrich their lives. FPES and its member Newspaper in Education programs join the New York News Publishers Association's News Media Literacy/Newspaper In Education Program with support from the New York Newspapers Foundation and The New York Bar Foundation in providing this teaching resource to celebrate the United States Constitution.

This Law Day 2021 Teacher Tool Kit including a 6-part series of features, teaching guide with graphic organizers, and audio podcasts.

To learn more about Florida's NIE programs, visit the Florida Press Educational Services (FPES) Web site at **[fpesnie.org](http://fpesnie.org)**.



**Jodi Pushkin** is the President of Florida Press Educational Services. She is the manager for the Tampa Bay Times Newspaper in Education program. Jodi holds an M.A. in English Education and a B.A. in writing and literature. Jodi has worked in NIE since 2000. Jodi is a former high school teacher. In addition to her work with NIE, Jodi is an adjunct instructor at Saint Leo University, Hillsborough Community College and Pasco Hernando State College. Contact Jodi via e-mail at [jpushkin@tampabay.com](mailto:jpushkin@tampabay.com).

# Florida Standards

The Florida Department of Education defines that the Florida Standards provide a robust set of goals for every grade. Emphasizing analytical thinking rather than rote memorization, the Florida Standards will prepare our students for success in college, career and life. The Florida Standards will reflect the knowledge and skills that our young people need for success in college and careers.

Building on the foundation of success that has made Florida a national model, The Florida Standards provide a clear set of goals for every student, parent, and teacher.

For more information on Florida Standards, go to the CPALMS website. CPALMS is the State of Florida's official source for standards information and course descriptions: <http://www.cpalms.org>. The activities in this packet applies to the following Florida Standards for grades five through twelve.

**Language Arts:** LAFS.512.RI.1.1; LAFS.512.RI.1.2; LAFS.512.RI.1.3; LAFS.512.RI.2.4; LAFS.512.RI.2.5; LAFS.512.RI.2.6; LAFS.512.RI.3.7; LAFS.512.L.1.1; LAFS.512.L.1.2; LAFS.512.L.2.3; LAFS.512.L.3.4; LAFS.512.L.3.5; LAFS.512.L.3.6; LAFS.512.R.1.1; LAFS.512.R.1.2; LAFS.512.R.1.3; LAFS.512.R.2.4; LAFS.512.R.2.5; LAFS.512.R.2.6; LAFS.512.R.3.7; LAFS.512.R.3.8; LAFS.512.R.3.9; LAFS.512.R.4.10; LAFS.512.SL.1.1; LAFS.512.SL.1.2; LAFS.512.SL.1.3; LAFS.512.SL.2.4; LAFS.512.SL.2.5; LAFS.512.SL.2.6; LAFS.512.W.1.1; LAFS.512.W.1.2; LAFS.512.W.1.3; LAFS.512.W.2.4; LAFS.512.W.2.5; LAFS.512.W.2.6; LAFS.512.W.3.7; LAFS.512.W.3.8; LAFS.512.W.3.9; LAFS.512.W.4.10

**Social Studies:** SS.5.A.1.1; SS.5.A.5.3; SS.5.C.2.4; SS.5.C.1.3; SS.5.C.2.4; SS.5.C.3.6; SS.7.C.2.13; SS.7.C.3.7; SS.8.A.1.1; SS.8.A.1.2; SS.8.A.1.3; SS.8.A.1.5; SS.8.A.1.6; SS.8.A.1.7; SS.8.A.4.14; SS.912.A.1.2; SS.912.A.1.3; SS.912.A.1.4; SS.912.A.1.5; SS.912.A.1.6; SS.912.A.5.7; SS.912.A.7.3; SS.912.C.2.8

## Newspaper in Education

The Newspaper in Education (NIE) program is a cooperative effort between schools and local newspapers to promote the use of newspapers in print and electronic form as educational resources. Our educational resources fall into the category of informational text.

Informational text is a type of nonfiction text. The primary purpose of informational text is to convey information about the natural or social world. Florida NIE programs provide schools with class sets of informational text in the form of the daily newspaper and original curriculum. NIE teaching materials cover a variety of subjects and are consistent with Florida's education standards.

Florida Press Educational Services, Inc. (FPES) is a non-profit 501(c)(3) organization of newspaper professionals that promotes literacy, particularly for young people. FPES members consist of daily and weekly newspapers throughout the state of Florida. Through its member newspapers, FPES serves educators, students and families in all 67 Florida counties. For more information about FPES, visit [fpesnie.org](http://fpesnie.org), or email [ktower@flpress.com](mailto:ktower@flpress.com) or [jpushkin@tampabay.com](mailto:jpushkin@tampabay.com). Follow us on Twitter at [Twitter.com/nie\\_fpes](https://twitter.com/nie_fpes).

**LAW ★ DAY  
2021**



**ADVANCING THE  
RULE OF LAW NOW**

# **Law Day Teachers' Guide**

**Created to prompt discussion about the rule of law**

Mary Miller, Education Services Director  
New York Newspapers Foundation's  
News Media Literacy/Newspapers In Education Program  
252 Hudson Avenue,  
Albany, NY 12210-1802

**This project was created by the New York Newspapers Foundation through funding by  
The New York Bar Foundation**



Copyright 2021, All Rights Reserved

# About this guide

This guide was created to accompany and complement the New York Newspapers Foundation's Law Day 2021 News Media Literacy/Newspaper In Education series of features. The features highlight the ideal principles and ongoing challenges of upholding and defending the rule of law. The guide includes supplementary content and graphic organizers to make the materials easier to incorporate into the classroom. The series is available in English and Spanish and audio podcasts in English are also available online at [nynpa.com/nie/lawday.html](http://nynpa.com/nie/lawday.html).

There is also a section of this guide intended to compliment a series of short videos intended to introduce the basic principles of the rule of law to younger people. This section includes a vocabulary list, crossword, and word search. You'll find the series of roughly 1 minute videos on New York Newspapers Foundation's NIE YouTube channel at <https://www.youtube.com/channel/UCJdNjub2jodTMGZWnB44Nnw>

---

## STANDARDS:

NYS Social Studies - [nysed.gov/curriculum-instruction/k-12-social-studies-framework](http://nysed.gov/curriculum-instruction/k-12-social-studies-framework)  
and ELA Standards - [nysed.gov/curriculum-instruction/new-york-state-next-generation-english-language-arts-learning-standards](http://nysed.gov/curriculum-instruction/new-york-state-next-generation-english-language-arts-learning-standards)

**Outside NYS:** NCTE / IRA Standards for the English Language Arts and for the Assessment of Reading and Writing (2012) - <https://ncte.org/resources/standards/>  
National Curriculum Standards for Social Studies - [socialstudies.org/standards/strands](http://socialstudies.org/standards/strands)

### ***Special thank yous go out to:***

- ***The New York Bar Foundation*** for their financial support for the elementary videos podcasts that can be found on YouTube at <https://www.youtube.com/channel/UCJdNjub2jodTMGZWnB44Nnw>
- ***David Scott Esq.*** (Project PATCH, Northport - East Northport UFSD) and ***Barbara Lombardo*** (former editor of *The Saratogian*) for reviewing and editing this content.
- ***Carey and Jan Cook*** of [myvocabulary.com](http://myvocabulary.com) for their assistance on the crossword puzzle and wordsearch.
- ***Evelyn Ledezma*** (Bethlehem CSD) for her Spanish translation of the eight features.
- ***Signe Wilkinson and the Cartoonist Group*** for permission to use the *Family Tree* cartoon

# Table of Contents:

## (For Middle/High School Students)

Supreme Court Background Links .....	4
Declaration of Independence .....	5-8
Preamble of the United States Constitution.....	8
Constitutional Amendments (that relate to due process).....	9
42 U.S. Code § 1983.....	9
Rule of Law and Presidential Privilege .....	10
The Fight for Equality Under the Law .....	12
Clear and Fair Process for Enforcing Laws .....	14
Video Surveillance/Accountability to the Law .....	16
Persuasive Argument .....	18
Human Rights / Editorial Writing .....	20
Rule of Law: An Acrostic Poem .....	22
Additional Online Resources .....	24

## (For Elementary Students)

Rule of Law Vocabulary .....	25
Rule of Law Crossword .....	27
Rule of Law Word Search .....	28
Answer Key .....	29

# Supreme Court Background Links:

## United States v. Nixon (1974)

**Conclusion:** Unanimous Decision - The Court held that neither the doctrine of separation of powers, nor the generalized need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified, presidential privilege. The Court granted that there was a limited executive privilege in areas of military or diplomatic affairs, but gave preference to "the fundamental demands of due process of law in the fair administration of justice." Therefore, the president must obey the subpoena and produce the tapes and documents. Nixon resigned shortly after the release of the tapes. For more details, go to <https://www.oyez.org/cases/1973/73-1766>.

