



# UNDERSTANDING CIVICS THROUGH ROBERT H. JACKSON

Lesson Plan for Grades 4-12

**Lesson Plan:** Understanding Civics Through Robert H. Jackson

**Grade Levels:** 4-12

**Duration:** 45-60 minutes

**Overview:** Students will explore the importance of civic responsibility by learning about Robert H. Jackson's contributions to justice, democracy, and civil liberties. They will engage in interactive activities tailored to their grade level to analyze how government functions, the role of citizens in a democracy, and how legal principles impact daily life.

## Learning Goals

- Identify the role of government and key democratic principles.
- Explain the significance of civic engagement in a democracy.
- Analyze Robert H. Jackson's contributions to the legal system.
- Engage in activities that encourage critical thinking and real-world applications of civics.

## Learning Standards

- New York State
  - Civics, Citizenship, and Government:
    - Elementary Standards 5.1, 5.2, 5.3, 5.4
    - Intermediate Standards 5.1, 5.2, 5.3, 5.4
    - Commencement Standards 5.1, 5.2, 5.3, 5.4
- Pennsylvania
  - Principles and Documents of Government: 5.1.6, 5.1.9, 5.1.12
  - Rights and Responsibilities of Citizenship: 5.2.6, 5.2.9, 5.2.12
  - How Government Works: 5.3.6, 5.3.9, 5.3.12

## Materials Needed

- Copies of excerpts from Robert H. Jackson's Supreme Court opinions from *West Virginia v. Barnette* and *Youngstown v. Sawyer*
- Handouts on the three branches of government
- Case study scenarios for discussion

## Lesson Flow

### 1. Introduction (10 minutes)

- Begin with a question: *Why is it important to participate in democracy?*
- Briefly introduce Robert H. Jackson and his role in shaping constitutional law and civic understanding (see teacher resource).



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- Discuss key concepts such as the rule of law, separation of powers, and individual rights (see teacher resource).
- 2. Government Functions and Responsibilities (10 minutes)
  - Provide a brief overview of the three branches of government and checks and balances.
  - Use an age-appropriate, interactive activity to improve understanding:
    - Grades 4-6: Match government responsibilities to the correct branch.
    - Grades 7-12: Analyze a real-world issue and determine which branch of government is responsible for addressing it.
- 3. Case Study: Robert H. Jackson's Influence (15 minutes)
  - Divide students into groups to examine a case study scenario:
    - Give groups excerpts from Jackson's opinions to help guide their thinking of how to react to real world examples
    - There are five examples of case studies provided
    - Each group will discuss:
      - The constitutional issue at stake and how the case relates to modern civic issues
- 4. Civic Engagement Activity (5-7 minutes)
  - Grades 4-6: Brainstorm and illustrate ways they can participate in their community (e.g., volunteering, voting in classroom elections, writing to officials).
  - Grades 7-12: Draft a "Civic Action Plan" to address a local issue (e.g., how to advocate for policy changes, educate peers on voting rights, or propose community initiatives).
- 5. Conclusion and Reflection (3-5 minutes)
  - Recap the key takeaways about civic engagement and democratic participation.
  - Have students share one thing they learned and one way they plan to be active citizens.

### Assessment/Evaluation

- Participation in discussions and activities
- Group analysis of case studies
- Civic engagement brainstorming or action plans



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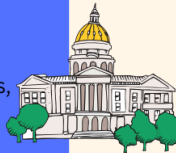
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## LEGISLATIVE BRANCH

Congress

### OVERVIEW

The Legislative Branch, or Congress, includes the House of Representatives and the Senate. In the House of Representatives, the number of representatives per state is determined by the population. In the Senate, each state gets two elected officials.



### POWERS



The Congress in charge of:

- Making laws
- Declaring war
- Overseeing public money

### CHECKS

The Congress keeps an eye on other branches by:

- Approving Presidential appointments
- Investigating governmental misconduct (they can impeach the President).



### DID YOU KNOW?



There are no term limits in Congress. In both the House of Representatives and the Senate, elected officials can serve for as many terms as they are elected to office.



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## EXECUTIVE BRANCH

Enforces the Law

### OVERVIEW

The Executive Branch consists of the President, the Vice President, the Cabinet, executive departments, committees, and other federal agencies.



### POWERS

The President is in charge of:

- Nominating heads of federal agencies
- Negotiating with other countries

### CHECKS

The President keeps an eye on other branches by:

- Signing and/or Vetoing Laws
- Appointing Federal Judges
- Proposing policies



### DID YOU KNOW?



Unlike Presidents, Vice Presidents do not have term limits. They could serve as Vice President for as many terms as they are elected and for as many different Presidents as they want!



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## JUDICIAL BRANCH

“the least dangerous branch”

- Alexander Hamlton, Federalist #78

### OVERVIEW

The Judicial Branch is responsible for interpreting laws, applying them to cases, and determining if any violate the Constitution. The highest court in the U.S. is the Supreme Court.



