

## PART 1

# UNDERSTANDING THE NATURE OF AN ISSUE

**“An incarceration rate that is many times higher than that of comparable countries is a signal that something is very wrong.”**

### OBJECTIVE:

Students apply their close reading skills to understand a societal issue as a context for various perspectives, positions, and arguments.



## ACTIVITIES

### 1- INTRODUCING THE UNIT

The teacher presents an overview of the unit and its societal issue.

### 2- EXPLORING THE ISSUE

Students read and analyze a background text to develop an initial understanding of the issue.

### 3- DEEPENING UNDERSTANDING OF THE ISSUE

Students read and analyze a second background text to expand and deepen their understanding of the issue.

### 4- QUESTIONING TO REFINE UNDERSTANDING

Students develop text-dependent questions and use them to refine their analysis.

### 5- WRITING AN EVIDENCE-BASED CLAIM ABOUT THE NATURE OF THE ISSUE

Students develop and write an evidence-based claim about the nature of the issue.

### MATERIALS:

Text Sets 1 and 2  
Guiding Questions Handout  
Forming EBC Tool  
TCD Checklist  
EBA Terms



## ALIGNMENT TO CCSS

### TARGETED STANDARDS:

**RI.11-12.1:** Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain.

**RI.11-12.2:** Determine two or more central ideas of a text and analyze their development over the course of the text, including how they interact and build on one another to provide a complex analysis; provide an objective summary of the text. **RI.11-12.3:** Analyze a complex set of ideas or sequence of events and explain how specific individuals, ideas, or events interact and develop over the course of the text.

**W.11-12.2:** Write informative/explanatory texts to examine and convey complex ideas, concepts, and information clearly and accurately through the effective selection, organization, and analysis of content.

### SUPPORTING STANDARDS:

**SL.11-12.1:** Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11–12 topics, texts, and issues, building on others’ ideas and expressing their own clearly and persuasively.

**RI.11-12.4:** Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze how an author uses and refines the meaning of a key term or terms over the course of a text (e.g., how Madison defines faction in Federalist No. 10).



# ACTIVITY 1: INTRODUCING THE UNIT

The teacher presents an overview of the unit and its societal issue.

## INSTRUCTIONAL NOTES

### INTRODUCE ARGUMENTATION

Introduce the central purpose of the unit: to develop, practice, and apply the skills of argumentation in the context of a societal issue by:

- 1) Understanding the nature of a challenging *issue* for which there are various *perspectives* and *positions*.
- 2) Understanding and comparing *perspectives* and *arguments* on the issue.
- 3) Developing an evidence-based *position* on the issue.
- 4) Developing, sequencing and linking *claims* as *premises* in an evidence-based *argument* for one's position.
- 5) Supporting one's premises with logical *reasoning* and relevant *evidence*.
- 6) Developing an argumentative *essay* through a series of guided editorial processes.

Emphasize that in this unit, students will learn and think about a complex societal issue for which there are many explanations, perspectives, and opinions, not simply two sides of an argument. Let them know that they will read and research to better understand the issue and various perspectives on it *before* they form a position of their own and develop an argument in support of that position. Explain that the unit will culminate in a collaborative process for developing and strengthening an argumentative essay that each student will write on the unit's societal issue.

- Establish a clear definition of the term *issue* in general. An issue can be defined as *an important aspect of human society for which there are many differing opinions on an appropriate course of action*. Brainstorming a list of societal issues might be helpful.
- Using examples from various fields and topical areas, discuss the general question: *"How do strategic thinkers discuss and understand challenging issues or problems?"* Brainstorm a list of approaches and skills used by experts who regularly have to propose and support responses to issues or problems.

### PUNISHMENT

The topic area and texts focus on the United States' justice system and underlying questions regarding what makes a punishment necessary, effective, and ethical. Students will think critically about the value of punishment as retribution and deterrent, and will consider emerging theories such as restorative justice. They will look closely at the history of the United States' penal system and its current rates of incarceration, and will apply gained knowledge to questions surrounding its juvenile justice system.

### FORMULATE A PROBLEM-BASED QUESTION

As violent crime has increased in the United States, so has the system we have established to contain it. Is our current system of punishment effective? What makes a punishment effective? What makes it ethical?