## Brown v. Board of Education (1954)

**Conclusion:** Unanimous Decision - Separate but equal educational facilities for racial minorities is inherently unequal violating the Equal Protection Clause of the Fourteenth Amendment. For more details, go to <https://www.oyez.org/cases/1940-1955/347us483>.

## Goss v. Lopez (1975)

**Conclusion:** 5-4 Decision - The Court held that because Ohio had chosen to extend the right to an education to its citizens, it could not withdraw that right "on grounds of misconduct absent fundamentally fair procedures to determine whether the misconduct ha[d] occurred." The Court held that Ohio was constrained to recognize students' entitlements to education as property interests protected by the Due Process Clause that could not be taken away without minimum procedures required by the Clause. The Court found that students facing suspension should at a minimum be given notice and afforded some kind of hearing. For more details, go to <https://www.oyez.org/cases/1974/73-898>.

## Hamdi v. Rumsfeld (2004)

**Conclusion:** Plurality Opinion - In an opinion backed by a four-justice plurality and partly joined by two additional justices, Justice Sandra Day O'Connor wrote that although Congress authorized Hamdi's detention, Fifth Amendment due process guarantees give a citizen held in the United States as an enemy combatant the right to contest that detention before a neutral decision maker. The plurality rejected the government's argument that the separation-of-powers prevents the judiciary from hearing Hamdi's challenge. Justice David H. Souter, joined by Justice Ruth Bader Ginsburg, concurred with the plurality that Hamdi had the right to challenge in court his status as an enemy combatant. Souter and Ginsburg, however, disagreed with the plurality's view that Congress authorized Hamdi's detention. Justice Antonin Scalia issued a dissent joined by Justice John Paul Stevens. Justice Clarence Thomas dissented separately. For more details, go to <https://www.oyez.org/cases/2003/03-6696>.

# The Declaration of Independence

In Congress, July 4, 1776

The unanimous Declaration of the thirteen united States of America, When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.



He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

## **Preamble of the Constitution**

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

# Constitutional Amendments

(that relate to due process)

United States Constitution –

- **Amendment V** - Passed by Congress September 25, 1789. Ratified December 15, 1791. (Part of the Bill of Rights)
  - No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.
- **Amendment XIV** - Passed by Congress June 13, 1866, and ratified July 9, 1868.
  - Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

## The Civil Rights Act of 1871, Section 1983 of Title 42 of the United States Code (42 U.S.C. § 1983)

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

# Rule of Law and Presidential Privilege

## OVERVIEW:

Explore the rule of law principle that no one is above the law and the concept of presidential privilege

## OBJECTIVES:

Students will:

- Demonstrate a basic understanding of no one is above the law and of the concept of presidential privilege
- Demonstrate the ability to read a nonfiction passage or text
- Understand and articulate what the text directly as well as indirectly states in order to make an assumption about the text

## MATERIALS:

- Graphic organizer – Rule of Law and Presidential Privilege
- A copy of the Washington Post article referenced below or internet access to it
- Internet access (for electronic editions of the newspaper or additional resources)

## PROCEDURES:

- Read the Washington Post article “‘Not above the law’: Executive privilege’s contentious history from Washington to Trump” - <https://www.washingtonpost.com/history/2019/06/12/not-above-law-executive-privileges-contentious-history-washington-trump/>
- Select one executive privilege example to research more deeply using additional sources from presidential libraries, Library of Congress, etc.
- Students should be prepared to summarize who, what, when, where, why and how of the executive privilege example they selected

## Closure:

As a class, briefly discuss the United States v. Nixon activity

## Evaluation:

Students will be informally assessed on their ability to obtain the facts from the newspaper and other sources and by the completion of the student assessment:

- **What one new thing did you learn from this activity?**

## Adaptations:

- Working in pairs or small groups will help ELL students and those with special learning needs to complete the desired tasks.

## Additional Online Resources:

- Newseum - 'Watergate' Video **Lesson** – the video tells the story of the Watergate scandal and coverage of it through primary source news footage. <https://newseumed.org/tools/lesson-plan/watergate-video-lesson>
- PBS Newshour lesson - Watergate and the limits of presidential power. <https://www.pbs.org/newshour/extra/lessons-plans/watergate-lesson-plan-the-limits-of-presidential-power/>

Name \_\_\_\_\_

**Vocabulary – write a definition for the following terms:**

subpoena \_\_\_\_\_

executive privilege \_\_\_\_\_

unanimous \_\_\_\_\_

## Rule of Law and Presidential Privilege

Read the Washington Post article, “‘Not above the law’: Executive privilege’s contentious history from Washington to Trump”. Research the stand one of the American presidents took on executive privilege. Use the chart below to organize the details of the circumstances surrounding the issue and why the president felt the need for secrecy.

Who is involved?
What happened?
When did this occur? (Give some historic background. Consider creating a timeline of events on another piece of paper)
Where did this happen?
Why did the president invoke executive privilege?
How did the Court rule?

**Follow up:** In current news reports of government wrongdoing, who or what is being investigated? Are records being withheld? Compare and contrast this modern example with Nixon and the Watergate tapes or one of the other cases of executive privilege above.

# The Fight for Equality Under the Law

## OVERVIEW:

Explore the rule of law principle that everyone should be treated equally under the law.

## OBJECTIVES:

Students will:

- Identify past and present efforts to change laws to help end practices of segregation and discrimination
- Demonstrate the ability to read a nonfiction passage or text
- Understand and articulate what the text directly as well as indirectly states in order to make an assumption about the text

## MATERIALS:

- Copy of the Law Day 2021 Advancing the Rule of Law Now series
- Internet access (for electronic editions of the newspaper or additional resources)
- Graphic organizer – The fight for equality under the law

## PROCEDURES:

- Read the feature entitled “Everyone is treated equally under the law”
- Research current news events of people fighting for equal treatment under the law
- Complete the graphic organizer – The fight for equality under the law

## Closure:

As a class, briefly discuss what you discovered doing this activity.

## Evaluation:

Students will be informally assessed on their ability to obtain the facts from the newspaper and inferences about future actions based on those facts and by the completion of the student assessment:

- **What do you think you’ll remember most about this lesson? Why?**

## Adaptations:

- Working in pairs or small groups will help ELL students and those with special learning needs to complete the desired tasks.

