

LESSON OVERVIEW

THE "SUPREME" IN "SUPREME COURT"

GOAL	Students will recognize what playing "Supreme Decision" taught them about the Supreme Court, and will understand why the Supreme Court's role of judicial review is important to peoples' everyday lives.
TIME	One class period
NUTSHELL	First, you'll pair students up and guide them through a graphic organizer where they'll compare the way the fictional justices in "Supreme Decision" analyzed Ben's case with the way the real Supreme Court justices analyzed the real-life case of a girl who was strip-searched at school. (Don't worry—this won't overlap the Appellate Court lesson.) Then you'll give pairs a chance to jot down their thoughts about how a handful of historic Supreme Court cases might apply to their own lives, and you'll end with a quickwrite that lets students criticize a bogus opinion about judicial review.
CONCEPTS	The Supreme Court; judicial review; precedent; constitutional rights (especially 1 st and 4 th Amendments); landmark cases (Marbury v. Madison; Plessy v. Ferguson; Meyer v. Nebraska; Brown v. Board of Education; Gideon v. Wainwright; Tinker v. Des Moines School Dist.; New Jersey v. T.L.O.)
OBJECTIVES	The student will... <ul style="list-style-type: none">• Explain the justices' analysis in Supreme Decision by matching questions with answers.• Point to specific information about the analysis of a real-life case by color-coding a paragraph.• Compare the analysis of Ben's case with the analysis of a real-life case by completing a graphic organizer.• Evaluate the effect of landmark cases on their own lives by completing a chart• Criticize a faulty opinion about judicial review by writing a short paragraph.

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PAGEPLAN

Time: One class period

The "Supreme" in "Supreme Court"



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|--|--|
| <input type="checkbox"/> ANTICIPATE | by doing the quick "simple recall" A/B activity with students to get them remembering things about the "Supreme Decision" game. (see Active Participation Guide). |
| <input type="checkbox"/> 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." |
| <input type="checkbox"/> PAIR | students together. |
| <input type="checkbox"/> DISTRIBUTE | colored pencils and one "The 'Decision' In 'Supreme Decision'" handout to each student. |
| <input type="checkbox"/> INSTRUCT | pairs to complete Part A in the packet. |
| <input type="checkbox"/> REVIEW | the answers to Part A with students. |
| <input type="checkbox"/> PREVIEW | the graphic organizer with students. |
| <input type="checkbox"/> TIME | pairs for 4-5 minutes while they use the information in Part A to complete Ben's side of the graphic organizer. |
| <input type="checkbox"/> REVIEW | the answers for Ben's side of the graphic organizer with students. |
| <input type="checkbox"/> READ | about Savana's case with students. |
| <input type="checkbox"/> GUIDE | students through color-coding the paragraph about Savana's case (see Active Participation Guide) |
| <input type="checkbox"/> PREVIEW | Savana's side of the graphic organizer with students. |
| <input type="checkbox"/> TIME | pairs for 4-5 minutes while they complete Savana's side of the graphic organizer |
| <input type="checkbox"/> REVIEW/COLLECT | the completed graphic organizer with/from students. |
| <input type="checkbox"/> DISTRIBUTE | one "The 'Supreme' in 'Supreme Court'" handout to each student. |
| <input type="checkbox"/> TRANSITION | by reading the handout's introductory paragraph. This handout is intended to help students understand why it's important to learn about the Supreme Court. |
| <input type="checkbox"/> TIME | Pairs for 8-10 minutes while they complete the "Even <u>My</u> Life?" section. Afterward, ask a few pairs to share their answers. |
| <input type="checkbox"/> CLOSE | by having students complete the "That's Bogus!" Quickwrite. |

Easy Prep

Copy:

- "The 'Decision' In 'Supreme Decision'" handout. (class set) (Avoid 2-sided on this one—students will need to refer to page 1 to complete page 2.)
- "The Supreme Court: What Makes It 'Supreme?'" handout. (class set) (OK to copy 2-sided)

Have on Hand:

- Colored pencils

Print:

- PagePlan and Active Participation Guide for yourself

The Supreme Court: 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.

Example:

	<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 did not 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” in “Supreme Decision”

Pairs Activity



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?
2. Why did the justices in “Supreme Decision” argue about whether political speech gets more protection than cultural speech?
3. Why did the justices in “Supreme Decision” argue about what happened in the Tinker case?
4. Why did the justices in Ben’s case care whether the t-shirts were disruptive?

