

Students' Persuasive Essays on the Basic Principles of the United States Constitution

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The Assignment - Position Papers on Constitutional Principles

(Note: all of the Appendices, links and assignment references are available on-line at www.teachweb.org, look for this paper in the left frame at the bottom of the frame.)

The study of the constitutional issues and principles raises important and interesting questions for students. "Is the death penalty cruel and unusual and violates the Eighth Amendment?" or "Does bilingual education violate or uphold the Equal Protection Clause of the Fourteenth Amendment?" The constitutional position paper assignment has students answer a directed essential question on a constitutional issue or principle, it gives the student a directed and interesting expression of his/her opinion and allows the student practice in thesis development and support. Teachers can use position papers to teach constitutional principles, practice essay writing, thesis support and to solicit student opinions.

The position paper assignment has two fundamental components, the Essential Question (EQ) and the habits of mind. The EQ is a directed question, without a correct answer, upon which the student can take a position. The process of taking position is more important than the student's actual opinion. The answer the student takes to the EQ becomes his/her paper's thesis. Please see Appendix A for two examples of assignments

Once the EQ is answered in a statement of a thesis, the student then supports the thesis with current event articles or historical documents. Because this is a persuasive essay, it is acceptable to use other people's opinion reported/cited from the article collection on the subject. Citation for thesis support is an important component of the assignment. So too is the student's answer to the constitutionally based EQ. In the process of answering the EQ, the student takes a position on a constitutional issue and gets practice in thesis and citation support.

The students are given an outline to follow in the assignment the grade is based, in part, on the students' ability to follow the outline. The assignment has a required 500-word minimum. It may be hand-written or typed in third person. To apply the habits of mind the students is required to state the opposing side to the student's position, make connections to related subjects (e.g. Death penalty in the states can be connected to federalism), the students must incorporate at least one citation from related articles or cases and connect their thesis to a principle of the U.S. Constitution (federalism, rule of law, separation of powers etc.) The outline is general enough for the student to have the room to express his/her opinion and still meet the requirements. Please see Appendix B for the assignment outline.

An important requirement of the assignment is the incorporation of related constitutional principles. A question of the constitutionality of the death penalty could bring forward many

constitutional issues. The student is not expected to write an in-depth analysis, but an identification of the issues backed -up by a citation is sufficient. A discussion of the difference in the states and federal application of the death penalty would connect to the principle of federalism. Citation of a court case could connect to the idea of judicial review. Application of the death penalty may lead to a discussion of equal protection. These principles may also be reflected in the thesis and supported by citations. Requiring the citation of at least one citation of a Supreme Court case teaching legal citation and using legal precedent as an argumentative tool.

An important aspect of every assignment in this class is the use of the "Habits of Mind". ([Coalition of Essential Schools](#)) Habits of mind teach the student effective thinking processes. They are habits because these techniques work, and should be used in every situation in which the student will express and substantiate his/her point of view. The students are expected to use the "habits" in every written and spoken assignment in-class. The Habits include such modes of thinking as:

- Restate the question in the answer
- Give evidence - Facts, quotes, numbers
- State connections to other topics
- State the significance of what you are saying
- "What if," predict
- State the opposing side.

The assignment is graded using a "YES Test." The YES test is a checklist of requirements and is the same for all position papers assigned in-class. The YES test gives the student clear expectations on assignment completion, does not change from position paper assignments, and gives the teacher an easy means of making comments on students papers which may be similar comments on all papers. Rather than rewriting the comment "Does not connect to a constitutional principle," the teacher may check the appropriate comment. A policy in this class is to give the students two days from the return date of the assignment to fix the mistakes indicated on the Yes test and have the assignment regraded. Please see Appendix C for the YES Test. The school uses a standardized grading format called the "Six-trait Grading Rubric." (Information of the Six-trait writing rubric is available from Northwest Regional Education Labs at: <http://www.nwrel.org/eval/writing/resources/resources4.html>)

Because of the current events nature of the assignment, the teacher can post many relevant articles that the student may choose to use as support of his/her thesis. In a position paper on "Ethnicity and Political Participation," the teacher posted articles on the Hispanic voter, on felons regaining the vote (13% of black males can not vote) and the text of the 15th Amendment. The students without the Internet are given a selection of the articles in which they may fully complete the assignment. Because most students access the related articles from home at their Internet connection, teacher copy making is significantly reduced. All of the position paper assignments for this class are available for the students on-line at the class web page.

Position paper assignments on constitutional issues give students practice in taking and defending ideas on the Constitution as well as good writing technique.

Appendix A -Position paper Examples

Death Penalty and 8th Amendment



Essential Question:

Is the death penalty "cruel and unusual," and in violation of the 8th Amendment?

Concepts to include:

- Eighth Amendment (required) (DP cruel and unusual?)
- Equal Protection of the Law - 14th Amendment
- Federalism (state differences in death penalty application. US Gov. application)
- Rule of law ("We are a government of laws and not of people.")
- justice

Article Links - Click below to get the article. Use these articles and cases to support your thesis.

