



## Lesson 3: Convince the Supreme Court Justice

**Lesson Title:** *Convince the Supreme Court Justice*

**Grade Level:** 9-12

**Context of the lesson within the unit:** This lesson which can take several class periods as needed, is designed to be the final lesson in the unit, I Know My Rights. The lesson engages students as they write their opinion to the Chief Justice on two cases; it includes the culminating authentic assessment and rubric for the unit.

**Standards Addressed:**

### History-Social Science

12.2.1 Discuss the meaning and importance of each of the rights guaranteed under the Bill of Rights and how each is secured (e.g., freedom of religion, speech, press, assembly, petition, privacy).

12.5.1 Understand the changing interpretations of the Bill of Rights over time, including interpretations of the basic freedoms (religion, speech, press, petition, and assembly) articulated in the First Amendment and the due process and equal-protection-of-the-law clauses of the Fourteenth Amendment.

12.5.4 Explain the controversies that have resulted over changing interpretations of civil rights, including those in *Plessy v. Ferguson*, *Brown v. Board of Education*, *Miranda v. Arizona*, *Regents of the University of California v. Bakke*, *Adarand Constructors, Inc. v. Peña*, and *United States v. Virginia* (VMI).

**Common Core State Standards** for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects Grades **11-12 Students**

### Key Ideas and Details

1. Determine the central ideas or conclusions of a text; summarize complex concepts, processes, or information presented in a text by paraphrasing them in simpler but still accurate terms.

### Integration of Knowledge and Ideas

7. Evaluate the hypotheses, data, analysis, and conclusions in a science or technical text, verifying the data when possible and corroborating or challenging conclusions with other sources of information.

9. Synthesize information from a range of sources (e.g., texts, experiments, simulations) into a coherent understanding of a process, phenomenon, or concept, resolving conflicting information when possible.



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## Objectives

- Students will **analyze** two current events pending before the Supreme Court. *“Students Sue School Over ‘I [Heart] Boobies’ Bracelets”* and *“ACLU: Suspension Over Nose Piercing Is Illegal”*.
- Students will debate and discuss, via a Socratic seminar, the two pending cases, keeping in mind the question, “What are the Constitutional issues brought up by the lawsuits and should the Supreme Court hear the cases?”
- Students will write an essay giving the Chief Justice their opinion on the two cases for his upcoming session.



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### Essential Questions:

1. What rights as Americans do we have? What rights do we not have?
2. Can conflict be beneficial to society?
3. Does social capital (i.e., involvement) strengthen a republic?
4. How should government deal with opposing factions that occur in society?



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**Assessment:** End of Unit Assessment as well.

**Convince the Supreme Court Justice**

GOAL	Your goal is to convince the Supreme Court Justice for whom you are clerking to use your opinion in the upcoming Supreme Court decisions brought to the court via <b>writ of certiorari</b> .
ROLE	You have been hired as a clerk for Chief Justice Roberts. Your job is to assist the Chief Justice by providing him with research and an opinion of the cases that will help with his final decision.
AUDIENCE	Chief Justice John Roberts
SITUATION	You have recently been recruited by an administrator of the Supreme Court and been given the job as Supreme Court clerk. Chief Justice Roberts needs you to write a well informed, researched, opinion to assist him with his final decision.
PERFORMANCE	<p>You must complete three tasks successfully, using the criteria and rubrics provided.</p> <ul style="list-style-type: none"> <li>• Use the Socratic Seminar Form for the two articles.</li> <li>• Discuss/debate via a Socratic seminar.</li> <li>• Write an opinion based on two current cases.</li> </ul>
STANDARDS FOR SUCCESS	<p>Design will reflect the understanding, application of research based on the standards, and use of critical thinking throughout all three steps. Presentation, verbal comments, and debate arguments make accurate and thoughtful connections between the desires of the founding fathers and relevant current cases.</p> <p>Synthesis of ideas, designs, and concepts help designers to understand big ideas for the unit.</p>



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THE PROCESS AND REQUIREMENTS

**Step One:** You are to use the Socratic Seminar form to read and analyze the two pending court cases, “Students Sue School Over ‘I [Heart] Boobies’ Bracelets” and “ACLU: Suspension Over Nose Piercing Is Illegal”.

