

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	NEBRASKA SOCIAL STUDIES STANDARDS	McREL NATIONAL STANDARDS
2 days	Star: 12.1.13, 12.3.9, 12.4.6 General: 12.1.11	Civics: 1.3, 1.5, 2.1, 16.2, 18.2

OBJECTIVE	TERMS
Students will analyze the importance of determining whether the US Constitution or international law should be the higher law.	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
<ul style="list-style-type: none">• Article VI of US Constitution (attached)• Websites:<ul style="list-style-type: none">US Constitution http://www.archives.gov/exhibits/charters/constitution.htmlUniversal Declaration of Human Rights http://www.unl.edu/HumanR/teach/00/0000/media/UniversalDeclarationHumanRights.pdf http://www.un.org/Overview/rights.htmlLaw of Armed Conflict (pdf file) http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5P8EX4/\$File/LAW1_final.pdfLaw of Armed Conflict document http://www.unl.edu/HumanR/teach/00/0000/media/LawArmedConflict.pdfInternational 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.htmICESCR (International Covenant on Economic, Social and Cultural Rights) http://www2.ohchr.org/english/law/cescr.htmCEDAW (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.htmConvention Against Torture http://www2.ohchr.org/english/law/cat.htmCERD (International Convention on Elimination of All Forms of Racial Discrimination) http://www2.ohchr.org/english/law/cerd.htmGenocide Convention http://www2.ohchr.org/english/law/genocide.htm http://www.religioustolerance.org/genocide6.htm <p><i>Additional Source:</i> Hague and Geneva Law (Unit IV) http://avalon.law.yale.edu/subject_menus/lawwar.asp</p>

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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.