

The "Supreme" in Supreme Court

Time Needed: One Class Period

Materials Needed: set of colored pencils per pair of students (red, blue, green, orange, purple, yellow and brown)

Copy Instructions:

Student Activity Packet (*class set; double-sided ok*)

Active Participation Guide (*teacher copy*)

Overhead of Activity p.2 (*optional*)

Learning Objectives.

Students will be able to:

- Recall the justices' analysis in Supreme Decision
- Analyze a real-life Supreme Court case
- Compare the analysis of the real-life case with an analysis of Ben's case
- Evaluate the effect of landmark cases on everyday life
- Explain the importance of judicial review
- Criticizing a faulty opinion.

STEP BY STEP

- ❑ **ANTICIPATE** with the "simple recall" A/B activity with students to get them remembering things about the *Supreme Decision* game (see Active Participation Guide). Explain that they will be learning more about the Supreme Court by thinking about what they learned from playing the game and using that to understand what makes the Supreme Court "Supreme."
- ❑ **PAIR** students together.
- ❑ **DISTRIBUTE** colored pencils and one activity packet to each student.
- ❑ **INSTRUCT** pairs to complete Part One on page one in the packet and review as a class.
- ❑ **PREVIEW** the graphic organizer on page two with students.
- ❑ **TIME** pairs for 4-5 minutes while they use the information in Part One to complete Ben's side of the graphic organizer.
- ❑ **REVIEW** the answers for Ben's side of the graphic organizer with students.
- ❑ **READ** about Savana's case with students on page one.
- ❑ **GUIDE** students through color-coding the paragraph about Savana's case (see Active Participation Guide)
- ❑ **PREVIEW** Savana's side of the graphic organizer with students.
- ❑ **TIME** pairs for 4-5 minutes while they complete Savana's side of the graphic organizer
- ❑ **REVIEW/COLLECT** the completed graphic organizer with/from students.
- ❑ **TRANSITION** by reading page three's introductory paragraph. Page three and four are intended to help students understand why it's important to learn about the Supreme Court.
- ❑ **TIME** Pairs for 8-10 minutes while they complete the "Even My Life?" section. Afterward, ask a few pairs to share their answers.
- ❑ **CLOSE** by having students complete the "Can You Explain It?" Quickwrite.

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Active Participation Guide

Quick Anticipatory Set.

Write the following chart on your board:

	<u>A</u>	<u>B</u>
1.	9	5
2.	Lawyer	Judge
3.	Lawyer	Judge
4.	9	5
5.	Opinion	Resolution

Tell students you are going to read them a series of questions that they should answer based on their experience playing Supreme Decision. The answer to each question will be either A or B. They must wait to answer until you have repeated the question and ask them for the answer.

<i>Example:</i>	<i>A</i>	<i>B</i>
	<i>lamb</i>	<i>dog</i>

Teacher: What kind of pet did Mary have? (pause) What kind of pet did Mary have? Is it A or B?

Class: A! (If they say B, or you hear a mixture, pause for discussion!)

Questions: (yes, these are easy—they are designed only to get students making connections with the game)

- 1) What is the total number of justices on the Supreme Court?
- 2) Who makes arguments during the oral argument in the courtroom?
- 3) Who asks questions during the oral argument in the courtroom?
- 4) How many justices are needed to win a case?
- 5) What is the Supreme Court’s written decision called?

Color Coding Activity. This activity will help focus students on the information they need in order to complete Savana’s side of the graphic organizer. After you have read about Savana’s case with students, ask them to do the following:

- 1) Underline her constitutional right in **red**. (*Fourth Amendment protects people from unreasonable searches*)
- 2) Find the one word that tells you what had to happen in Savana’s case for the right to apply. If this didn’t happen, the right would not apply. Put a **green** star next to it. (*search*)
- 3) Underline the limit on this right in **blue**. (*only protects people from unreasonable searches*)
- 4) Circle the name of the precedent case in **orange**. (*New Jersey v. T.L.O.*)
- 5) Circle the number of factors in **purple**. (*two*)
- 6) [Bracket] each of the factors in **yellow**. (*whether the school had a good reason to believe the search needed to be done; whether the search went too far*)
- 7) Put **brown** parentheses around what happened in the precedent case. (*a school was allowed to search a high school student’s purse after she was caught smoking*)



The Decision

PART ONE: Ben's Case. Use your experience playing *Supreme Decision* to help you draw a line between the question and the correct answer.

1. Why did the justices in "Supreme Decision" argue about whether Ben's t-shirt was speech?

A. The right to freedom of speech has limits, and people might have more freedom with some kinds of speech than with others.