## Additional Online Resources:

- LandmarkCases.org - Brown v. Board of Education / Classifying Arguments Activity - <https://www.landmarkcases.org/brown-v-board-of-education/classifying-arguments-activity>
- National Archives Educator Resources - Documents Related to Brown v. Board of Education - <https://www.archives.gov/education/lessons/brown-v-board/activities.html>

Name \_\_\_\_\_

**Vocabulary – write a definition for the following terms:**

segregation \_\_\_\_\_

vital \_\_\_\_\_

detrimental \_\_\_\_\_

## The Fight for Equality Under the Law

The fight for equal education for Linda Brown and others went all the way to the Supreme Court. Look through the newspaper (in-print or electronic) for examples of people standing up for their rights or the rights of others. Compare and contrast these current actions with those of Brown family and others during the 1950s. Use the chart below to organize the information you find.

Fight for equal education opportunities 1950s

Modern fight for equal treatment under the law

**Follow up:** The Brown v. Board of Education Court case and ruling against segregated schools was the beginning of the civil rights movement of the 1950s and 1960s. What do you think might be the short and long-term effects of the civil rights actions taking place today?



# Clear & Fair Process for Enforcing Laws

## OVERVIEW:

Students will use what they've just learned about the rule of law in creating their own set of rules balancing individual rights with public safety and due process protections.

## OBJECTIVES:

Students will:

- Understand the importance of having clear and fair processes for enforcing laws
- Understand the importance of the rule of law for protection of individual rights and the common good
- Know how various people and groups make, apply and enforce rules and laws for others and manage disputes about rules and laws

## MATERIALS:

- Copy of the Law Day 2021 Advancing the Rule of Law Now series
- Internet access (for electronic editions of the newspaper or additional resources)
- Graphic organizer – Goss v. Lopez (1975)

## PROCEDURES:

- Read the series' feature with the heading "There are clear and fair processes for enforcing laws"
- Individually or in small groups, have students complete the graphic organizer – Goss v. Lopez (1975)

## Closure:

Lead a discussion about the challenges of balancing individual rights and the common good, including safety. What current news events have similar challenges?

## Evaluation:

Students will be informally assessed on their ability to obtain the facts of the selected case from the newspaper and other sources and by the completion of the student assessment:

- **Complete this statement: I still have a question about...**

## Adaptations:

- By working in small groups, ELL students and those with special learning needs should be able to complete the graphic organizer.

Name \_\_\_\_\_

**Vocabulary – write a definition for the following terms:**

procedural \_\_\_\_\_

substantive \_\_\_\_\_

practicable \_\_\_\_\_

## Clear & Fair Process for Enforcing Laws

Pretend you belong to brand new club. Use this chart to help draft a disciplinary process to deal with a member's misconduct. Remember you need to consider the rights of each individual while protecting the safety of your clubhouse & all members.

Rule(s)/Process to deal with misconduct	Protect Individual Rights?	Provide Group Safety?

As a class, discuss policy drafts and if necessary combine the best parts of two or more. Work on finding the best compromise - something you can all agree to abide by. Write down what the group has agreed is the best policy. Explain why you believe it is the best option.

---

---

---

---

Does the policy you drafted ensure that the individual's due process rights are respected and protected? If not – work on a rewrite. If so, be prepared to explain how.

**Follow up:** Read the newspaper, in-print or online, for a story that deals with the balance of individual rights and the safety of persons or property. Does the news example show all parties are being treated fairly? Are the authority figures in the story also obeying the law?

This exercise was modified from one originally created for Power Pack: Lessons in Civics, Math and Fine Arts for NIE Week 2011 for the NAA Foundation.

# Video Surveillance/Accountability to the Law

## OVERVIEW:

Students will analyze a comic strip concerning our society's use of surveillance technology and look for current news events highlighting government wrongdoing.

## OBJECTIVES:

Students will:

- Understand the importance of everyone being accountable to the same laws
- Know how various people and groups respond when someone violates their individual rights

## MATERIALS:

- Copy of the Law Day 2021 Advancing the Rule of Law Now series
- Internet access (for electronic editions of the newspaper or additional resources)
- Graphic organizer – Video Surveillance/Accountability to the Law

## PROCEDURES:

- Read the series feature with the heading “Everyone is held accountable to the same laws”
- Individually or in small groups, have students complete the questions associated with the comic strip on the graphic organizer – Video Surveillance/Accountability to the Law

## Closure:

Lead a discussion about video surveillance and the protections of personal privacy. Where is it reasonable to assume we have personal privacy?

## Evaluation:

Students will be informally assessed on their ability to critically think about the comic strip provided and thoughtful respond to the questions in the graphic organizer and by the completion of the student assessment:

- **Complete this statement: I was surprised to learn...**

## Adaptations:

- By working in small groups, ELL students and those with special learning needs should be able to complete the graphic organizer.

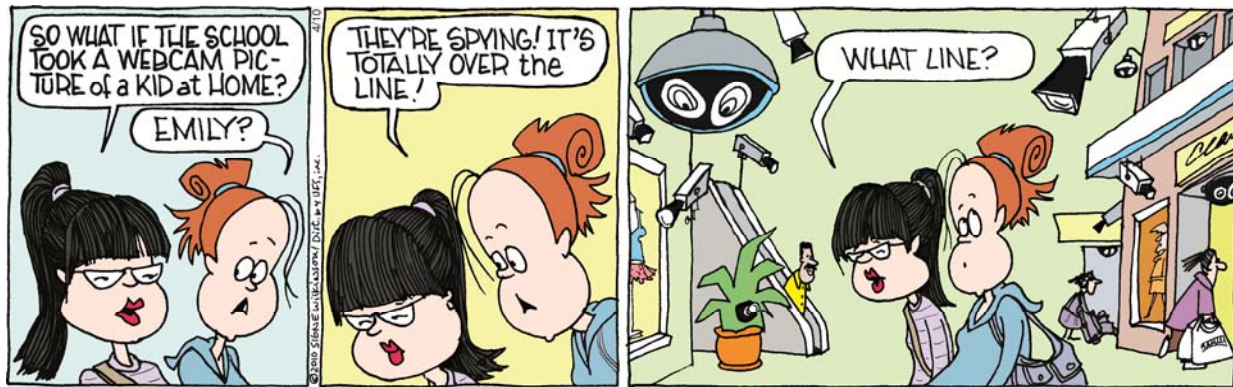
Name \_\_\_\_\_

**Vocabulary – write a definition for the following terms:**

surveillance \_\_\_\_\_

disciplinary \_\_\_\_\_

## Video Surveillance/Accountability to the Law



Family Tree used with permission of Signe Wilkinson and the Cartoonist Group. All rights reserved.

Examine the comic strip above and respond to the following cartoon analysis questions.

1. Who drew the cartoon?
2. When was it created?
3. What is familiar to you in this cartoon?
4. What questions do you have about this cartoon?
5. Cartoonists combine pictures and words to communicate their opinions. What tools does the cartoonist use to make his or her point?

___ Humor	___ Labels
___ Caricature	___ Analogy to another historical or current event
___ Symbols	___ Stereotypes
___ Speech/idea balloons	___ References to popular culture, art, literature, etc.

6. Are stereotypes used? If so, what group is represented?
7. Briefly explain the message of the cartoon:
8. What groups would agree or disagree with the cartoon's message? Why?
9. Do you think this cartoon is effective in expressing the artist's message? Why or why not?

**Follow up:** Look through the news, in print or online, for someone holding a government official or entity accountable for wrongdoing. Compare and contrast this action with that of the Lower Merion School District's handling of their school laptop webcams.

# Persuasive Argument

## OVERVIEW:

Students will practice finding verifiable facts in current news articles from the newspaper (print or electronic) and other sources. They will also practice using this information to form an opinion and create a persuasive argument. It may be presented orally or written.

