**RULE OF LAW and the DECLARATION OF INDEPENDENCE**

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| **Class:** **United States History** |
| **Unit:** **American Revolution** |
| **Lesson Title or Topic/Essential Question:**  Declaration of Independence and the Rule of Law  How do the grievances in the Declaration of Independence reflect a belief in the rule of law?  How did the Declaration of Independence establish the foundation of American government? |
| **Estimated Classroom Time Required for the Lesson:** **40-50 minutes** |
| **Content** [**Standard**](https://sde.idaho.gov/academic/shared/social-studies/ICS-Social-Studies.pdf) **Alignment:**  This lesson would work in a 5th grade or secondary US History class. Students will be able to define the concept of rule of law. Students will analyze the Declaration of Independence.  RH 9-10.1 Analyze a primary source. (Common Sense, Declaration of Independence, Franklin’s Join or Die cartoon)  5.SS.4.1.2 Identify and explain the important concepts in the Declaration of Independence.  5.SS.4.4.3 Discuss the concepts of popular sovereignty, majority rule with minority rights, respect for the individual, equality of opportunity, rule of law, and personal liberty.  6-12.USH1.4.1.1 Trace the development of our constitutional republic through founding documents, colonial assemblies, and colonial rebellions.  6-12.USH1.4.1.2 Identify fundamental values and principles as expressed in basic documents, including the Declaration of Independence, Articles of Confederation, and the United States Constitution. |
| **Lesson Objectives/Instructional Outcomes:**  Students will define rule of law.  Students will identify and discuss grievances in the Declaration of Independence.  Students will discuss fairness and the rule of law. |
| **Lesson’s Relationship to Unit Structure:**  Recognize and identify:  Declaration of Independence  Thomas Jefferson  King George  Rule of Law  Enduring understandings:  The Declaration of Independence is a primary source, founding document, principled treatise, fundamental text, and statement of values crafted by Thomas Jefferson, Benjamin Franklin, and John Adams.  Fairness and the rule of law are important concepts and values of the American government. Impartiality is key to the judicial system.  The Declaration of Independence built on Enlightenment principles and laid the foundation of the Constitution, which outlined the powers of the judicial branch.  Written laws and precedent are key to a fair legal system. |
| **Instructional Materials/Resources:**  [Frayer Model for Rule of Law](https://drive.google.com/file/d/1_vb1wYUWGR2Olea4ORbCw8OWefjBs41u/view?usp=sharing) (Second Page is optional for extension or higher grades)  [Declaration of Independence](https://www.archives.gov/founding-docs/declaration-transcript)  Declaration of Independence Questions and Text |
| **Methods and Instructional Strategies** |
| **Concept Prerequisites:**  Use [Rule of Law](https://www.britannica.com/topic/rule-of-law)reference,for K-6 discussion of fairness - who is “above the law?” Ask students to discuss who decides the laws or rules in their homes or in school?  Grades 7-12 students will create class definitions of the terms equality and arbitrary. Discuss school rules or processes students think are unfair. |
| **Anticipated Student Misconceptions:**  Students may thinkthe judicial system is arbitrary, that Judges “rule” instead of following the law or precedent - or that people in our government act as “kings,” as though they are above the law. |
| **Introduction/Anticipatory Set:**  Ask students to discuss an event (personal or public) where someone was “judged” or being treated unfairly.  Elicit responses as to why the colonists were upset and wanted independence from Great Britain (for example: taxes, soldiers in their towns and homes, the imposition of a government they did not have a say in, unfair courts). |
| **Instructional Activities:**  Students should be in groups of 3-4. The groups can be heterogeneous or homogenous based on literacy level.  Each group should share their responses to the teacher’s warm-up questions and write their answers in  complete sentences, on the board.  Discuss/review a definition of the rule of law.  Pass out the Frayer Model worksheet and ask students to discuss and write down their answers (10  minutes).  Share group answers and clear up any misconceptions (5 minutes).  Pass out the Declaration of Independence or have students access it online. Have students skim the text  and highlight the word law. The teacher should explain the grievances or have students write them in  modern language, using complete sentences (20-25 minutes). |
| **Differentiation According to Student Needs:**  Use only the excerpted reading or, visuals instead of text for the definitions. Stay aware of and sensitive to students who lived in an authoritarian country. |
| **Wrap Up- Synthesis/Closure:**  Revisit the essential question you chose to guide the lesson. Ask students to create a group answer they will share with the class.  How do the grievances in the Declaration of Independence reflect a belief in the rule of law?  How did the Declaration of Independence establish the foundation of American government? |
| **Assessment (Formative and Summative):**  Formative  The discussion will help you gauge how much depth to go into regarding the background of the Declaration of Independence. The text and questions for the Declaration of Independence should be checked for completion and thoughtful answers.  Summative  Students’ writing should explain the concept of the rule of law and why the Declaration of Independence included grievances. Students could answer the wrap-up questions in a thoughtful paragraph. How do the grievances in the Declaration of Independence reflect a belief in the Rule of Law? How did the Declaration of Independence establish the foundation of American government? |
| **Extension and Evaluation of the Lesson** |
| Enrichment activities/homework/follow-up activities to reinforce and extend student learning may include a more thorough reading of the Declaration of Independence and a teacher-led discussion foreshadowing how the Founders tried to structure the government and create an independent judiciary.  The teacher might stimulate student engagement by discussing what societies look like without the rule of law. Consider using posters, group projects or speeches about the rule of law as alternate/additional expressions of student learning. |

**FRAYER MODEL**

definition

associated words/phrases

personal response

opposite or non-example

Rule of Law

Use your devices to find examples of the rule of law in practice- historic and current. (OPTIONAL FOR HIGHER GRADES)

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| Event | Relation to Rule of Law | Outcome |
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From <https://www.archives.gov/founding-docs/declaration-transcript>

**Warm up**

**What facts do you know about the Declaration of Independence?**

**Identify**

**King George III (He)**

**Thomas Jefferson (Writer)**

**Colonies**

1. **Discuss- Why is the Declaration of Independence important to the United States?**
2. **Scan the document and highlight or underline the phrases that stand out to you.**
3. **Highlight the word law(s) and other words you need to define (e.g. tyranny, usurpations, abolish).**

**Note**

**For teachers: grievances pertaining to the rule of law are highlighted.**

**For younger grades: See excerpts.**

**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 Brittish 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.

**EXCERPTS**

**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.

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

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:

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