2. Why did the justices in "Supreme Decision" argue about whether political speech gets more protection than cultural speech?

B. The First Amendment says people have "freedom of speech," so if something isn't speech, there is no right.

3. Why did the justices in "Supreme Decision" argue about what happened in the *Tinker* case?

C. *Tinker* was a precedent case about freedom of speech in schools. If Ben's case was just like the *Tinker* case, the Court would have to decide the same way as *Tinker*. If Ben's case was different, the Court could decide differently.

4. Why did the justices in Ben's case care whether the t-shirts were disruptive?

D. The *Tinker* case gave one factor for deciding when students have freedom of speech in schools: whether the speech is disruptive to school activities. This factor is part of the law because the Supreme Court had already decided *Tinker*, so the justices had to look at that factor in Ben's case.



PART TWO: Savana's Case. Read how the Court decided a different case involving a student, then follow your teacher's color-coding instructions.

What Happened

Savana Redding's school principal heard Savana had been giving pills to other students. He talked to Savana, then ordered the school nurse and a female school employee to search Savana. They told Savana to take off her outer clothing and shake out her underwear. They didn't find any pills.

How the Supreme Court Decided

The Fourth Amendment protects people from "unreasonable searches." Nobody argued that what happened to Savana was not a search. But the Constitution puts a limit on the right to not be searched: it only protects people from unreasonable searches.

How does the Court know when a search is unreasonable? It looks for a similar case that was already decided, called a precedent case. A **precedent case** usually gives factors that must be considered in future cases.

To decide Savana's case, the Court looked at a case called *New Jersey v. T.L.O.*, where a school was allowed to search a high school student's purse after she was caught smoking. In the *T.L.O.* case, the Supreme Court had said that whether a search in school is unreasonable depends on two factors: 1) whether the school had a good reason to believe the search needed to be done, and 2) whether the search went too far. Using these factors, the Court decided that the school did have a good reason to believe they should search Savana, but that a strip search went too far.

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Looking at Constitutional Rights

Ben's Case

Savana's Case

What right does the Amendment give?

This right doesn't apply if what's happening is not ...



How is this right limited?

Which case was used as precedent?

How many factors were used from the precedent case?

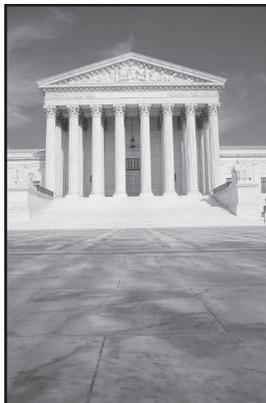
List the factors.

What happened in the precedent case?



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Why "Supreme"?

When the Supreme Court decides a case like Savana's, it doesn't just make a decision for the people involved in that one case. Savana's case is now a precedent case for future situations where a kid gets searched at school! All courts in the country must now follow not only T.L.O., but also Savana's case in similar situations. Why? Because the Supreme Court has a very special function that nobody else in the country has: The Supreme Court has the last word on what is constitutional. If someone tries to make a rule that is unconstitutional, the Supreme Court can strike that rule down. This power is called **judicial review**.

Why is that a big deal? Because lots of cases the Supreme Court decides have a big impact on peoples' everyday lives!

Even My Life? Yes! Complete the following exercise to see how. Read the description of each case and use what you know about the court system complete the sentences.

CASE	IT AFFECTS YOU!
<p>Marbury v. Madison (1803). Said the Supreme Court and other courts have the power to decide whether something is unconstitutional. Courts can strike down government actions that violate the Constitution.</p>	<p><i>This case protects my constitutional rights by:</i></p>
<p>Plessy v. Ferguson (1896). Said it <i>was constitutional</i> for places like schools, buses and restaurants to keep people of different races apart, as long as the services offered were "equal." For example, it was okay to make black and white people ride on separate train cars.</p>	<p><i>If this case was still the law (it's not), then the government could require me to:</i></p>
<p>Meyer v. Nebraska (1923). Said it's unconstitutional for a state to ban the teaching of foreign languages.</p>	<p><i>If it weren't for this case, I might not have the choice to:</i></p>
<p>Brown v. Board of Education (1954). Overruled Plessy by saying it's unconstitutional for the government to require students of different races to go to different schools. The Court said separate schools for students of different races are not equal.</p>	<p><i>If it weren't for this case, I might get a different quality of education than:</i></p>