## OBJECTIVES:

Students will:

- Demonstrate the ability to read a nonfiction passage or text
- Identify, extract, and cite text to thoroughly support their responses
- Use their writing to persuade others
- State an opinion and provide facts/verifiable evidence to support that opinion
- Develop an understanding of how writing can influence or change another's thoughts or actions

## MATERIALS:

- Newspapers (in print or electronic)
- Internet access (for electronic editions of the newspaper or additional resources)
- Graphic organizer – Persuasive Argument

## PROCEDURES:

- Read the series' feature entitled "There is an independent judiciary"
- Record research using the graphic organizer – Persuasive Argument
- Have students research a current events topic, form an opinion about it and be prepared to share their persuasive argument with the class

## Closure:

Lead a discussion about the importance of truth and verifiable facts, especially in effectively persuading others.

## Evaluation:

Students will be informally assessed on their ability to obtain the facts of the selected topic from the newspaper and other sources and by the completion of the student assessment:

- **Complete this statement: I still have a question about...**

## Adaptations:

- By working in small groups, ELL students and those with special learning needs should be able to complete the graphic organizer.

## Additional Online Resources:

- Historical Society of the New York Court - The Trial of John Peter Zenger – A play in five scenes. [https://history.nycourts.gov/wp-content/uploads/2018/11/History\\_Trial-John-Peter-Zenger-Play.pdf](https://history.nycourts.gov/wp-content/uploads/2018/11/History_Trial-John-Peter-Zenger-Play.pdf)
- CSPAN Classroom - Bell Ringer: Zenger Trial and Colonial Press Freedom – A video recording of Chief Justice of the United States John Roberts talking about the 1735 trial of printer John Peter Zenger and how that trial shaped the U.S. judiciary with student response questions. <https://www.c-span.org/classroom/document/?10186>

Name \_\_\_\_\_

**Vocabulary – write a definition for the following terms:**

judiciary \_\_\_\_\_

acquitted \_\_\_\_\_

## Persuasive Argument

In the case of John Peter Zenger, Attorney Andrew Hamilton successfully persuaded the jury that the truth mattered. Use the chart below to strengthen your persuasive writing skills. Select a local issue or court case from the news and fill in the persuasion map below. In the “argument” box, identify the issue you are examining and write a sentence explaining your position. Provide up to three reasons and be sure to offer facts or verifiable examples to support your position.

<b>Argument:</b>	<b>Reason:</b>	<b>Fact/Example:</b>
		<b>Fact/Example:</b>
		<b>Fact/Example:</b>
	<b>Reason:</b>	<b>Fact/Example:</b>
		<b>Fact/Example:</b>
		<b>Fact/Example:</b>
	<b>Reason:</b>	<b>Fact/Example:</b>
		<b>Fact/Example:</b>
		<b>Fact/Example:</b>

**Follow up:** Did this exercise help strengthen your argument? Why or why not?

# Human Rights / Editorial Writing

## OVERVIEW:

Students will use what they've just learned about the rule of law and the Hamdi v. Rumsfeld case and write their own editorial which can do any one or combination of the following: explain, interpret or inform, praise, commend, argue, persuade, propose a solution or call for action, criticize, or identify a problem

## OBJECTIVES:

Students will:

- Learn that newspapers and news website often have an editorial and opinion section and these articles express opinions
- Demonstrate the ability to read a nonfiction passage or text
- Understand difference between fact and opinion
- State an opinion and provide facts/verifiable evidence to support that opinion

## MATERIALS:

- Newspapers (in print or electronic)
- (Optional) copies of editorials collected from local, regional or national newspapers
- Internet access (for electronic editions of the newspaper or additional resources)
- Graphic organizers – Human Rights / Editorial Writing

## PROCEDURES:

- Read the series' feature entitled "Human rights are guaranteed for all"
- Conduct additional research about the Hamdi v. Rumsfeld case and arguments used by each side
- Write an editorial using the graphic organizer – Human Rights / Editorial Writing to collect your ideas

## Closure:

Lead a discussion about importance of rule of law and basic human rights for all.

## Evaluation:

Students will be informally assessed on their ability to determine fact from opinion, write an effective editorial properly citing evidence to support that opinion and by the completion of the student assessment:

- **How could you apply what you learned today into real life?**

## Adaptations:

- By working in small groups, ELL students and those with special learning needs should be able to complete the graphic organizer.

## Additional Online Resources:

- Schooljournalism.org - American Society of Newspaper Editors (ASNE) Lesson Plans for Opinion and Review Writing <https://www.schooljournalism.org/opinion-and-review-writing-lessons/>

Name \_\_\_\_\_

**Vocabulary – write a definition for the following terms:**

petition \_\_\_\_\_

oversight \_\_\_\_\_

plurality opinion \_\_\_\_\_

## Human Rights / Editorial Writing

Review several newspaper editorials. Pay close attention to the writing style and content. Write your own editorial answering the question, “*Did the Hamdi v. Rumsfeld decision protect our nation’s security and Hamdi’s rights as an American citizen?*” Be sure to back up your conclusion/opinion with facts. Prepare an outline before writing. List reasons that citizens and leaders give for answering “yes” or “no” to the question.

<b>Reasons yes:</b>	<b>Essential Question:</b> <i>Did the Hamdi v. Rumsfeld decision protect our nation’s security and Hamdi’s rights as an American citizen?</i>	<b>Reasons no:</b>
	<b>Conclusions:</b>	

**Follow up:** Compare any current examples of balancing individual rights and security with the Hamdi v. Rumsfeld case. What similarities and differences are there?



# Rule of Law: An Acrostic Poem

## OVERVIEW:

Students will apply what they have learned about the importance of rule of law by creating an acrostic poem.

## OBJECTIVES:

Students will:

- Understand and explain what an acrostic poem is
- Students will be able to use knowledge of antonyms and synonyms to determine meanings of words
- Demonstrate knowledge of the importance of rule of law and each citizen's role in upholding and safeguarding its principles in the acrostic poem each creates

## MATERIALS:

- Copies of the NIE features for Law Day 2021
- Newspapers (in print or electronic)
- Internet access (for electronic editions of the newspaper or additional resources)

## PROCEDURES:

- Review or introduce Acrostic Poems depending on the background knowledge of your students including modeling an example of creating an acrostic poem.
- Independently, or in small groups, have students use the newspaper (print or electronic) to help find and brainstorm vocabulary words appropriate to the task.
- Write, share with a partner and revise if necessary based on feedback

## Closure:

Re-cap different aspects of the importance of the rule of law. Display the final acrostic poems on a class bulletin board or via an electronic slide presentation.

## Evaluation:

Students will be informally assessed on their ability to obtain the facts of the selected case from the newspaper and other sources and by the completion of the student assessment:

- **What new vocabulary words did you learn doing this activity?**

## Adaptations:

- Teacher may need to model more than one example or use a word wall to assist students in identifying appropriate words for the task.
- By working in small groups, ELL students and those with special learning needs should be able to complete the graphic organizer.

Name \_\_\_\_\_

## Rule of Law: An Acrostic Poem

Now that you know more the rule of law, why not write a poem about it? Acrostics are a fun poetic form that anyone can write. To complete the acrostic, from newspapers, select words that describe a leader and include the letters in the words, "RULE OF LAW." Note that the letters in the words you choose may appear at the beginning, middle or end of the words.

R  
U  
L  
E  
O  
F  
L  
A  
W

**Follow-up:** Explain your choice of words to another student. Respond to any questions. Then, in your own words, write a paragraph or two about the importance of upholding, defending and advancing the rule of law.