If this question is selected, or a similar one developed, provide a little background to get students thinking; in this case, showing them statistics on incarceration rates in the United States from an article entitled "The High Budgetary Cost of Incarceration" may be enough of a start.

Below are some text-based questions with which you might begin conversation:

### TEXT-BASED QUESTION

How do incarceration rates between OECD countries compare? How does the incarceration rate in the US compare to that of other countries with high incarceration rates? What differences do you see between the changes in violent crime, property crime and total incarceration? How have Correctional expenditures changed in the last five years? Where have the biggest increases been?

Let students know that they will be returning to these questions often as they read texts related the United States' justice system. Emphasize that the answers to these questions are nuanced and complex, and clear answers may depend on students' ability to narrow the focus of the question. For example, students may choose to focus on one aspect of the justice system,



## ACTIVITY 1: INTRODUCING THE UNIT (CONT'D)

### INSTRUCTIONAL NOTES (CONT'D)

such as juvenile justice, or on one type of punishment, such as capital punishment.

#### KWL

Teachers might choose to use an activity to help students access their prior knowledge of the subject while also making sure to be careful of erroneous prior conceptions of the topic (KWL, class brainstorm, image brainstorm, free write, etc.).



## ACTIVITY 2: EXPLORING THE ISSUE

Students read and analyze a background text to develop an initial understanding of an issue.

### INSTRUCTIONAL NOTES

#### READING

- Students read the text independently, annotating and making notes on how it relates to the unit's problem-based question.
- The teacher introduces one or more text-based questions to drive a closer reading of the text. Students then follow along as the text is presented to them.
- In reading teams, students discuss the text-based questions and search for relevant details, highlighting and annotating them in their text (and might use a *Forming EBC* tool to record their thinking).

#### WRITING CLAIMS

- The teacher models the development and writing of an explanatory claim that addresses something the text has presented about the unit's issue. The claim is explanatory not argumentative at this point.

- Students individually develop explanatory claims about the text's presentation of the issue (a *Forming EBC* tool can be used).
- In reading teams, students compare claims and the evidence they have found to derive and support them.

Students write a short claim-based synopsis of the text and the information it presents about the nature of the issue or problem, citing specific details and evidence to support their explanatory claim. [NOTE: Emphasize that at this point in the process, student claims should focus on interpreting what the text says about the nature of the issue, not on the validity of the text's perspective or position and *not* on articulating the student's own, still-developing position. Those sorts of claims will come later.]



## ACTIVITY 2: EXPLORING THE ISSUE (CONT'D)

### INSTRUCTIONAL NOTES (CONT'D)

#### NOTE ON TEXT SETS

Instruction in this unit links to a sequence of *text sets*. Each text set provides multiple entry points into the issue, giving teachers and students flexibility with respect to the time and depth with which they wish to explore the topic.

Teachers may choose to use the text sets in a variety of ways:

- Select one of the three texts for all students to read, analyze, and discuss. Provide links to the other two so that students can do additional reading if desired.
- Have all students read, analyze, and discuss all three texts (or two of the three) in a more extended instructional time sequence.
- Place students in “expert groups” and have them read and analyze one of the three texts. Then have students “jigsaw” into cross-text discussion groups to share and compare what they have learned from the text each has read. [Note: students might be grouped by reading level and assigned texts based on their complexity/difficulty.]

#### TEXT SET #1: TEXTUAL NOTES

Text Set I includes three texts that can be used to provide initial background information about the recent history of incarceration in the United States within an international context.

#### TEXT 1.1: “CRIME AND PUNISHMENT IN AMERICA” - CHAPTERS 1 AND 2

**Author:** Elliott P. Currie, Professor of Criminology, Law, and Society, University of California, Berkeley;

**Source/Publisher:** The New York Times; **Date:** 1998

**Complexity Level:** Measures at 1280L, providing an accessible entry text to the unit.

**Text Notes:** The introductory chapters in this book provide an overview of the booming prison population in the United States, focusing first on statistics and then on the potential reasons for the high incarceration rate per capita.

**Sample Text-Dependent Questions** (to drive closer reading and discussion):

1. What major trends in U.S. incarceration are described in chapters 1 and 2?
2. What reasons does the author suggest are behind each trend?
3. Why might the United States’ incarceration be seen as a problem? What evidence does the text provide to support such a conclusion?
4. How does the evidence in text influence your understanding of the issue punishment and incarceration in the US? In what ways?