### POWERS



The Judicial Branch in charge of:

- Examining laws

### CHECKS

The Judicial Branch keeps an eye on other branches by:

- Overturning laws they deem unconstitutional



### DID YOU KNOW?

There is nothing in the Constitution that says we should have nine Supreme Court Justices. In fact, the most we have had was ten and the lowest was five. The Judiciary Act of 1869 set the number at nine. An odd number prevents ties.





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### **West Virginia State Board of Education v. Barnette (1943)**

#### **Excerpt: Majority Opinion, Justice Robert H. Jackson**

To sustain the compulsory flag salute we are required to say that a Bill of Rights which guards the individual's right to speak his own mind, left it open to public authorities to compel him to utter what is not in his mind. . . .

The question which underlies the flag salute controversy is whether such a ceremony so touching matters of opinion and political attitude may be imposed upon the individual by official authority under powers committed to any political organization under our Constitution. . . .

To enforce those rights today is not to choose weak government over strong government. It is only to adhere as a means of strength to individual freedom of mind in preference to officially disciplined uniformity for which history indicates a disappointing and disastrous end. . . .

The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections. . . . We set up government by consent of the governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent. Authority here is to be controlled by public opinion, not public opinion by authority. . . .

We can have intellectual individualism and the rich cultural diversities that we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes. When they are so harmless to others or to the State as those we deal with here, the price is not too great. But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

We think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control.



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Youngstown Sheet & Tube Co. v. Sawyer (Steel Seizure Case) (1952)

Excerpt: Concurrence, Justice Robert H. Jackson

Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress. . . .

1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate. In these circumstances, and in these only, may he be said (for what it may be worth), to personify the federal sovereignty. If his act is held unconstitutional under these circumstances, it usually means that the Federal Government as an undivided whole lacks power. A seizure executed by the President pursuant to an Act of Congress would be supported by the strongest of presumptions and the widest latitude of judicial interpretation, and the burden of persuasion would rest heavily upon any who might attack it.

2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law.

3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive Presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system.

Into which of these classifications does this executive seizure of the steel industry fit? It is eliminated from the first by admission, for it is conceded that no congressional authorization exists for this seizure. That takes away also the support of the many precedents and declarations which were made in relation, and must be confined, to this category.

Can it then be defended under flexible tests available to the second category? It seems clearly eliminated from that class, because Congress has not left seizure of private property an open field, but has covered it by three statutory policies inconsistent with this seizure. In cases where the purpose is to supply needs of the Government itself, two courses are provided: one, seizure of a plant which fails to comply with obligatory orders placed by the Government; another, condemnation of facilities, including temporary use under the power of eminent domain. The third is





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applicable where it is the general economy of the country that is to be protected, rather than exclusive governmental interests. None of these were invoked. In choosing a different and inconsistent way of his own, the President cannot claim that it is necessitated or invited by failure of Congress to legislate upon the occasions, grounds and methods for seizure of industrial properties.

This leaves the current seizure to be justified only by the severe tests under the third grouping, where it can be supported only by any remainder of executive power after subtraction of such powers as Congress may have over the subject. In short, we can sustain the President only by holding that seizure of such strike-bound industries is within his domain and beyond control by Congress. Thus, this Court's first review of such seizures occurs under circumstances which leave presidential power most vulnerable to attack and in the least favorable of possible constitutional postures.





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## Case Study Scenarios for Discussion

Each scenario presents a real-world situation inspired by Robert H. Jackson's legal principles. Students will analyze each case and discuss its implications.

### Case Study 1: Freedom of Expression (Grades 4-12)

A middle school student refuses to stand for the Pledge of Allegiance during the morning announcements, citing personal beliefs. The school principal argues that all students must stand to show respect. The student's parents take the issue to court, claiming that forcing their child to stand violates their First Amendment rights.

#### Discussion Questions:

- Should students be required to stand for the Pledge? Why or why not?
- How does this scenario help us understand the role of individual rights in a democracy?
- What responsibilities do we have as citizens when our beliefs conflict with traditions or laws?

### Case Study 2: Presidential Power (Grades 7-12)

Imagine the President issues an executive order to take control of all amusement parks in the country, claiming that there's a big security threat that could affect safety. The President decides to do this without asking Congress for approval, which many people think isn't the right way to make such big decisions. Some amusement park owners decide to challenge the order in court, arguing that the President didn't follow the rules and that this could set a dangerous precedent for how the government works.

#### Discussion Questions:

- Does the President have the power to seize private companies without Congress?
- Should the President be able to make decisions on their own, or should they have to ask Congress for approval? Why or why not?
- How can citizens make sure the government doesn't have too much power over things that affect them, like their favorite places or activities?

### Case Study 3: Equal Protection and the Law (Grades 4-12)

A new rule is made in your school that says kids who come from different countries have to pay extra money to join the school sports teams, while other students don't have to pay as much. Some students feel that this rule is unfair because it treats students differently based on where they are from. These students decide to speak up and ask if the rule is fair and if they can do something to change it.