**Assessment:** What new vocabulary words did you learn doing this activity?

# Additional Resources:

(listed in alphabetical order)

**American Bar Association – Rules, Rules, Rules Lesson Plan** - In this lesson, students are asked to play a game – passing an object, such as an eraser – in which the rules are unclear and keep changing. Students are then asked to actively reflect on when and why rules are important and necessary. The leader might then connect rules of the game to the rule of law, and discuss the importance of law in our communities and in our society. [https://www.americanbar.org/groups/public\\_education/resources/lesson-plans/middle-school/constitution/rules--rules--rules/](https://www.americanbar.org/groups/public_education/resources/lesson-plans/middle-school/constitution/rules--rules--rules/)

**The Center for Civic Education – How Does Government Secure Natural Rights?** - This lesson introduces you to some basic ideas the Framers used in creating the kind of government they thought would best protect the natural rights of each individual and promote the good of all. <https://www.civiced.org/lessons/how-does-government-secure-natural-rights>

**The Center for Teaching the Rule of Law** and its innovative Rule of Law Project are a web-based resource and training center for teaching the rule of law on a global scale. <https://www.thecenterforruleoflaw.org/educational-resources.html>

**The Constitution Center** has a two-day lesson plan where students will reflect on how their understandings of Rule of Law relate to the Constitution, the judicial system, and their daily lives. <https://constitutioncenter.org/learn/educational-resources/lesson-plans/rule-of-law-high-school-level>

**Facing History and Ourselves: The Rule of Law and Why it Matters** - This lesson provides students with the opportunity to both learn what it means to respect the rule of law and consider its importance in a democracy. <https://www.facinghistory.org/resource-library/rule-law-and-why-it-matters>

**iCivics – Rule of Law** - Students learn about the rule of law and how it protects individual rights and freedoms. By performing short, scripted skits that illustrate what life might be like without the rule of law, students identify six factors that make up the rule of law and analyze how each factor affects daily life.. <https://www.icivics.org/teachers/lesson-plans/rule-law>

**Justice in the Classroom - The Rule of Law - Principles of the Rule of Law** is a lesson on the concept of the rule of law and how it is an integral part of our governing systems in America. <https://justiceintheclassroom.net/middle-school-programs/the-rule-of-law/>

**Street Law, Inc. – The Rule of Law** – In a series of lessons students will engage in several activities to develop their understanding of rule of law and its factors, and begin assessing the extent to which their community adheres to the rule of law. <https://www.streetlaw.org/rule-of-law-education/lesson-overviews--outcomes>

**The Supreme Court** offers a publication about visiting the court is available in several different languages translations – find these downloadable documents at <https://www.supremecourt.gov/visiting/foreigntranslations.aspx>

**United Nations Educational, Scientific and Cultural Organization (UNESCO)** - develops educational programs that teach children and young people about their rights and the rule of law, equip them with a strong ethical compass and empower them to become champions for justice in their schools and communities. To bridge the gap between education and justice professionals, UNESCO has partnered with UNODC. Their joint initiative, Global Citizenship Education for the Rule of Law. <https://en.unesco.org/themes/gced/rule-law>

Short video that introduced the Global Citizenship Education for the Rule of Law - <https://www.youtube.com/watch?v=aVhb5ltMHC4>

Name \_\_\_\_\_

## Rule of Law Vocabulary

Look up and write a definition for each of the following terms

Civics \_\_\_\_\_

\_\_\_\_\_

Congress \_\_\_\_\_

\_\_\_\_\_

Constitution \_\_\_\_\_

\_\_\_\_\_

Due Process \_\_\_\_\_

\_\_\_\_\_

Equality \_\_\_\_\_

\_\_\_\_\_

Fair \_\_\_\_\_

\_\_\_\_\_

Government \_\_\_\_\_

\_\_\_\_\_

Judicial \_\_\_\_\_

\_\_\_\_\_

Justice \_\_\_\_\_

\_\_\_\_\_

# Rule of Law Vocabulary (continued)

Laws \_\_\_\_\_

\_\_\_\_\_

Liberty \_\_\_\_\_

\_\_\_\_\_

Protection \_\_\_\_\_

\_\_\_\_\_

Respect \_\_\_\_\_

\_\_\_\_\_

Responsibility \_\_\_\_\_

\_\_\_\_\_

Rights \_\_\_\_\_

\_\_\_\_\_

Rules \_\_\_\_\_

\_\_\_\_\_

**Assessment:** What is one new thing have you learned exploring these vocabulary words?

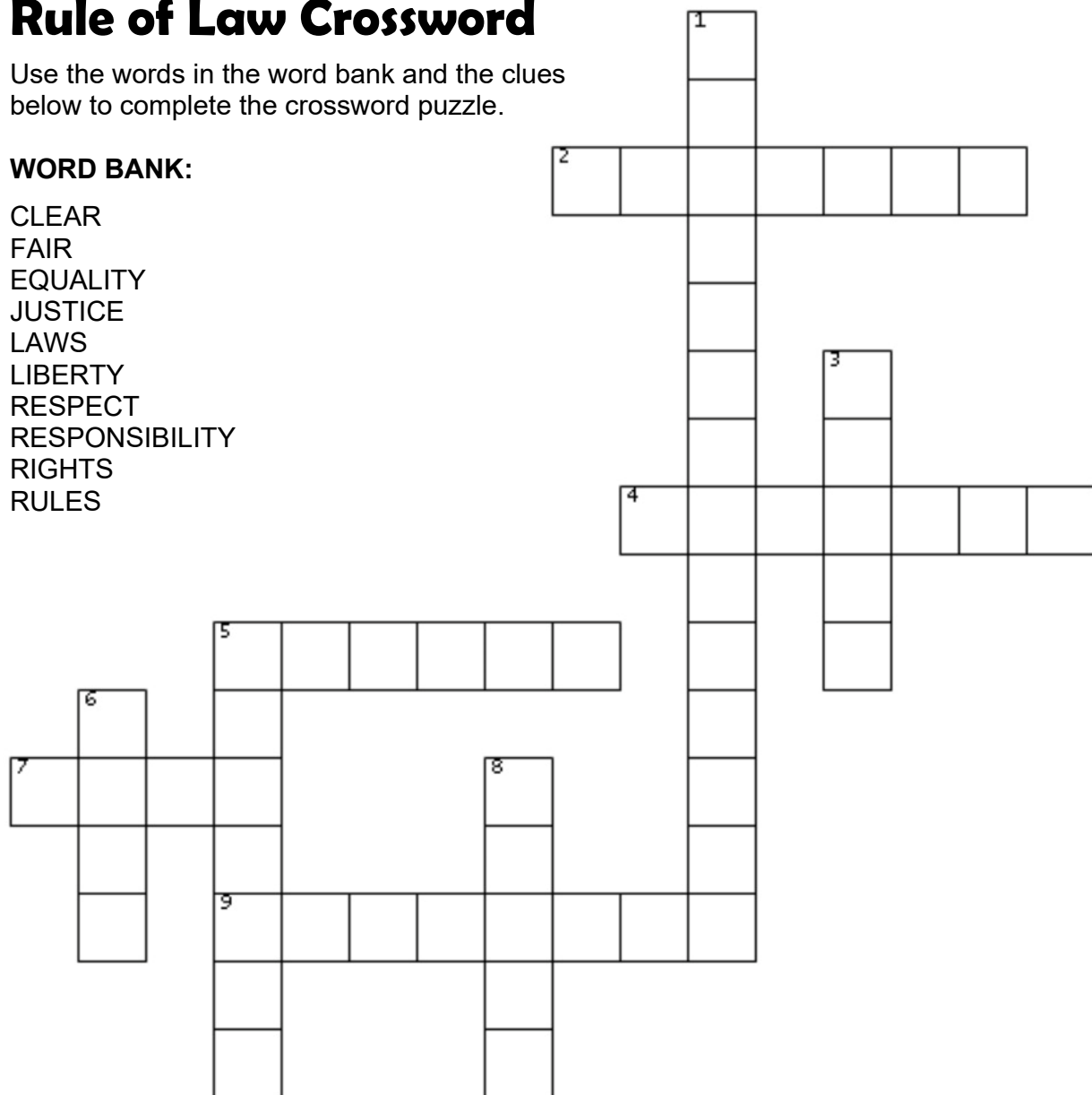
Name \_\_\_\_\_

# Rule of Law Crossword

Use the words in the word bank and the clues below to complete the crossword puzzle.

