



## Eighth Amendment: Lesson Plan

Topic	
<p>The Eighth Amendment protects citizens from excessive bail and fines as well as cruel or unusual punishments. It consists of three clauses: the Excessive Bail Clause, Excessive Fines Clause, and Cruel and Unusual Punishments Clause. The bail amount, fines, and punishment should all be proportional to the crime and reflect the defendant’s history.</p>	
Possible subjects/classes	Time needed
<ul style="list-style-type: none"> <li>● US History</li> <li>● Government</li> <li>● Politics</li> </ul>	35-45 minutes
Video link:	
<a href="https://academy4sc.org/video/eighth-amendment-not-unusual-or-cruel/">https://academy4sc.org/video/eighth-amendment-not-unusual-or-cruel/</a>	
Objective: <i>What will students know/be able to do at the end of class?</i>	
<p>Students will be able to...</p> <ul style="list-style-type: none"> <li>● Identify the three protections within the Eighth Amendment.</li> <li>● Explain the importance of these three protections.</li> <li>● Apply the Eighth Amendment to modern societal issues.</li> <li>● Explain at least one relevant court case (past or current) that involved the Eighth Amendment.</li> </ul>	
Key Concepts & Vocabulary	
Capital Punishment, Defendant	
Materials Needed	
Worksheet, Student Internet Access (Case Analysis Activity)	
Before you watch	
<p><b>Poll the class:</b> Ask the class to name some possible punishments or negative impacts of committing a crime. Keep a list of student answers on the board or</p>	



screen (somewhere everyone in the class can see). Then ask the class who decides these punishments and how.

#### While you watch

1. What are the three clauses in the Eighth Amendment?
2. What is one Supreme Court case involving the Eighth Amendment?
3. What is one modern issue that is surrounded by debate over possible Eighth Amendment violations?

#### After you watch/discussion questions

1. How have the interpretations of the clauses changed over time?
2. Do you agree or disagree with how the Court defined cruel and unusual punishment? Why? What, if anything, would you change or add?
3. Do you think solitary confinement constitutes cruel and unusual punishment? Why or why not?

#### Activity Ideas

- **Debate:** Split the class in half. Assign one half of the class to argue for the death penalty and the other to argue against the death penalty. Instruct both sides to work together to list the three strongest arguments for their side as well as three cross-examination questions for the other side.
- **Case Analysis:** Instruct students to read the case summary of *Roper v. Simmons*, which can be found at the following link: <https://jlc.org/cases/roper-v-simmons>. In small groups, ask the students to identify the question the Court was answering, the verdict, the reasoning, and any opposite opinions.
- **Worksheet:** In small groups, have students discuss and answer the questions. After everyone is finished, go over the answer key as a class. How close were their answers? What answers surprised the students?

#### Sources/places to learn more

1. "Constitutionality of the Death Penalty in America." *Death Penalty Information Center*, Death Penalty Information Center, 2020. <https://deathpenaltyinfo.org/facts-and-research/history-of-the-death-penalty/constitutionality-of-the-death-penalty-in-america>.
2. Sibilla, Nick, and Scott Bullock. "The Supreme Court Resuscitates the Eighth Amendment." *The Atlantic*, Atlantic Media Company, 27 Mar. 2019.



<https://www.theatlantic.com/ideas/archive/2019/03/unanimous-supreme-court-decision-policing-profit/584506/>.

3. Verrilli, Donald B. "The Eighth Amendment and the Right to Bail: Historical Perspectives." *Columbia Law Review*, vol. 82, no. 2, 1982, p. 328.

<https://www.jstor.org/stable/1122277>.