<b>Requirements</b>
Research other court cases to back up your opinion (precedent).
Become an expert of the two court cases.
Prepare for the Socratic Seminar. (See Rubric.)

**Step Two:** You will form a Socratic Seminar and start with the following question, “What are the Constitutional issues brought up by the lawsuits and should the Supreme Court hear the cases?” Refer to the scoring rubric to ensure your success.

**Quality Criteria:**

	4	3	2	1
Listening	<ul style="list-style-type: none"> <li>• Listens for opportunities to respond</li> <li>• Does not overlook details</li> <li>• Takes notes/writes questions</li> <li>• Avoids repetitive remarks</li> <li>• Builds on discussion</li> <li>• Points out flawed reasoning</li> <li>• Overcomes any distractions</li> </ul>	<ul style="list-style-type: none"> <li>• Is generally attentive and focused</li> <li>• Responds thoughtfully to ideas/questions raised</li> <li>• May be too absorbed in own thoughts to hear others’ questions</li> <li>• May write down some thoughts but not consistently</li> </ul>	<ul style="list-style-type: none"> <li>• Responds only to ideas that are personally interesting</li> <li>• Asks for repetition of questions or rephrasing of questions</li> <li>• Takes very limited notes</li> <li>• Easily distracted or may be source of distraction</li> <li>• Does no look up the text as it is cited</li> <li>• Does not visibly respond to cited text</li> </ul>	<ul style="list-style-type: none"> <li>• Not attentive to others</li> <li>• Exhibits negative body language</li> <li>• Makes comments showing total misrepresentation of material</li> <li>• Does not listen well to others’ points</li> <li>• Takes no notes</li> </ul>



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<p>Response to questions</p>	<ul style="list-style-type: none"> <li>• Understands questions</li> <li>• Cites textual support</li> <li>• Relates to other reading/studies</li> <li>• Expresses thought in complete sentences</li> <li>• Provides insightful comments</li> <li>• Resolves contradictory idea</li> <li>• Considers all sources and input</li> </ul>	<ul style="list-style-type: none"> <li>• Responds to questions without any prompting</li> <li>• Demonstrates some reflection on text but not mastery</li> <li>• Makes limited connections with ideas of others</li> <li>• Somewhat relates own ideas to other readings/ seminars</li> <li>• Uses quotes/ paraphrases but inferences under-developed</li> <li>• Makes comments to merit reaction</li> </ul>	<ul style="list-style-type: none"> <li>• May have read text but limited preparation</li> <li>• May overlook important points, thus leading to faulty logic</li> <li>• May be accurate on minor points while missing main concept</li> <li>• Contributes opinions that have no textual support</li> <li>• Has some difficulty in formulating/ understanding comments</li> </ul>	<ul style="list-style-type: none"> <li>• Makes illogical comments</li> <li>• Says no more than "I agree"</li> <li>• Ignores previous comments and seminar direction</li> <li>• Uses humor to avoid serious thinking</li> </ul>
<p>Asking Questions</p>	<ul style="list-style-type: none"> <li>• Speaks to all</li> <li>• Avoids talking too long</li> <li>• Can be heard by all</li> <li>• Avoids slang/ incorrect grammar</li> <li>• Articulates clearly</li> <li>• Pronounces words accurately/ extensive vocabulary</li> </ul>	<ul style="list-style-type: none"> <li>• Addresses majority of comments to peers (not leader)</li> <li>• Attempts to move discussion to new idea</li> <li>• Does not try to say "everything" while speaking</li> <li>• Tries to speak louder when asked to do so</li> <li>• Makes comments to merit reaction</li> </ul>	<ul style="list-style-type: none"> <li>• Speaks directly to leader</li> <li>• Speaks too softly and needs to be reminded</li> <li>• Routinely lapses into use of slang or substandard usage</li> <li>• Cannot pronounce key words in text</li> <li>• Speaks only with prompting and has no sustainable point</li> </ul>	<ul style="list-style-type: none"> <li>• Reluctant to speak when called on or passes</li> <li>• Mumbles/ mispronounces words</li> <li>• Cannot be heard at all</li> <li>• Shows absolutely no desire to contribute verbally</li> </ul>



