

LESSON PLAN

Higher Law: US Constitution or International Law?

FOUNDATION: *UNIT V. International Human Rights in the Domestic US Context*

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LENGTH

2 days

NEBRASKA SOCIAL STUDIES STANDARDS

Star: 12.1.13, 12.3.9, 12.4.6
General: 12.1.11

McREL NATIONAL STANDARDS

Civics: 1.3, 1.5, 2.1, 16.2, 18.2

OBJECTIVE

Students will analyze the importance of determining whether the US Constitution or international law should be the higher law.

TERMS

US Constitution
International Law
Supreme Law of the Land
("Supremacy Clause":
Article VI, paragraph 2)
Higher Law
Hague Convention 1907
Geneva Convention
International Law

MATERIALS

- Article VI of US Constitution (attached)
 - Websites:
 - US Constitution
<http://www.archives.gov/exhibits/charters/constitution.html>
 - Universal Declaration of Human Rights
<http://www.unl.edu/HumanR/teach/00/0000/media/UniversalDeclarationHumanRights.pdf>
<http://www.un.org/Overview/rights.html>
 - Law of Armed Conflict (pdf file)
[http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5P8EX4/\\$File/LAW1_final.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5P8EX4/$File/LAW1_final.pdf)
 - Law of Armed Conflict document
<http://www.unl.edu/HumanR/teach/00/0000/media/LawArmedConflict.pdf>
 - International Law and the Use of Force
<http://www.darkcoding.net/strategy/international-law-and-the-use-of-force/>
 - ICCPR (International Covenant on Civil and Political Rights)
<http://www1.umn.edu/humanrts/instree/b3ccpr.htm>
 - ICESCR (International Covenant on Economic, Social and Cultural Rights)
<http://www2.ohchr.org/english/law/cescr.htm>
 - CEDAW (Convention on Elimination of All Forms of Discrimination Against Women)
<http://www.un.org/womenwatch/daw/cedaw/>
 - CRC (Convention on the Rights of the Child)
<http://www2.ohchr.org/english/law/crc.htm>
 - Convention Against Torture
<http://www2.ohchr.org/english/law/cat.htm>
 - CERD (International Convention on Elimination of All Forms of Racial Discrimination)
<http://www2.ohchr.org/english/law/cerd.htm>
 - Genocide Convention
<http://www2.ohchr.org/english/law/genocide.htm>
<http://www.religioustolerance.org/genocide6.htm>
- Additional Source:*
Hague and Geneva Law (Unit IV)
http://avalon.law.yale.edu/subject_menus/lawwar.asp

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Day One:

- I. Students will discuss the concept of “higher law” and the statement found in Article VI Paragraph 2 of United States Constitution. Instructor should lead the students through the US arguments against Convention of the Rights of the Child Treaty and discuss with the class how the “higher law” argument applies.

Day Two:

- II. Divide class into four groups. Hand out one document of international law and/or treaty to each group (see sample websites above). Each group is to determine areas of conflict with the US Constitution or US laws.
- III. Groups will present findings. Class will debate whether the United States should follow the Constitution or accept the terms of international law and/or treaties.

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United States Constitution Article VI:

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

("Supremacy Clause")

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.