## ACTIVITY 2: EXPLORING THE ISSUE (CONT'D)

### TEXT SET #1: TEXTUAL NOTES

#### TEXT 1.2: "THE HIGH BUDGETARY COST OF INCARCERATION"

**Authors:** John Schmitt, Kris Warner, and Sarika Gupta; **Source/Publisher:** Center for Economic and Policy Research; a nonprofit, nonpartisan research center that seeks to promote democratic debate on important economic and social issues; **Date:** June 2010

**Complexity Level:** Though measuring 1490, this text presents statistics in a straightforward manner, with graphic depictions to clarify trends.

**Text Notes:** The report documents incarceration rates in the United States, including graphics that display the country's own historical incarceration rates as well as comparative statistics between countries. The article investigates the relationship between crime and incarceration rates in an attempt to locate a cause for the increase in prison populations. It provides an excellent mixture of both academic study and accompanying charts and tables for students to analyze.

**Sample Text-Dependent Questions** (to drive closer reading and discussion):

1. Carefully review the section on "Crime and Punishment." What is the relationship between incarceration and crime rates in the United States?
2. What explains the increase in incarceration rates in the United States in the 1990's?
3. How have the United States' correctional policies for nonviolent criminals evolved over the past thirty years?
4. What evidence does the text provide that influences your thinking about the cost of the United States' penal system?
5. How does the evidence in text influence your understanding of the issue punishment and incarceration in the US? In what ways?

#### TEXT 1.3: "THE PUNISHING DECADE: PRISON AND JAIL ESTIMATES AT THE MILLENNIUM"

**Author/Source/Publisher:** Justice Policy Institute, a Washington, D.C.-based think-tank committed to reducing society's reliance on incarceration; **Date:** May 2000

**Complexity Level:** The text level is at 1560L primarily because of figures and formal names; however, it is a highly accessible text at the 11<sup>th</sup> grade level. Like text 1.2, it brings in graphical representations help clarify trends.

**Text Notes:** This publication traces incarceration rates in the United States over the millennium, but comes from a source with a clear agenda. Students will read the text and compare statistics with texts 1.1 and 1.2 to determine the accuracy of historical trends.

**Sample Text-Dependent Questions** (to drive closer reading and discussion):

1. Graph 3 depicts a drop in incarceration in 1960-1970. Based on your knowledge of historical trends, what do you think might be the reason for this decline?
2. This piece mentions the disproportionate impact incarceration has on minorities. What evidence does the text present to support this claim?
3. This publication comes from a source with a clear agenda – to reduce incarceration rates in the United States. Do you detect any bias in the text? If so, what passages appear to be biased? If not, what evidence supports the publication's objectivity?
4. How does the evidence in text influence your understanding of the issue punishment and incarceration in the US? In what ways ?

# ACTIVITY 3: DEEPENING UNDERSTANDING OF THE ISSUE

Students read and analyze a second background text to expand and deepen their understanding of the issue.

## INSTRUCTIONAL NOTES

### READING

- Students read the text independently, annotating and making notes on how it relates to the unit’s problem-based question.
- The teacher introduces one or more text-based questions to drive a closer reading of the text. Students then follow along as the text is presented to them.
- In reading teams, students discuss the text-based questions and search for relevant details, highlighting and annotating them in their text (and might use a *Forming EBC* tool to record their thinking).

### WRITING CLAIMS

- The teacher models the development and writing of an explanatory claim that addresses something the

text has presented about the unit’s issue. The claim is explanatory not argumentative at this point.

- Students individually develop explanatory claims about the text’s presentation of the issue (a *Forming EBC* tool can be used).
- In reading teams, students compare claims and the evidence they have found to derive and support them.

Students write a short claim-based synopsis of the text and the information it presents about the nature of the issue or problem, citing specific details and evidence to support their explanatory claim. [NOTE: Emphasize that at this point in the process, student claims should focus on interpreting what the text says about the nature of the issue, not on the validity of the text’s perspective or position and *not* on articulating the student’s own, still-developing position. Those sorts of claims will come later.]

## TEXT SET #2: TEXTUAL NOTES

Text Set #2 includes three texts that can be used to provide additional background information about the philosophies underlying theories of punishment.