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## Discussion Questions:

- Do you think it's fair to treat kids differently based on where they are from? Why or why not?
- How can we make sure all students are treated the same, no matter where they come from?
- What can you do as a student if you think a rule isn't fair?

## Case Study 4: Freedom of the Press (Grades 7-12)

A student-run newspaper at your school uncovers information that the principal has been spending school funds in ways that many students think are unfair, like buying expensive things for the principal's office instead of using the money for new books or school activities. The principal tells the newspaper staff that they cannot publish the story because it might make the school look bad. The newspaper team argues that they have the right to share the truth and let other students know what's going on.

## Discussion Questions:

- Should the school be able to stop the student newspaper from printing certain stories? Why or why not?
- Why is it important for students to have the freedom to share information, even if it might be uncomfortable or cause problems?
- How can students and teachers make sure that the truth is shared openly in school?

## Case Study 5: Students and the Fourth Amendment (Grades 4-12)

A school principal receives an anonymous tip that a student may have illegal items in their backpack. Without asking for permission, the principal searches the student's bag and finds a prohibited item. The student argues that their Fourth Amendment rights against unreasonable searches were violated, and that students should have the same privacy rights as adults.

## Discussion Questions:

- Should schools be allowed to search students' belongings without their permission? Why or why not?
- What are the limits of school authority when it comes to protecting student privacy?
- How can students take action if they believe their rights are being violated at school?



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Teacher Resource: Robert H. Jackson and Civics Education

## Who Was Robert H. Jackson?

Robert H. Jackson (1892-1954) was a U.S. Supreme Court Justice, Attorney General, Solicitor General, and the Chief U.S. Prosecutor at the Nuremberg Trials. His legacy is deeply connected to constitutional law, civil liberties, and the role of government in a democracy.

## Key Contributions to Constitutional Law & Civic Understanding

- **Defender of Individual Rights:** In *West Virginia v. Barnette* (1943), Jackson wrote the majority opinion striking down a law that required students to salute the flag, emphasizing that the government cannot force citizens to express beliefs against their will.
- **Champion of Separation of Powers:** In *Youngstown v. Sawyer* (1952), Jackson's concurring opinion laid out a framework for evaluating presidential power, emphasizing the importance of checks and balances in the U.S. government. His tripartite analysis of executive authority is still widely cited in legal and political discussions today.
- **Pursuit of Justice in International Law:** As Chief Prosecutor at the Nuremberg Trials (1945-1946), Jackson played a key role in establishing legal precedents for prosecuting war crimes. His work at Nuremberg reinforced the principle that leaders could be held accountable for crimes against humanity and solidified the role of international law in protecting human rights.

## Why Teach Robert H. Jackson in Civics Education?

- **Real-World Applications:** Jackson's cases address issues still relevant today, including freedom of speech, executive power, and government accountability.
- **Critical Thinking Development:** Analyzing his judicial opinions helps students understand how constitutional principles shape law and policy.
- **Civic Engagement Inspiration:** His commitment to justice encourages students to become informed and active citizens in their communities.



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**Teacher Resource:** Key Civics Concepts – Rule of Law, Separation of Powers, and Individual Rights

**The Rule of Law:** The principle that laws apply equally to all individuals, including government officials, and that no one is above the law.

- Why It Matters:
  - Ensures fairness and accountability in governance.
  - Prevents arbitrary decisions by government leaders.
  - Forms the foundation of a stable and just society.
- Example: Robert H. Jackson’s work at the Nuremberg Trials demonstrated the rule of law on an international level by holding Nazi leaders accountable for war crimes.
- Discussion Questions:
  - Why is the rule of law important in a democracy?
  - How does the rule of law prevent government abuses of power?
  - Can you think of a historical or modern example where the rule of law was challenged?

**Separation of Powers:** The division of government responsibilities into three branches—legislative, executive, and judicial—to prevent any one branch from becoming too powerful.

- Why It Matters:
  - Ensures checks and balances among government branches.
  - Protects against tyranny by distributing authority.
  - Encourages cooperation and accountability in governance.
- Example: In *Youngstown Sheet & Tube Co. v. Sawyer* (1952), Robert H. Jackson argued that President Truman’s seizure of steel mills exceeded executive authority, reinforcing limits on presidential power.
- Discussion Questions:
  - How does the separation of powers protect democracy?
  - What are some examples of checks and balances in action?
  - What happens when one branch of government oversteps its power?

**Individual Rights:** The freedoms and protections guaranteed to each person, often outlined in the Bill of Rights and other constitutional provisions.

- Why It Matters:
  - Safeguards personal freedoms such as speech, religion, and due process.
  - Limits government power over individuals.
  - Allows citizens to participate fully in a democratic society.



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- Example: In *West Virginia State Board of Education v. Barnette* (1943), Jackson's opinion protected students' First Amendment rights by ruling that they could not be forced to salute the flag or recite the Pledge of Allegiance.
- Discussion Questions:
  - Why are individual rights essential in a democracy?
  - Can you think of a time when individual rights conflicted with government interests?
  - How do courts help protect individual rights?