



## Lesson Plan: You Just Don't Fit Our Image

**Grade Level: 11**

**Context of the lesson:** This lesson designed for 11<sup>th</sup> grade is within a unit at the beginning of the year focusing on the foundations of the American political system, including the rights and liberties as outlined in the Declaration of Independence and guaranteed in the Constitution of the United States. This lesson specifically involves a mock trial covering the issue of religious freedom, or more specifically the Establishment and Free Exercise clauses of the First Amendment. This lesson will be taught after instruction on the foundations of the American political system, including the Bill of Rights and the Free Exercise Clause of the First Amendment.

**Standards Addressed in this lesson:**

### History/Social Science:

11.3 Students analyze the role religion played in the founding of America, its lasting moral, social, and political impacts, and issues regarding religious liberty.

11.3.5 Describe the principles of religious liberty found in the Establishment and Free Exercise clauses of the First Amendment, including the debate on the issue of separation of church and state.

### Common Core State Standards for ENGLISH LANGUAGE ARTS & Literacy in History/Social Studies, Science, and Technical Subjects

#### College and Career Readiness Anchor Standards for Writing Grades 6-12

#### Text Types and Purposes

1. Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.
2. Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization, and analysis of content.



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**Objective(s):** Students will

- Defend the employer's right to hire (or not hire) an employee based on religious attire.
- Write a news report summarizing the facts and decisions of a class mock trial.
- Create questions to ascertain whether *not* hiring a person based on religious exercise violates the free exercise clause of the First Amendment.
- Write an editorial to their congressperson either in favor or against protecting a person's right to wear religious attire without affecting their hiring.
- Analyze whether or not wearing a hijab is protected under the Freedom of Expression clause of the First Amendment.



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### Big Idea(s):

- The strength of a democracy is equal to the strength of its citizens.
- *E Pluribus Unum*: out of many, one

### Essential Questions/Issues:

- How does discrimination affect democracy?
- When and where does the protection of the Free Exercise Clause end?

### Higher Order Thinking Questions:

- Should a business-owner be able to discriminate in the hiring of an employee for the benefit of his livelihood? If so, when? (Evaluation)
- Does not hiring someone based on the exercise of their religion constitute as a breach of the First Amendment? (Evaluation)



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### Assessment:

- Judge's Final judgment and rationale.
- Lawyer's presentation of case (including opening statement and rebuttal) and answers to the judge's questions.
- News article by reporters observing the trial.
- Editorial to Congressperson concerning the free exercise clause in relation to religious attire at work.

### Quality Criteria:

\*Students need to include at least three justifications for the law they are requesting their congressperson to write.



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### Lesson Activity Steps:

**Hook:** Project 2 images, one of an ordinary looking female and another of a woman wearing a burqa. Have students answer the following question on a piece of paper: Who would you feel most comfortable going to if you needed help in a clothing store? Depending on your level of comfort with your class, you can choose to have student volunteers share their answers (with some stipulations given first).

### Next Steps:

1. Tell students they will be discussing and participating in a current, ongoing case concerning the freedom of religion and the Free Exercise Clause.
2. Pass out "Sarcozy: France "Cannot Accept" Burqa" article to students. Read the article out loud with students. Have a general discussion with students about whether or not France can and should outlaw the burqa in order to maintain a secular state. Ensure part of the discussion concerns whether or not the wearing of a burqa is mandatory to the religion of Islam.
3. Read the article from the Telegraph U.K. about the origins of the burqa, including similar traditions in the Muslim faith and the quote from the Koran covering the same topic.
4. Tell students some general facts about the number of Muslims in America and the world.
  - Currently, there are about 2,350,000 Muslims living in the United States currently, or around .8% of America ([http://en.wikipedia.org/wiki/Islam\\_by\\_country#cite\\_note-0](http://en.wikipedia.org/wiki/Islam_by_country#cite_note-0))
  - Up to 1,550,000,000 Muslims in the world, or 23%
5. Pass out *Amin vs. Abercrombie and Fitch* Fact Sheet to students and read the first page only out loud with them.
6. Give students a couple of minutes to think about the question on their own (silently).
7. Tell students that because of the economic crisis in America, the court system has been recruiting U.S. History students to decide some of the issues that have come to the Supreme Court. Each



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student will be one of the following roles: attorney representing Ada, attorney representing Abercrombie and Fitch, Press Enterprise reporter (local newspaper), or a Supreme Court Justice.

8. Explain how the Supreme Court works: Basically each lawyer gets an allotted time to make their case to the Supreme Court Justices. During their time, the judges can ask questions in which the attorney needs to respond. The other attorney then gets to make their case to the Supreme Court Justices following the same procedures. The attorneys will then have the opportunity to make a rebuttal argument. The Justices then discuss whether or not the law was broken and whether or not the law is constitutional. In the classroom court, after the rebuttals the judges will come to the front of the classroom and one by one give and explain their ruling to the class.
9. Group students according to their multiple intelligence, random grouping, or academic level. For a class of 35, there will be 7 groups. 7 students would be newspaper reporters, 14 students will be Supreme Court Justices, and the remaining 14 students will be attorneys. The attorneys will be further divided into two groups, one for Ada and one for Abercrombie & Fitch.