## WORD BANK:

CLEAR  
FAIR  
EQUALITY  
JUSTICE  
LAWS  
LIBERTY  
RESPECT  
RESPONSIBILITY  
RIGHTS  
RULES



### ACROSS

2. Fair treatment: process or result of using laws to fairly judge people
4. State of being free, able to act and speak freely
5. Ideals of what is good or proper; just claims
7. Collection of established rules
9. The same in number, amount, degree, rank or quality

### DOWN

1. State of being in charge; quality of being dependable
3. Easily heard, seen, noticed or understood
5. High or special regard; esteem, worthiness
6. Not favoring one over another; neither good nor bad
8. Guides/principles for conduct or action; accepted controls.

**Assessment:** What one thing will you remember most about the rule of law?

Name \_\_\_\_\_

## Rule of Law Word Search

Search for the Rule of Law terms below.

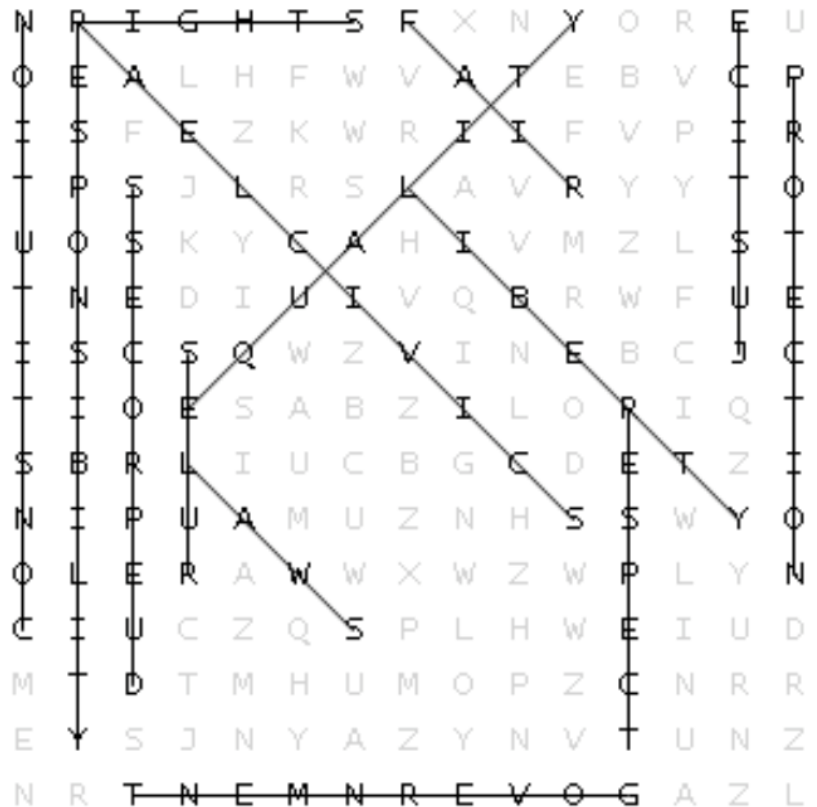
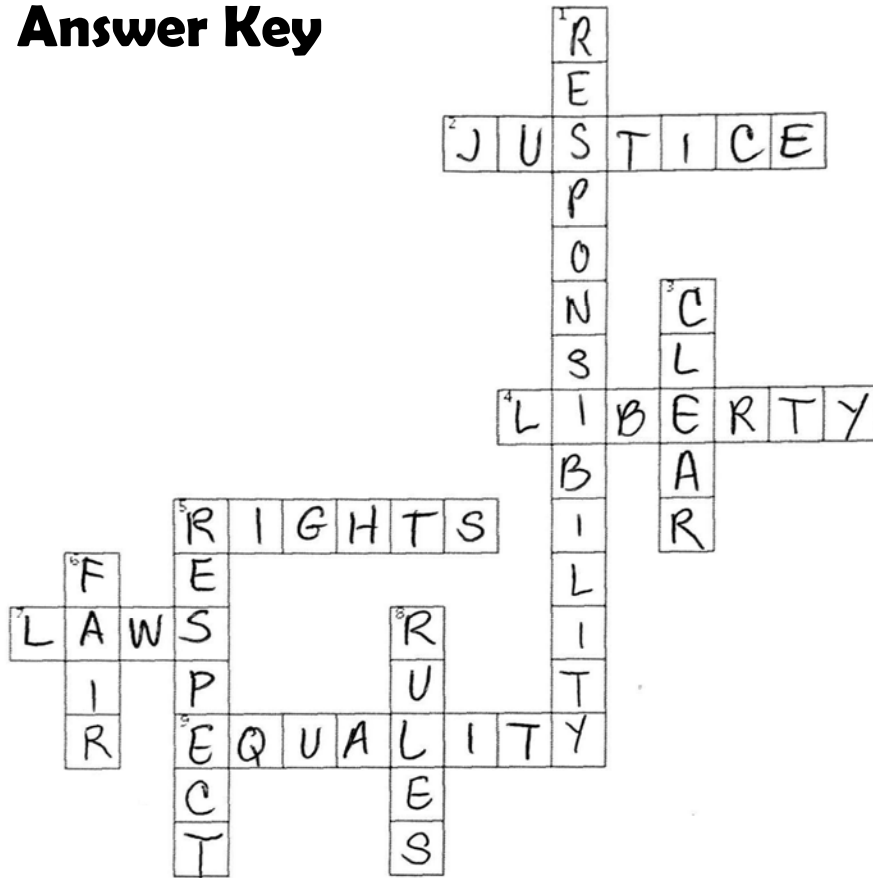
N R I G H T S F X N Y O R E U  
O E A L H F W V A T E B V C P  
I S F E Z K W R I I F V P I R  
T P S J L R S L A V R Y Y T O  
U O S K Y C A H I V M Z L S T  
T N E D I U I V Q B R W F U E  
I S C S Q W Z V I N E B C J C  
T I O E S A B Z I L O R I Q T  
S B R L I U C B G C D E T Z I  
N I P U A M U Z N H S S W Y O  
O L E R A W W X W Z W P L Y N  
C I U C Z Q S P L H W E I U D  
M T D T M H U M O P Z C N R R  
E Y S J N Y A Z Y N V T U N Z  
N R T N E M N R E V O G A Z L

### WORD BANK

CIVICS	FAIR	PROTECTION
CLEAR	GOVERNMENT	RESPECT
CONSTITUTION	JUSTICE	RESPONSIBILITY
DUE PROCESS	LAWS	RIGHTS
EQUALITY	LIBERTY	RULES

**Assessment:** What did you think you'll remember most about the rule of law?

# Answer Key





LAW ★ DAY  
2021



## ADVANCING THE RULE OF LAW NOW

Law Day is May 1.

The 2021 Law Day theme — ***Advancing the Rule of Law NOW*** — reminds all of us that we the people share the responsibility to promote the rule of law, defend liberty, and pursue justice.

The rule of law is the bedrock of American rights and liberties — in times of calm and unrest alike.

Every day, for the next 7 days, we will highlight case law and news events to help illustrate and explain the key principles of the rule of law.

As you think about the following ideals, remember to reflect on the importance each of us has in ensuring we uphold the law and the continued challenges we face in safeguarding that:

- No one is above the law,
- Everyone is treated equally under the law,
- Everyone is held accountable to the same laws,
- There are clear and fair processes for enforcing laws,
- There is an independent judiciary, and
- Human rights are guaranteed for all.



Sponsored by the New York Bar Foundation  
and created by the New York Newspapers  
Foundation's News Media Literacy/  
Newspaper In Education Program.  
Copyright 2021. All rights reserved.