### TEXT 2.1: “CRIMINAL JUSTICE ETHICS”- CHAPTER 5: “THE PURPOSE OF CRIMINAL PUNISHMENT”

**Author:** Cyndi Banks; **Source/Publisher:** Sage Publications; **Date:** 2013

**Complexity Level:** At a 1330L, the text is challenging, but manageable for 11<sup>th</sup> graders.

**Text Notes:** Passages from this chapter (103-104; 106-113; 115-117; and 118-120) provide an overview of the various rationales for punishment that undergird policies and developing approaches to the United States’ criminal justice system. The text explores the question “why punish?” by reviewing theories of punishment including deterrence, retribution, rehabilitation, and restorative justice. These theories provide a framework through which students can understand the criminal justice system and begin to grapple with questions such as how “punishments fit the crime.”

**Sample Text-Dependent Questions** (to drive closer reading and discussion):

1. What are the main theories of punishment outlined in the text? Provide short descriptions of each (1-2 sentences).
2. How do these theories of punishment influence the United States’ justice system? To help answer the question, choose a recent crime and subsequent punishment with which you are familiar and discuss how one or more of the theories in the text influence this case.
3. Which theories of punishment do you find the most compelling? Explain why the theory you chose is both “effective” and ethical. (In order to do this, you will have to define what effective means to you.)
4. How does the evidence in text influence your understanding of the issue punishment and incarceration in the US? In what ways?

# ACTIVITY 3: DEEPENING UNDERSTANDING OF THE ISSUE (CONT'D)

## TEXT SET #2: TEXTUAL NOTES

### TEXT 2.2: "JURISDICTIONAL TECHNICAL ASSISTANCE PACKAGE FOR JUVENILE CORRECTIONS" - CHAPTER 3: "BALANCED AND RESTORATIVE JUSTICE: HISTORICAL PERSPECTIVE"

**Author:** Ann H. Crowe; **Source/Publisher:** Office of Juvenile Justice and Delinquency Prevention; **Date:** December 2000

**Complexity Level:** At 1230L, this text is an accessible text for 11<sup>th</sup> graders.

**Text Notes:** This text compares various models of justice that influence the United States' justice system, and discusses the ways in which the system is evolving. It provides a clear description, in particular, of restorative justice, which may be a relatively new concept for students when compared to retributive justice, deterrence, and/or rehabilitation.

**Sample Text-Dependent Questions** (to drive closer reading and discussion):

1. The text makes the claim that the "modern justice system...focuses on symbolic punishment by the State rather than accountability of offenders to their victims." What does this mean? What evidence is used to support the claim?
2. This text describes in detail the way to build a restorative justice program. After reading the limitations and examples, explain a new example (not in the text) in which it might be effective and one in which it might not be effective. (This will again involve students' definitions of the concept of "effective." Teachers might want to explore this word and what it means prior to engaging in this question.)
3. This chapter separates criminal and juvenile justice, and discusses the application of restorative justice with juveniles. Describe why or why not you feel that restorative justice is an appropriate approach for juveniles, citing examples from the text.
4. How does the evidence in text influence your understanding of the issue punishment and incarceration in the US? In what ways?

### TEXT 2.3: "HOW DEFENDANTS' MENTAL STATES AFFECT THEIR RESPONSIBILITY FOR A CRIME"

**Author/Source/Publisher:** Nolo – Law for All; a website that helps find answers to everyday questions related to the law; **Date:** NA

**Complexity Level:** This text measures at 1300L and presents information in a conversational tone, so should be accessible to most eleventh grade students.

**Text Notes:** The article introduces the concept of "mens rea" or criminal intent, a concept important in determining moral culpability for a criminal offense. It provides a basic foundation that will inform students' reading of additional texts and understanding of how and which punishments should be matched with which crimes.

**Sample Text-Dependent Questions** (to drive closer reading and discussion):

1. Why is "intent" important in determining a person's responsibility for a crime? How might the type of punishment change depending on a person's state of mind?
2. Why does the United States have laws that do not require mens rea?
3. Give an example of a crime in which intent makes a difference in the type of punishment you would recommend for the crime.
4. How does the evidence in text influence your understanding of the issue punishment and incarceration in the US? In what ways?

# ACTIVITY 4: QUESTIONING TO REFINE UNDERSTANDING

Students develop text-dependent questions and use them to find additional evidence and further refine their claims.