A. The right to freedom of speech has limits, and people might have more freedom with some kinds of speech than with others.
B. The First Amendment says people have “freedom of speech,” so if something isn’t speech, there is no right.
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.
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.

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 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.

LOOKING AT CONSTITUTIONAL RIGHTS

BEN'S CASE

What right does the Amendment give?

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

How is this right limited?

Decide using factors from this precedent case (name it).



Number of factors from precedent case that apply:

List the factors.

What happened in the precedent case?

SAVANA'S CASE



The "Supreme" in "Supreme Court"

Pairs Activity

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 the government makes a rule that is unconstitutional, the Supreme Court can strike the rule down. This power is called **judicial review**. But there's a catch: the Court can only do this if something happens and people disagree about how a constitutional right applies. The Court can't give an opinion about what the Constitution means unless there's a dispute!



Why is the Court's power of judicial review 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:

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>If it weren't for this case, then if the government violated my constitutional rights:</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>

The “Decision” in “Supreme Decision”

Pairs Activity



** TEACHER KEY **

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 like a law because the Supreme Court had already decided Tinker, so the justices had to follow it in Ben’s case.

SAVANA’S CASE: READ HOW THE COURT DECIDED A DIFFERENT CASE INVOLVING A STUDENT, THEN FOLLOW YOUR TEACHER’S COLOR-CODING INSTRUCTIONS. **(SEE ACTIVE PARTICIPATION GUIDE FOR COLOR-CODING ANSWERS.)**

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 this right because 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.

LOOKING AT CONSTITUTIONAL RIGHTS

BEN'S CASE

Freedom of speech

speech

People don't always have freedom of speech in every situation.

Tinker



1

Whether the speech disrupts school activities.

Students were suspended for wearing black armbands to school in protest of the Vietnam war.

(Students will need to recall this information from the game.)

What right does the Amendment give?

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

This right is limited because

Decide using factors from this precedent case (name it).

Number of factors?

List the factors.

What happened in the precedent case?

SAVANA'S CASE

No unreasonable searches

search

Only protects against searches that are unreasonable. Some searches are reasonable.

T.L.O.

2



1) whether the school had a good reason to believe the search needed to be done, and 2) whether the search went too far

A student's purse was searched after she was caught smoking at school.

The "Supreme" in "Supreme Court"

Pairs Activity

** TEACHER KEY **



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 the government makes a rule that is unconstitutional, the Supreme Court can strike the rule down. This power is called **judicial review**. But there's a catch: the Court can only do this if something happens and people disagree about how a constitutional right applies. The Court can't give an opinion about what the Constitution means unless there's a dispute!



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<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>If it weren't for this case, then if the government violated my constitutional rights:</i> <i>(students should talk about the fact that there would be nobody to stop the government from violating constitutional rights)</i></p>
<p>Plessy v. Ferguson (1886). 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> <i>(accept any reasonable answer)</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> <i>(students should say they might not be able to take Spanish, French, etc. in school)</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> <i>(accept any reasonable answer; students should say they might get a different quality of education than students of other races.)</i></p>

<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><i>(students should say that if they didn't have enough money, they might not get a lawyer)</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><i>(accept any reasonable answer having to do with student expression at school)</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 because she wanted to, then:</i></p> <p><i>(students should say that it would be OK for the teacher to search everyone's backpack)</i></p>

THAT'S BOGUS! MAX AND MANDY ARE GOING TO SHARE THEIR OPINIONS WITH YOU. ISN'T THAT NICE? THE PROBLEM IS, THEY'RE COMING ON A LITTLE STRONG! HELP EITHER MAX OR MANDY BE A LITTLE MORE REALISTIC BY POKING HOLES IN HIS OR HER OPINION.



I think it's stupid that the Supreme Court gets to decide what's constitutional.

People can read the Constitution themselves, can't they? Duh! People don't need someone else telling them what it means.

That's bogus! If that's how things were, then:

Max: 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 examples from the cases above.

I think it's dumb that people have to bring a court case just to find out what's constitutional. Why can't the Court just tell us? Those nine justices should sit down and write a manual, and everyone can just follow it.



Mandy: Students might discuss how every situation is different and the Court could not possibly think of everything in advance; students might point out the Court's job is to resolve disputes for people, not to reach out and tell everyone what to do.