## Multiple Intelligence:

- Attorneys
  - Bodily Kinesthetic
  - Verbal Linguistic
  - Logical Mathematical
- Supreme Court Justice
  - Interpersonal
  - Visual Spatial
  - Verbal Linguistic
- Newspaper Reporter
  - Intrapersonal

## Academic Level:

- Supreme Court Justice
  - High
- Attorney
  - Middle
- Newspaper Reporter
  - Low



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10. Have the Supreme Court Justices sit on one side of the room, the attorneys in the middle, and the newspaper reporters on the other side. Tell the attorneys which side they represent, and have them separate from the other attorneys. Have students get into groups of 3 or 4 with students who have the same role as themselves. Give them approximately 10-15 minutes to work on their specific assignments.
  - Attorneys will come up with their arguments
  - Judges will come up with questions to ask of both attorneys
  - Newspaper reporters will write a summary of the case. The groups will come up with one summary, but each student will record it on their own paper. (After the Justices have given their rulings at the end, the reporters will then be required to finish their article with the outcome of the case and the reasoning of the Justices.
  
11. After students have worked for 10-15 minutes with their same-role groups, break groups up into the mini-courts. One way of doing this will be to number the students 1-7. Two judges will be given the number 1, 2, and so on. In the other groups made up of attorneys for each side and the reporters, each student will be numbered from 1 to 7. Have students complete the mini trial. Below is a suggested schedule:
  - Attorney for Ada will make their case for approximately 4-5 minutes with the judges asking questions when needed
  - Attorney for Abercrombie & Fitch will make their case for approximately 4-5 minutes with the judges asking questions when needed
  - Attorney for Ada will have approximately 4-5 minutes for a rebuttal, again with questions from the judges asked when needed
  - Attorney for Abercrombie & Fitch will have approximately 4-5 minutes for a rebuttal, again with questions from the judges asked when needed
  - During the whole “trial” the newspaper reporter will be adding any necessary details to their article
  
12. After the attorneys have had a chance for rebuttals, have the Supreme Court judges come to the front of the classroom. Each judge will have to give their ruling and then give an explanation as to how they ruled. The teacher will keep a tally on the board for the decision.



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13. Allow a few minutes to debrief the trial process, including the types of questions that were asked by the judges, which arguments helped students decide one way or another, and whether or not it was difficult to argue for something they didn't necessarily agree with.
14. Tell students that the idea of religious liberty and free exercise is still not decided 100% in America today. Cite current examples such as reciting the Pledge of Allegiance in public schools and school vouchers for private parochial schools. One of the ways to decide issues such as these are to write to the lawmakers with opinions and justifications. Tell students they will now be writing a letter to their congressperson explaining whether or not a law should be made in California protecting a person's right to wear religious attire such as a burqa or hijab without discrimination in employment. They should draw upon arguments and details used in class during the trials, as well as the text of the First Amendment of the Bill of Rights guaranteeing religious freedom.

### **Special Needs of students are considered in this lesson:**

The lesson is already differentiated, through having students take on different roles according to their multiple intelligence and/or academic ability.

### **Extension Ideas:**

- If time allows, conduct a mock civil trial instead of the shorter, small group Supreme Court Trial. In that trial, Ada can sue Abercrombie and Fitch for employment discrimination.



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### Materials and Resources Needed:

- Images for hook: one average looking female and one wearing a burqa
- “Sarcozy: France ‘Cannot Accept’ Burqa” news article:  
<http://www.foxnews.com/story/0,2933,528105,00.html>
- Article from the Telegraph U.K. about the origins of the burqa:  
<http://www.telegraph.co.uk/news/1530720/What-the-Koran-says.html>
- *Amin vs. Abercrombie and Fitch* Fact Sheet

### References: (ie, H/SS Framework, websites referenced, books)

- [http://en.wikipedia.org/wiki/Islam\\_by\\_country#cite\\_note0](http://en.wikipedia.org/wiki/Islam_by_country#cite_note0)
- <http://www.foxnews.com/story/0,2933,528105,00.html>
- <http://www.telegraph.co.uk/news/1530720/What-the-Koran-says.html>



## Lesson Plan: You Just Don't Fit Our Image

### Student Handouts:

#### Sarkozy: France 'Cannot Accept' Burqas

Monday , June 22, 2009

#### Associated Press

President Nicolas Sarkozy said the Muslim burqa would not be welcome in France, calling the full-body religious gown a sign of the "debasement" of women.

In the first presidential address to parliament in 136 years, Sarkozy faced critics who fear the burqa issue could stigmatize France's Muslims and said he supported banning the garment from being worn in public.

"In our country, we cannot accept that women be prisoners behind a screen, cut off from all social life, deprived of all identity," Sarkozy said to extended applause at the Chateau of Versailles, southwest of Paris.

"The burqa is not a religious sign, it's a sign of subservience, a sign of debasement — I want to say it solemnly," he said. "It will not be welcome on the territory of the French Republic."