# No one is above the law

The United States Constitution is the “supreme law of the land.” All laws, rules, and regulations at the state and local level must agree with the constitution. Everyone, including state and national elected officials, executive and judicial officers are, under the authority of the constitution, bound by oath to support the constitution and obligated equally to obey the law.

## United States v. Nixon (1974)

In 1972, an election year, several men broke into the Democratic National Committee headquarters located in the Watergate Office Building in Washington, D.C. FBI agents, journalists, including Carl Bernstein and Bob Woodward, and congressional investigations of the break-in led to discoveries that these men had significant ties to President Nixon’s administration. Under continued scrutiny, many members of Nixon’s administration were also linked to the break-in and indicted by a grand jury of participating in a cover-up.

During the hearings, a White House aide revealed that President Nixon recorded Oval Office conversations. The special prosecutor obtained a subpoena that required President Nixon to turn over the audio recordings as evidence in the criminal proceedings. The president released over 1,200 pages of edited transcripts, but refused to turn over the tapes citing “executive privilege.” Nixon argued he had the power to withhold the tapes from other government branches in order to maintain confidential communications within the executive branch and to secure the national interest. Both the special prosecutor and Nixon filed special petitions to have the issue heard immediately by the U.S. Supreme Court.

In July 1974, a unanimous Court ruled against the president. In the decision, Chief Justice Burger indicated that the president doesn’t have “absolute, unqualified, presidential privilege.”

Nixon was ordered to turn the tapes over to the Court. After a judge listened to the tapes to determine if they were relevant to the trial of the former Nixon aides, the Court ordered them released to the public. About two weeks after the Supreme Court’s decision, President Nixon resigned from office.

**Newspaper Activities: In print or online, look for investigative news reports into government wrongdoing. Who or what is being investigated? Are records being withheld?**

**Look for news of people being held accountable for breaking the law. Discuss what you find as a class.**

Next installment: **Everyone is treated equally under the law**

---

This is one of 8 features created to educate and celebrate Law Day, May 1, 2021. Sponsored by the New York Bar Foundation and created by the New York Newspapers Foundation’s News Media Literacy/ Newspaper In Education Program. Copyright 2021. All rights reserved.



LAW ★ DAY 2021  
ADVANCING THE  
RULE OF LAW NOW

# Everyone is treated equally under the law

The 14th Amendment to the U.S. Constitution, ratified in 1868, granted citizenship to all persons born or naturalized in the U.S. — including former enslaved people — and guaranteed all citizens “equal protection of the laws.” Shortly after the 14th Amendment was ratified, state and local laws enforcing racial segregation, also known as Jim Crow laws, were created across the American south. The following case, involving a young student, was an important step toward dismantling the “separate but equal” doctrine.

## Brown v. Board (1954)

Linda Brown was a seven-year old Black girl who lived five blocks from a local elementary school. She was denied enrollment in that school and was required to attend a school 21 blocks across town which was exclusively for students of color. Her father sued the board of education to allow her to attend the school closest to their home. Their suit was ultimately combined with other similar cases involving Black students also denied access to certain public schools because of race and was heard by the Supreme Court.

The Court was asked to decide if segregation of students in public education based solely on race violates the equal protection clause of the Fourteenth Amendment. The Court ruled unanimously that education was perhaps the most vital function of state and local governments, and racial segregation of any kind deprived African Americans of equal protection under the Fourteenth Amendment.

Chief Justice Warren wrote, *“Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. ... Any language contrary to this finding is rejected. We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”*

For many the *Brown v. Board* (1954) decision signaled the start of the civil rights movement of the 1950s and 1960s and the continued fight for equal justice under the law.

**Newspaper Activities:** In print or online, look for news about groups or individuals seeking equal treatment. Share your findings as a class. Compare and contrast with Linda Brown.

Look through the news for important issues in education today, such as school violence, equal access to technology, standardized testing, etc. Select one and, as a class, brainstorm possible solutions.

Next installment: **Everyone is held accountable to the same laws**

This is one of 8 features created to educate and celebrate Law Day, May 1, 2021. Sponsored by the New York Bar Foundation and created by the New York Newspapers Foundation's News Media Literacy/ Newspaper In Education Program. Copyright 2021. All rights reserved.



LAW ★ DAY 2021  
ADVANCING THE  
RULE OF LAW NOW

# Everyone is held accountable to the same laws

Section 1983 of Title 42 of the United States Code (42 U.S.C. § 1983) gives an individual the right to sue state and local government entities acting “under color of state law” for civil rights violations. The following case is an example of this type of civil action brought by two high school students who had their personal privacy violated.

## **Robbins v. Lower Merion School District (2010)**

At the start of the 2009-10 school year, the district issued laptops to its high school students for use at school and home. Each computer had a webcam and was loaded with remote activation tracking software.

As an anti-theft measure, without the knowledge or consent of students or parents, officials at the district activated the surveillance software, took photos through the webcam as well as screenshots, and stored them on the district’s servers for review by staff. Many of the images were captured in the students’ homes.

The webcam surveillance program was brought to light in November 2009, when Blake Robbins, a sophomore, was confronted by Vice Principal Lindy Matsko, accusing Robbins of illegal drug use. A photo taken with the laptop webcam of Blake at home in his bedroom was Matsko’s “proof.” Blake’s parents were notified. They disputed the school’s claim of their son’s behavior. The school did not pursue disciplinary action but noted the incident in Blake’s school file. Blake’s parents filed suit on his behalf on Feb. 11, 2010, citing invasion of privacy.

On Feb. 22, a federal judge ordered the school district to stop using the tracking software. In July 2010, a second similar suit was filed against the district by the mother of student Jalil Hasan.

County officials, the U.S. District Attorney and the FBI conducted investigations to determine whether the school district had violated criminal laws. No criminal charges were filed because no evidence was found “...that would establish beyond a reasonable doubt that anyone involved had criminal intent.”

In October 2010, the Lower Merion School District agreed to pay \$610,000 to settle lawsuits over its tracking of student laptop computers. \$175,000 was put in trust for Blake Robbins, \$10,000 was paid to Jalil Hasan and \$425,000 in legal fees was paid to their attorney.

**Newspaper Activity: Look through the news, in print or online, for someone holding a government official or entity accountable for wrongdoing. Compare and contrast this action with that of the Lower Merion SD.**

Next installment: **There are clear & fair processes for enforcing laws**

This is one of 8 features created to educate and celebrate Law Day, May 1, 2021. Sponsored by the New York Bar Foundation and created by the New York Newspapers Foundation’s News Media Literacy/ Newspaper In Education Program. Copyright 2021. All rights reserved.



LAW ★ DAY 2021  
ADVANCING THE  
**RULE OF LAW NOW**

# There are clear and fair processes for enforcing laws

The Fifth and Fourteenth Amendments of the United States Constitution include language that the “due process of law” be a part of any proceeding that denies a citizen “life, liberty or property.” This provision should protect the legal rights of everyone involved. The following Supreme Court case describes how this principle of the rule of law applies even in the case of young students.

## Goss v. Lopez (1975)

Eight high school students and one middle school girl, in Columbus, Ohio, were given 10-day suspensions for a variety of disruptive or disobedient behavior. Among them, Dwight Lopez was suspended for damaging school property during a lunchroom commotion. Lopez claimed he was not involved and was simply an innocent bystander. There was no hearing either before or shortly after the suspensions and Ohio law did not require it. Their principals’ actions were challenged, and a federal court found that the students’ rights had been violated. The case was then appealed to the Supreme Court.

Attorneys for Lopez and others argued that students have a legitimate property right in their education, which is protected by the “due process clause.” This right cannot be taken away without appropriate procedural hearings.