## INSTRUCTIONAL NOTES

### QUESTIONING TEXTS

Students now apply skills they have developed in a *Reading Closely for Textual Details* unit to frame their own, more focused questions about the issue and texts. They use these questions to drive a deeper reading of the previous texts, or of additional texts providing background and perspectives on the topic.

- Starting from the unit’s problem-based question, students work in reading teams to develop a set of more focused, text-based questions to drive further inquiry into the issue. (Students can use the *Reading Closely for Details: Guiding Questions* handout to help them develop their questions.)
- Individually, students use these new questions to re-read one of the two background texts, find additional details, and further refine their explanatory claim.
- *If additional background information is necessary or desired*, students then use their question sets to drive close reading and analysis of one or more additional texts. (Note: Suggested texts are listed in the Instructional Notes or may be identified by the teacher or found by the students. Students might work in teams to become “experts” and develop explanatory claims about one or more of these additional texts, then “jigsaw” into new groups and share what they have learned. In this way, all students can become familiar with a wider range of background texts.)
- Students write or revise one or more explanatory claim(s) based on additional evidence they have found through further or deeper reading.

## TEXTUAL NOTES

### ADDITIONAL BACKGROUND TEXTS

To expand their understanding of the topic, students might be assigned any of the texts from Text Sets #1 and #2 that have not been read by the class. They might also access other sources found by the teacher (or by students themselves) or the additional source texts listed in the unit plan.

The four additional texts listed provide supplemental, and different information about the United States’ criminal justice system, and can be used to expand students’ understanding and/or as independent reading/research assignments.

- **Cognitive Neuroscience and the Future of Punishment, Introduction**  
This piece from the Brookings Institution explores the implications of cognitive neuroscience on retributive justice. How does an individual’s mental state impact his or her culpability for a crime?
- **Reasons for Supporting and Opposing Capital Punishment in the USA: A Preliminary Study**  
An article from the Internet Journal of Criminology that explores arguments for and against the death penalty. The paper conducts a multivariate analysis, which shows that emotional retribution, emotional opposition, morality, and law and order are the statistically significant reasons why individuals support or oppose the death penalty as punishment.
- **Prison Population Around the Globe**  
A graphic depiction of the prison population around the globe.
- **A Brief History of Juvenile Justice in America**  
This article provides a history of juvenile crime policy in the United States during the twentieth century, tracking changes from times when juveniles were punished as adults through more progressive policies, noting major legislation along the way.

# ACTIVITY 5: WRITING AN EBC ABOUT THE NATURE OF THE ISSUE

Students develop and write an evidence-based claim about the nature of the issue.

## INSTRUCTIONAL NOTES

In the culminating activity for Part 1, students now develop a synthesis claim about the nature of the issue that they will expand and revise when drafting their final argument. Before they can take a position and make their case for a response, they must be able to use evidence to explain their understanding of the issue or problem.

- The teacher models the development of an evidence-based claim that synthesizes information from multiple sources and presents the writer's understanding the unit's issue.
- In reading teams, students go back to the background texts to find additional evidence/details that support this synthesis claim. (An *Organizing EBC* tool can be used).
- In reading teams, students review the explanatory claims they wrote about each text.
- In reading teams, students brainstorm alternative ways of viewing or understanding the problem, based on evidence from the background texts.
- Individually, students develop a multi-part claim that synthesizes how they have come (so far) to view and understand the nature of the issue and its components. (An *Organizing EBC* tool can be used).
- In reading teams, students compare their synthesis claims and the evidence that supports them.
- If teachers and students are familiar with the *Evidence-Based Claims Criteria Checklist* and the *Text-Centered Discussion Checklist* from work in previous units, students can use them as criteria for evaluating their claims and reflecting on their discussions and participation in their reading teams.
- As a class, return to the unit's problem-based question to consider revising it based on the emerging understanding of the issue.

## ASSESSMENT OPPORTUNITIES

As a formative assessment, and a building block for their final argument, in Activity 5, students draft a written, multi-part claim that:

1. Synthesizes what they have learned about the nature of the unit's issue.
2. Presents their current way of understanding the issue and its components.
3. Cites evidence from multiple sources that explains and substantiates their perspective.
4. Represents their best thinking and clearest writing.

Teachers can use an *EBC Criteria Checklist* to evaluate student writing as well as each student's initial comprehension of the background texts and understanding of the issue.