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CASE	IT AFFECTS YOU!
<p>Gideon v. Wainwright (1963). Said that people accused of a crime must be given a lawyer even if they cannot afford one. It's unconstitutional to deny them a lawyer just because they're poor.</p>	<p><i>If it weren't for this case and I got accused of a crime, I might have a problem because:</i></p>
<p>Tinker v. Des Moines School Dist. (1969) Said it's unconstitutional to deny students the right to free speech at school, unless the students' speech disrupts school activities.</p>	<p><i>If it weren't for this case, things might be different at school because:</i></p>
<p>New Jersey v. T.L.O (1985). Said it's unconstitutional for principals and teachers to search students and their belongings, unless there is a good reason (like safety and discipline) and the search doesn't go too far.</p>	<p><i>If it weren't for this case, and a teacher decided to go through everyone's backpack without a reason, then:</i></p>

I don't get it! Why does the Supreme Court get to decide what's constitutional? People can read the Constitution themselves, can't they? Why would they need a court to decide?"

Can you explain it? Max is confused about the Supreme Court. Straighten him out with what you have learned from playing Supreme Decision and from this lesson.



Max

Think about it, Max! Here are some reasons the people who wrote the Constitution might have wanted courts to have the power to decide what's constitutional:



Activity p.4

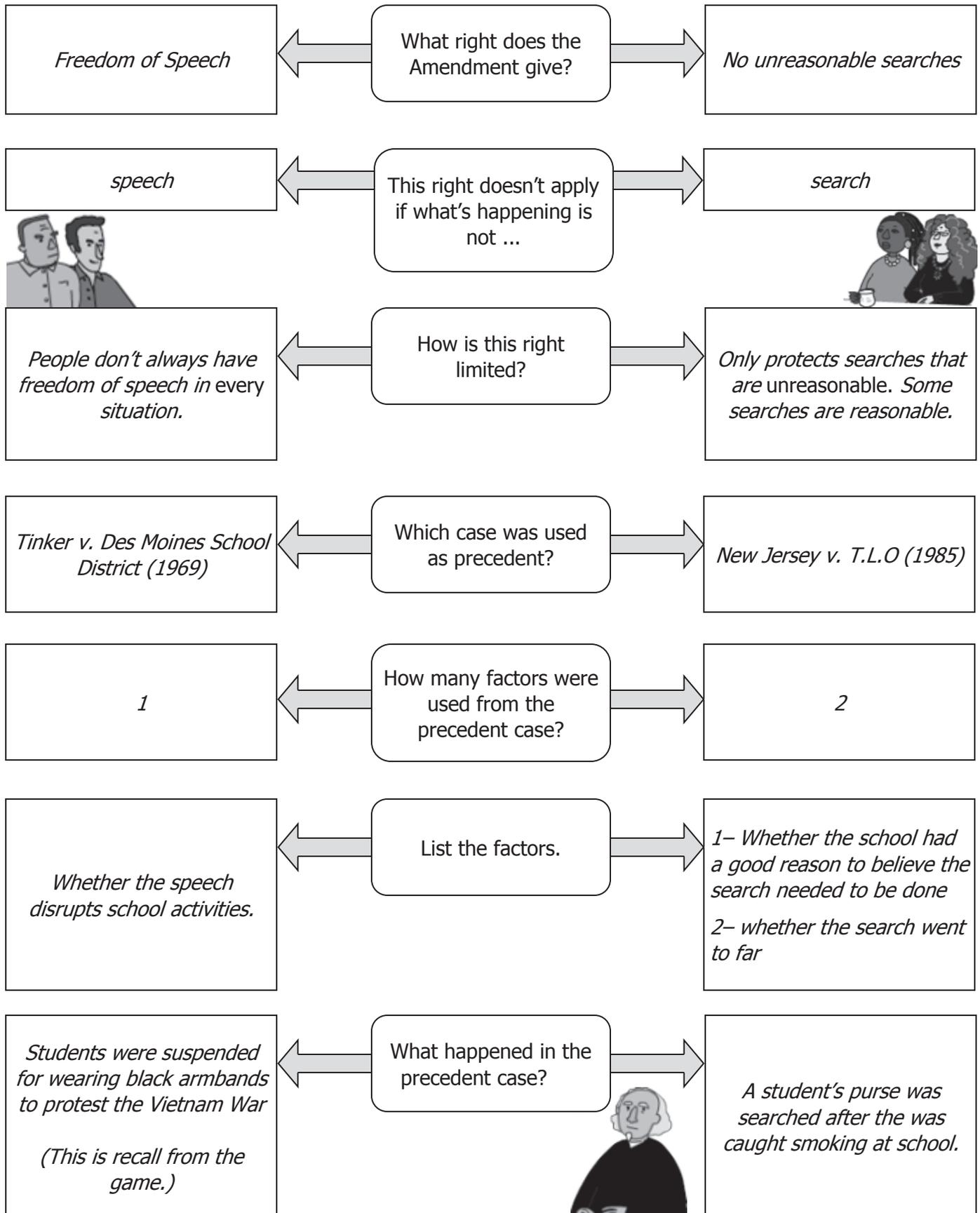
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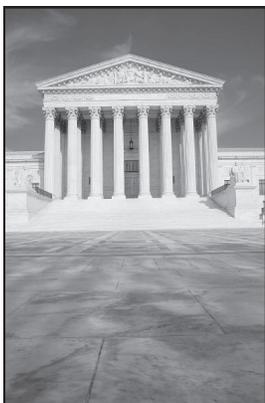
Looking at Constitutional Rights

