

## Grades 11–12 Playlist: Constitutional Principles and Legal Reasoning in Seminal U.S. Texts

*Aligns with CCSS.ELA-LITERACY.RI.11-12.8:*

- Delineate and evaluate the reasoning in seminal U.S. texts, including the application of constitutional principles and use of legal reasoning (e.g., in U.S. Supreme Court majority opinions and dissents) and the premises, purposes, and arguments in works of public advocacy (e.g., *The Federalist*, presidential addresses).

### Welcome

Readers should not only be able to list the parts of an argument in important texts from U.S. history, but they should also be able to judge how well the author forms the argument. These skills will help them make informed opinions about issues in U.S. government today and make connections between historical issues and today. This playlist includes an excerpt from the Supreme Court dissenting opinion in *Plessy v. Ferguson* and an excerpt from a speech by Frederick Douglass.

### Objectives

In this playlist, students will learn how to:

- explain the reasoning in a seminal U.S. text, such as the author's use of constitutional principles or syllogism.
- evaluate the reasoning in a seminal U.S. text.

### Review

#### Key Terms

- To **delineate** means to describe accurately in detail.
- To **evaluate** means to judge the validity, relevance, and sufficiency of evidence in an argument on a scale from best to worst.
- A **premise** is a proposition on which an argument is based. In a syllogism, the major premise is a statement of a law and the minor premise is a statement of fact about people or things.
- A **seminal U.S. text** is a primary source document of great historical significance to the democratic values of the United States. The Constitution and the Bill of Rights are two examples.
- A **constitutional principle** is an idea found in the U.S. Constitution, the Bill of Rights, and other amendments that form the basis of U.S. government and law.
- To use **legal reasoning** means to follow a logic **syllogism**. A syllogism combines a major premise with a minor premise to draw a conclusion.



**Watch!**

To review the differences between claims, reasons, and evidence, watch this video:

- <https://www.youtube.com/watch?v=69btpc8Ds0M>

**Exploring the Standard**

Most arguments in seminal U.S. texts are built upon principles from the Constitution (and its amendments) and legal reasoning in the form of a logic syllogism. When analyzing a seminal text, examine the basis of the author's argument and how the author has structured the text's argument.

**A Closer Look: Delineating the Reasoning Used in a U.S. Seminal Document**

Some of the most important constitutional principles include:

1. **Consent of the Governed:** The government's power comes from the people. This idea is also known as "popular sovereignty." It is described in the Preamble to the Constitution: "We the People of the United States ... do ordain and establish this Constitution for the United States of America."
2. **Separation of Powers:** The federal government is divided into three branches—executive, legislative, and judicial—with separate roles for each one. There is a system of checks and balances that allows each branch to control the power of the other two. This is described in Articles I through III of the Constitution.
3. **Federalism:** There is a national government and state governments. This is described generally in Article IV of the Constitution.
4. **Republican Government:** The people elect their leaders, who represent their interests in government by creating and enforcing policies. This is described in Article IV, Section 4, of the Constitution.
5. **Rule of Law:** Government is based on laws, not the sentiments of man. The Constitution is the "supreme law of the land." This is described in Article VI of the Constitution.
6. **Individual Rights:** The people have certain immunities against tyranny. These rights are described in the Bill of Rights, or the first ten amendments to the Constitution.

Keep these constitutional principles in mind while analyzing the primary source text in Example 1.

**Read!**

Explore this version of the Constitution with links to the amendments that have modified it:

- <http://constitutioncenter.org/constitution/the-articles>



## Teaching Notes: Constitutional Principles and Legal Reasoning in Seminal U.S. Texts

The goal of RI.11-12.8 is for students to be able to **delineate and evaluate** the reasoning in seminal U.S. texts. This playlist focuses on the application of **constitutional principles** and use of **legal reasoning** in an excerpt from a dissenting opinion in the Supreme Court case *Plessy v. Ferguson* and a speech by Frederick Douglass.

The standard builds upon students' work in the first two years of high school. RI.9-10.9 specifies some seminal U.S. texts of historical and literary significance, such as Washington's "Farewell Address," the "Gettysburg Address," and Roosevelt's "Four Freedoms" speech.

This standard specifies the type of texts to examine, as does RI.11-12.9 (seventeenth-, eighteenth-, and nineteenth-century foundational U.S. documents of historical and literary significance), and suggests some texts: U.S. Supreme Court majority opinions and dissents.

This standard is similar to RI.11-12.5 in that it involves evaluating the effectiveness of the structure authors use in their argument, although it specifically applies to seminal U.S. texts. Connect "the structure an author uses in his or her exposition or argument" to the two forms discussed in this playlist: the application of constitutional principles and the use of legal reasoning (syllogism). The essential question students should answer for any of these texts is this: How well did the author arrive at his or her conclusion?

If possible, coordinate with the social studies department to see whether students have already studied *Plessy v. Ferguson* and Frederick Douglass. Students will be more engaged in this playlist's excerpts if they have been exposed to these topics, have some background on their historical context, and understand their importance in U.S. history.

### Constitutional Principles Activity

For additional information on constitutional principles, this website from Cornell University Law School provides in-depth explanations of the U.S. Constitution and its amendments:

- <https://www.law.cornell.edu/constitution>

The Library of Congress has a primary source set with Teacher's Guide dedicated to the Constitution:

- <http://www.loc.gov/teachers/classroommaterials/primarysourcesets/constitution/>

### Use of Legal Reasoning Activity

Some students may benefit from seeing a syllogism visually as a "categorization" of objects:

- [https://web.cn.edu/kwheeler/images/syllogism\\_chart.jpg](https://web.cn.edu/kwheeler/images/syllogism_chart.jpg)

A full lesson plan for analyzing "What to the Slave Is the Fourth of July?" can be found here:

- <http://americainclass.org/what-to-the-slave-is-the-fourth-of-july/#teachers-note>