- [Wrongly convicted take center stage at death penalty forum](#)
- [Death row exonerations inspire debate over death penalty](#)
- [Arizona and the Death Penalty](#)
- [Judges block rare federal execution](#)
- [Death penalty would devastate killer's two children, judge told](#)
- [Study questions death penalty as deterrent](#)
- [Ariz. death penalty review begins](#)
- [Judge grants McVeigh's request to speed up execution](#)

Landmark Case

[**FURMAN v. GEORGIA, 408 U.S. 238 \(1972\)**](#)

Interest Groups - Web sites

- [Death Penalty Information Center](#)
 - [Amnesty International](#)
 - [ACLU Death Penalty Page](#)
 - [Court TV and the Death Penalty](#)
 - [A list of death penalty related sites](#)
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Voting and Ethnicity - Position Paper

EQ: Does ethnicity play a role in voting and political participation?

Required concepts to include:

- republicanism
- Fourteenth Amendment - Equal Protection
- Fifteenth Amendment
- rule of law
- judicial review

Articles

- [GOP Calls Hispanics Key in Success](#)
- [Hispanics Voters Rush to Polls](#)
- [Five states consider easing ban on felons voting -](#)
<http://www.cnn.com/2000/US/02/12/felon.voting/index.html>
- [Profile of Hispanic Voters](#)
- [Who votes and why](#)
- [Happy birthday, new 18-year-olds; now vote](#)
- [Florida ponders ex cons voting status \(04-Mar-99\) -](#)
<http://www.cnn.com/US/9903/04/felons.voting/index.html>
The lawmakers cited statistics showing one in three black men cant vote in their state because they have been convicted of crimes. Florida is one of 14 states that makes it difficult for felons to vote.
- [Latinos gaining clout in voting \(21-Aug-00\) -](#)
<http://www.cnn.com/2000/LOCAL/pacific/08/21/azc.latinos.voting/index.html>
With a record 5 million Hispanics voting in the last presidential election and the numbers of Hispanics swelling, it's not hard to see why both major political parties want to lure their vote.
- [CNN.com - High court considers role of race in setting voting districts - November 14, 2000](#)
Just in time for the drawing of new election districts with 2000 census numbers, a pivotal voting-rights dispute is giving the Supreme Court a chance...
<http://www.cnn.com/2000/LAW/11/27/scotus.votingrights.sc.01.ap/index.html>
- [Court overturns voting district boundaries based on race](#)
June 14, 1996. Court overturns voting district boundaries based on race. WASHINGTON (AP) - The Supreme Court, continuing to make it difficult for...
<http://centralohio.thesource.net/Files3/9606147.html> (10717 Bytes) 23-Nov-00
- [News stories about racial gerrymandering: its illegal and unconstitutional](#)
News about racial gerrymandering. Its illegal, its been struck down by the Supreme Court in Shaw v. Reno and in Miller v. Johnson.
http://www.adversity.net/special/gerrymander_1.htm (47953 Bytes) 29-Jul-00

Landmark U.S. Supreme Court Rulings

- [SHAW v. RENO - 509 U.S. 630 \(1993\) -](#) <http://laws.findlaw.com/us/509/630.html>
The landmark racial gerrymandering case.
- [BUSH, GOVERNOR OF TEXAS, et al. v. VERA et al.](#)
<http://laws.findlaw.com/us/000/94-805.html>
Racial gerrymandering in Texas
- [Bush v. Gore, 531 U.S. _____ \(2000\) -](#) <http://laws.findlaw.com/us/000/00-949.htm>
2000 presidential election and the vote in Florida

Appendix B
Short Write Position Paper Assignment:

Requirements:

1. Follow the assignment outline
2. 500 word minimum
3. Take a clear position
4. Use third person
5. At least one cited quote which supports your position
6. Clearly use at least one clear use of a habit of mind.
7. State the significance of the EQ and your answer
8. Use the short write YES Test
- 9. Must incorporate at least one principle of the U.S. Constitution**

Outline

- I. State a clear position/thesis which is an answer to the EQ
 - II. Support your thesis with facts and quotes from the articles provided
 - III. State the other side, in opposition to your position.
 - IV. Connect to a principle of the Constitution
 - V. Clearly state the significance and restate your thesis as a conclusion
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Appendix C
Position Paper YES Test

Your Name:

Your Class:

Paper title :

Yes" or "No"?

_____ YES test attached in proper location.

_____ Takes a clear position in thesis

_____ Thesis answers the essential question

_____ Thesis supported / paragraphs follow thesis

_____ Clearly uses "habits of mind."

_____ States the significance of the issue

_____ Makes connections

_____ Assigned length (500 word minimum)

_____ Follows assignment outline?

_____ At least one quote and or opinion incorporated in essay as evidence?

_____ Thesis restated in conclusion?

_____ Problem or issue addressed, analyzed, evaluated or solved?

_____ **Incorporates constitutional and/or economic principles**

NHS Six-Trait Writing total score : (1 to 5) = _____ / 20 X 4 = _____ / 80

Six-Trait Analytic Writing Assessment

_____ Ideas _____ Fluency _____ Organization _____ Conventions