Ben's Case

Savana's Case



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Why "Supreme"?

When the Supreme Court decides a case like Savana's, it doesn't just make a decision for the people involved in that one case. Savana's case is now a precedent case for future situations where a kid gets searched at school! All courts in the country must now follow not only T.L.O., but also Savana's case in similar situations. Why? Because the Supreme Court has a very special function that nobody else in the country has: The Supreme Court has the last word on what is constitutional. If someone tries to make a rule that is unconstitutional, the Supreme Court can strike that rule down. This power is called **judicial review**.

Why is that a big deal? Because lots of cases the Supreme Court decides have a big impact on peoples' everyday lives!

Even My Life? Yes! Complete the following exercise to see how. Read the description of each case and use what you know about the court system complete the sentences.

CASE	IT AFFECTS YOU!
<p>Marbury v. Madison (1803). Said the Supreme Court and other courts have the power to decide whether something is unconstitutional. Courts can strike down government actions that violate the Constitution.</p>	<p><i>This case protects my constitutional rights by:</i> (giving the Courts the power to stop the government from doing things that limit constitutional rights)</p>
<p>Plessy v. Ferguson (1896). Said it <i>was constitutional</i> for places like schools, buses and restaurants to keep people of different races apart, as long as the services offered were "equal." For example, it was okay to make black and white people ride on separate train cars.</p>	<p><i>If this case was still the law (it's not), then the government could require me to:</i> (any reasonable answer)</p>
<p>Meyer v. Nebraska (1923). Said it's unconstitutional for a state to ban the teaching of foreign languages.</p>	<p><i>If it weren't for this case, I might not have the choice to:</i> (take foreign language lasses like Spanish, French, Chinese, etc.)</p>
<p>Brown v. Board of Education (1954). Overruled Plessy by saying it's unconstitutional for the government to require students of different races to go to different schools. The Court said separate schools for students of different races are not equal.</p>	<p><i>If it weren't for this case, I might get a different quality of education than:</i> (accept any reasonable answer; students should say that they might get a different quality of education than students of other races)</p>

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CASE	IT AFFECTS YOU!
<p>Gideon v. Wainwright (1963).</p> <p>Said that people accused of a crime must be given a lawyer even if they cannot afford one. It's unconstitutional to deny them a lawyer just because they're poor.</p>	<p><i>If it weren't for this case and I got accused of a crime, I might have a problem because:</i></p> <p>(If they didn't have enough money, they might not get a lawyer.)</p>
<p>Tinker v. Des Moines School Dist. (1969)</p> <p>Said it's unconstitutional to deny students the right to free speech at school, unless the students' speech disrupts school activities.</p>	<p><i>If it weren't for this case, things might be different at school because:</i></p> <p>(Accept any reasonable answer having to do with student expression at school.)</p>
<p>New Jersey v. T.L.O (1985).</p> <p>Said it's unconstitutional for principals and teachers to search students and their belongings, unless there is a good reason (like safety and discipline) and the search doesn't go too far.</p>	<p><i>If it weren't for this case, and a teacher decided to go through everyone's backpack without a reason, then:</i></p> <p>(The teacher would be able search everyone's back pack without any reason.)</p>

I don't get it! Why does the Supreme Court get to decide what's constitutional? People can read the Constitution themselves, can't they? Why would they need a court to decide?"

Can you explain it? Max is confused about the Supreme Court. Straighten him out with what you have learned from playing Supreme Decision and from this lesson.



Max

Think about it, Max! Here are some reasons the people who wrote the Constitution might have wanted courts to have the power to decide what's constitutional:

Students might discuss how people could interpret the Constitution differently; how there would be nobody to stop people from violating each others' rights; students might also reference specific issues from the cases above.