Dozens of legislators have called for creating a commission to study a possible ban in France, where there is a small but growing trend of wearing the full-body garment despite a 2004 law forbidding it from being worn in public schools.

France has Western Europe's largest Muslim population, an estimated 5 million people, and the 2004 law sparked fierce debate both at home and abroad.

Even the French government has been divided over the issue, with Immigration Minister Eric Besson saying a full ban would only "create tensions," while junior minister for human rights Rama Yade said she was open to a ban if it was aimed at protecting women forced to wear the burqa.



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The terms "burqa" and "niqab" often are used interchangeably in France. The former refers to a full-body covering worn largely in Afghanistan with only a mesh screen over the eyes, whereas the latter is a full-body veil, often in black, with slits for the eyes.

A leading French Muslim group, the French Council for the Muslim Religion, has warned against studying the burqa, saying it would "stigmatize" Muslims.

Sarkozy was due to host a state dinner Monday with Sheik Hamad Bin Jassem Al Thani of Qatar, where women wear Islamic head coverings in public — whether while shopping or driving cars.

Source: <http://www.telegraph.co.uk/news/1530720/What-the-Koran-says.html>



## What the Koran says

Published: 12:01AM BST 06 Oct 2006

Islamic rulings on dress are primarily drawn from the Koran, which tells followers to ensure that women are clothed modestly in public.

One verse states: "O Prophet, tell your wives and daughters and the believing women to draw their outer garments around them when they go out or are among men."

However, the issue is complicated by the fact that Muslims are given further guidance on religious law by three other sources.

Partly as a result there are a variety of recommendations to followers, each dependent upon a different scholarly interpretation.

According to mainstream tradition, the only parts of a woman's body that should be visible to strangers are her hands, feet and face. The strictest Muslims believe, however, that women should wear the burka, a shroud that covers the whole body with just a slit for the eyes.

In some Muslim communities, notably Saudi Arabia, women also wear gloves so that none of their flesh is visible.

Only slightly more revealing, the jilbab is a loose dress-like outer garment that does not show the shape of the wearer's other clothes or the shape of her body.

Some Islamic authorities consider it more modest than the shalwar kameez, a tunic and trousers.

A hijab, or scarf around the head and shoulders, is worn with both but many believe it sufficient if a woman's clothes are not clinging or provocative.

Source: <http://www.telegraph.co.uk/news/1530720/What-the-Koran-says.html>



## ***Amin vs. Abercrombie and Fitch Fact Sheet***

Ada Amin is a 17-year-old girl who lives in Tulsa, Oklahoma. Ada was raised to wear a hijab, or head scarf covering her hair and part of her face when in public. Her father and local mosque believe that part of practicing the Islamic faith is to have females dress modestly and the tradition is to cover most of a female's body to strangers to help protect them.

In order to make some money for college and an Ipod, Ada decided to get a job. The only store that she was interested that was hiring was the local clothing store Abercrombie & Fitch, in a mall about 15-minutes from her house.

About a week after turning in her application to Abercrombie, she received an interview with the general manager. The general manager seemed a little uncomfortable with Ada during the interview. He asked her the usual questions such as how many hours could she work, what were her grades like, why she wanted to work there, etc. After about 20 minutes, the general manager thanked Ada and told her he would call her after interviewing more applicants. A few days later, the general manager called Ada to let her know the position had already been filled. When she asked why she did not receive the job, the general manager responded that Ada just did not "fit the store image" because she wore a head scarf.

Feeling that her rights were violated, Ada decided to sue Abercrombie and Fitch because she felt she was being discriminated against because of her religious beliefs.

**Was it legal for Abercrombie to not hire Ada because she wore a hijab (head scarf) as part of her religion?**



## The Law

Civil Rights Act of 1965 Title VII Section 703 (a) It shall be an unlawful employment practice for an employer—

to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin

(<http://www.ourdocuments.gov/doc.php?flash=true&doc=97&page=transcript>)

The following information comes from the Equal Employment Opportunity Commission (created from the Civil Rights Act of 1965) and states the following:

Under [Title VII of the Civil Rights Act of 1964](#), the [Americans with Disabilities Act](#) (ADA), and the [Age Discrimination in Employment Act](#) (ADEA), it is illegal to discriminate in any aspect of employment, including:

- hiring and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- job advertisements;
- recruitment;
- testing;
- use of company facilities;
- training and apprenticeship programs;
- fringe benefits;
- pay, retirement plans, and disability leave; or
- other terms and conditions of employment.

Discriminatory practices under these laws also include:

- harassment on the basis of race, color, religion, sex, national origin, disability, or age;
- retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
- employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities;
- and denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability.



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Title VII also prohibits discrimination because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group.

Employers are required to post notices to all employees advising them of their rights under the laws EEOC enforces and their right to be free from retaliation. Such notices must be accessible, as needed, to persons with visual or other disabilities that affect reading.

## Religious Accommodation:

An employer is required to reasonably accommodate the religious belief of an employee or prospective employee, unless doing so would impose an undue hardship.