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Opinion Rubric

	Advanced	Proficient	Basic	Below Basic
<b>Idea Development</b>	Takes a strong, well defined position; uses at least four appropriate reasons with at least three supporting details for each reason	Clear position taken and defined; some reasons and some details present but not fully developed	Position is not clearly stated; development is brief; unrelated, unsupported general statements, reasons, and details; minimal facts used	No clear position taken; undeveloped reasons; no facts used
<b>Organization</b>	Writer demonstrates logical, subtle sequencing of ideas through well-developed paragraphs; transitions are used to enhance organization; a gripping introduction and a strong conclusion evident	Paragraph development present but not perfected	Logical organizations; organization of ideas not fully developed; introduction and conclusion present but not fully developed	No evidence of paragraph structure; no introduction or conclusion; illogical organization of ideas



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<b>Management of Time</b>	Submitted on time; utilizes class time appropriately; seeks help in research and writing; evidence of homework each night; student-designed action plan	Utilizes class time; deadline met; submitted on time	Deadlines met with supervision; home preparation minimal	Consistently unprepared; late; unfinished; no evidence of homework
<b>Mechanics and Language Usage</b>	Error-free paper, accurate spelling and punctuation, capitalization, and usage; variety of sentence structures, rich vocabulary	Few errors present in spelling, punctuation, capitalization, and usage; some attempt at sentence variety; occasional use of rich vocabulary	Incorrect sentence structure; spelling, punctuation, capitalization, errors present; repetitious vocabulary; weak language usage	Multiple errors present in sentence structure, spelling, punctuation, and capitalization; weak vocabulary and incorrect language usage
<b>Presentation</b>	Neatly typed, numbered pages; assembled with care; cover sheet with name, grade, and dates; creative ideas present; good graphics	Neatly presented; cover sheet complete with attention to aesthetics	Presentation is legible but lacks visual appeal; no cover sheet with name, grade, and date	Difficult to read; not assembled with care; lacks cover sheet



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**Lesson Activity Steps:** (can take several class periods)

Purpose	Teacher	Learner
Into (Hook)	<p>Enter the classroom in Judge Costume.</p> <p>Show students “I [heart] boobies” shirt, ask students should this shirt be banned from campus? If you refuse to take it off should you be suspended? If so, how long?</p> <p>Handout “I [heart] boobies” and “<i>ACLU: Suspension Over Nose Piercing Is Illegal</i>”</p>	<p>Participate in discussions.</p> <p>Read through assignments (GRASPS and Rubrics) students can start to read and use the Socratic Seminar Form to guide their reading.</p>
Through	<p>Organize Socratic Seminar.</p> <p>Students given the task of writing an opinion that will be given to the Chief Justice.</p>	<p>Students start the Socratic seminar with the question “What are the Constitutional issues brought up by the lawsuits and should the Supreme Court hear the cases?”</p> <p>Participate in Socratic Seminar.</p> <p>Students write opinion on both cases that will be given to the Chief Justice to help him with his decision.</p> <p>Reflect on unit understanding of how should government deal with opposing factions that occur in society.</p>
Beyond	<p>Give feedback from both Socratic Seminar and the written opinions.</p>	<p>Reflect and share learning.</p>

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

Students can be paired or provided with accommodations regarding content, technology use, or scaffolding of ideas. Rubrics could be adjusted to ask for one comparison of two countries rather than three for students who may need a shorter but grade level assignment using critical thinking.

**Extension Ideas:** Students can find current events that are being discussed in the media and create a News Media report on what is on the news.