In a 5-to-4 decision, the Court ruled for the students, explaining that once the state provides an education for all of its citizens, it cannot deprive them of it without ensuring due process protections. The Court found that students facing suspension should at a minimum be given notice and afforded some kind of hearing. However, the Court also agreed with the District Court indicating, “Students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases, the necessary notice and rudimentary hearing should follow as soon as practicable...”

**Follow up: Research the policies and procedures for dealing with misconduct at your school. Are they easy to find, clearly written and easy to understand?**

**Newspaper Activities: Read the newspaper, in-print or online, and check other news sources to search for current examples of due process of enforcing the law. Discuss what you find as a class.**

**Look for news reports about recent court cases. How are the rights of everyone involved in the proceeding being protected?**

Next installment: **There is an independent judiciary**

This is one of 8 features created to educate and celebrate Law Day, May 1, 2021. Sponsored by the New York Bar Foundation and created by the New York Newspapers Foundation’s News Media Literacy/ Newspaper In Education Program. Copyright 2021. All rights reserved.



**LAW ★ DAY 2021**  
**ADVANCING THE**  
**RULE OF LAW NOW**

# There is an independent judiciary

In addition to a separation from the executive and legislative branches of government, the judiciary must be free from undue influence from political affiliations, personal interests, or retribution and must remain committed to the preservation of the rule of law and the protection of individual rights and liberties. The example below is dated before U.S. independence from England but is no less a valid example of the power of an independent judiciary.

## The Crown v. John Peter Zenger (1735)

In the early 1730s, John Peter Zenger, a German immigrant, started publishing *The New-York Weekly Journal*. In it, he printed articles by opponents of Governor William Cosby criticizing his removal of the colony's Chief Justice from office. These articles mocked Cosby while warning against leaders who put themselves above the law. Outraged, Governor Cosby ordered copies of select issues seized and burnt and Zenger was eventually indicted for seditious\* libel.

After months in jail, Zenger's trial began, but his lawyers were disbarred and prevented from defending their client. Andrew Hamilton, a Philadelphia lawyer, took over the case and offered a defense that went against traditional English law.

In England, proof of publication was all that was necessary to convict a publisher of libel. Whether the alleged libel was true or not didn't matter. Hamilton insisted that the truth should make a difference: if Zenger had published the truth, he couldn't be guilty of libel.

When the court rejected Hamilton's argument, the lawyer urged jurors to decide for themselves. They acquitted Zenger, setting a precedent in favor of truth that was later affirmed by courts in England and the United States. Thus, a jury of regular men helped lay the foundation for one of the freedoms in the First Amendment of the U.S. Constitution.

---

\*Sedition: word or action inciting rebellion against the authority of a state.

**Newspaper Activity: Read the newspaper, in print or online, and check other news sources to look for reports about jury trials. Research and review the basic facts about the case. As a class, discuss why it is important in upholding the rule of law to have an independent judiciary. How might this same issue be handled in an authoritarian form of government?**

Next installment: **Human rights are guaranteed for all**

---

This is one of 8 features created to educate and celebrate Law Day, May 1, 2021. Sponsored by the New York Bar Foundation and created by the New York Newspapers Foundation's News Media Literacy/ Newspaper In Education Program. Copyright 2021. All rights reserved.



LAW ★ DAY 2021  
ADVANCING THE  
RULE OF LAW NOW

# Human rights are guaranteed for all

In the Declaration of Independence Thomas Jefferson wrote, “*all men are created equal ... and are endowed by their Creator with certain unalienable Rights.*” Many of these human rights have been expressly protected by U.S. laws. The following case is an example of the Court’s role in balancing individual human rights with the safety and security of others.

## Hamdi v. Rumsfeld (2004)

Yaser Esam Hamdi was an American citizen born in Louisiana in 1980. Later that year his family moved to Saudi Arabia, where he also established citizenship.

He was captured by U.S. led coalition forces in Afghanistan shortly after the events of 9/11 and was held as an enemy combatant. Hamdi claimed to be a relief worker. He was kept in prison without access to a lawyer or the courts. His father filed a writ of habeas corpus — a petition asking the court to decide if his son’s imprisonment was legal.

Hamdi argued that the government had violated his Fifth Amendment right to due process. The government claimed that as an enemy combatant Hamdi did not have the right to speak to a lawyer or to ask a court to review his case. The government claimed that the Executive Branch, during war time, had the authority to act without oversight from any other branch of government. After several appeals, the case made it to the Supreme Court.

The justices disagreed on important issues of law. The 6-3 plurality decision opinion held that Congress had authorized the use of military force, which gave the president the authority to label U.S. citizens “enemy combatants” as well as detain them. But the Executive Branch *does not* have the power to both declare someone an enemy combatant and then hold them *indefinitely* without due process. The Court agreed that Hamdi could only be held as long as the U.S. was involved in armed conflict with the Taliban.

The Court held that the Constitution’s separation of powers require that courts review presidential decisions; Hamdi had the right to bring his case before a “neutral decision maker.”

In a plea agreement, Hamdi renounced his American citizenship and he was returned to Saudi Arabia.

**Newspaper Activities: Look for current examples of balancing individual rights and security in the news. Compare and contrast this modern example with *Hamdi v. Rumsfeld*.**

**Look for news reports about the protection of human rights and discuss what you find as a class.**

Next installment: **Continuing to fight to reach the ideal**

This is one of 8 features created to educate and celebrate Law Day, May 1, 2021. Sponsored by the New York Bar Foundation and created by the New York Newspapers Foundation’s News Media Literacy/ Newspaper In Education Program. Copyright 2021. All rights reserved.



LAW ★ DAY 2021  
ADVANCING THE  
**RULE OF LAW NOW**



# Continuing to fight to reach the ideal

According to the World Justice Project, research shows that rule of law correlates to higher economic growth, greater peace, less inequality, improved health outcomes, and more education.

Ideally, the rule of law ensures that no entity — including the government itself, prominent business and political leaders — is above the law. Everyone should be treated equally under the law and held accountable to the same laws. All laws should be enforced fairly, by an independent judiciary. Basic human rights should be protected.

No country, including the United States, is perfect when it comes to the rule of law. As illustrated in this short series, the ideal of forming a “more perfect union” is still very much a work in progress. Repeatedly, in our nation’s history, ordinary citizens have challenged authority to seek to correct an injustice.

With a quick scan of any newspaper, one can find examples of inequality under the law. But, examples of ordinary citizens speaking out and openly protesting to protect and defend the rights of others can also be found in those same pages.

From student-led protests seeking changes in gun laws following mass shootings to marchers proclaiming a need for police reforms following the deaths of George Floyd, Breonna Taylor and others, people across the United States have demonstrated the need to continue to advance the rule of law.

In her poem, “The Hill We Climb,” read at President Biden’s inauguration, Amanda Gorman stated, “Somehow we’ve weathered and witnessed, a nation that isn’t broken, but simply unfinished.”

As Ms. Gorman finished her poem with these words of hope — The new dawn blooms as we free it, For there is always light, if only we’re brave enough to see it If only we’re brave enough to be it — let us remember that it is up to each of us to be brave enough to protect and defend the rule of law, not just for ourselves but for everyone, now and for the future.

**Newspaper Activities: Look for current examples of inequality under the law. What, if anything, is being done to remedy this injustice?**

**Look for news reports of individuals or groups of people standing up for what they believe is fair. Select one, do you agree or disagree with them and why?**

---

This is one of 8 features created to educate and celebrate Law Day, May 1, 2021. Sponsored by the New York Bar Foundation and created by the New York Newspapers Foundation’s News Media Literacy/ Newspaper In Education Program. Copyright 2021. All rights reserved.



LAW ★ DAY 2021  
ADVANCING THE  
RULE OF LAW NOW