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### References:

<http://www.courthousenews.com/2010/11/16/31897.htm>

<http://www.courthousenews.com/2010/11/16/Boobies.pdf> (Actual Lawsuit)

### Students Sue School Over 'I [Heart] Boobies' Bracelets

By BARBARA LEONARD

PHILADELPHIA (CN) - Two middle-school students say they were suspended and banned from attending a school dance because they wore "I [Heart] Boobies" bracelets to promote discussion about breast cancer.

Plaintiffs B.H. and K.M. sued the Easton Area School District Middle School anonymously through their mothers, Jennifer Hawk and Amy McDonald-Martinez, in Federal Court.

B.H., a 13-year-old student in the eighth grade, says she saw her friends at school wearing the rubber bracelets and bought one "to honor a close friend of her family who had died of the disease." Since wearing the bracelet, B.H. has learned of many more people -- including teachers and friends at school -- who have lost family members to breast cancer, because wearing the bracelets leads to conversation about the disease," according to the complaint.

K.M., a 12-year-old student in seventh grade, says she bought a bracelet "to show her concern over breast cancer and to honor the memory of her recently deceased aunt, who had breast cancer."

Though some teachers were opposed to the bracelets, and told students to wear them inside-out or remove them, the girls say the bracelets never disrupted class time or caused out-of-school disruptions.

When the school announced that all "I [Heart] Boobies" bracelets must be turned inside-out, a teacher complained that the inside of the bracelet says "keep-a-breast.org," and the school administration announced that the bracelets were banned, according to the lawsuit.

The girls say the bracelets, produced by the Keep a Breast Foundation, help young people overcome embarrassment and confront body-image taboos, which is important in empowering young women to check their breasts for signs of cancer.

When B.H. and K.M. continued to wear the bracelets after the ban, they were suspended and told they could not attend the middle school dance on Nov. 19.

"The 'I [Heart] Boobies' campaign, which has spread nationally, is designed to reach young people in a language that they will find more fun and less threatening than other discussions about breast cancer, and is intended to engage young people in dialogue about early detection and treatment for what is the leading cause of



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death among women under age 40," the complaint states.

The girls say dozens of students have worn the bracelets throughout the fall without serious incident, and the school can't prove that the bracelets have caused any disruption. They say the bracelets do not fall under the category of dress that expresses a lewd or indecent slogan, which is banned by the school's dress code.

"In refusing plaintiffs' request to rescind the ban, the school has justified it by claiming that some students are 'uncomfortable when learning about and discussing human sexuality topics,' that the bracelets apparently prompted some male students to make inappropriate comments about girls' breasts, and that some staff members were 'offended' by the bracelets," according to the complaint.

"But the First Amendment does not allow schools to censor students' speech merely because some students and teachers are offended by the non-vulgar educational message, and silencing the speakers because other students may react inappropriately would amount to a constitutionally impermissible heckler's veto."

B.H. and K.M. seek damages and an injunction for alleged civil rights violations. They are represented by Mary Roper with the American Civil Liberties Foundation of Pennsylvania.



[http://www.huffingtonpost.com/2010/10/06/aclu-suspension-over-nose\\_n\\_752555.html](http://www.huffingtonpost.com/2010/10/06/aclu-suspension-over-nose_n_752555.html)

## **ACLU: Suspension Over Nose Piercing Is Illegal**

RALEIGH, N.C. — The American Civil Liberties Union claims in a lawsuit filed Wednesday that a North Carolina school violated the constitutional rights of a 14-year-old student by suspending her for wearing a nose piercing.

The lawsuit from the state chapter of the ACLU seeks a court order allowing Ariana Iacono to return immediately to Clayton High School, which has kept her on suspension for four weeks since classes started.

The complaint hinges on Iacono's claim that her nose piercing isn't just a matter of fashion, but an article of faith. She and her mother, Nikki, belong to a small religious group called the Church of Body Modification, which sees tattoos, piercings and the like as channels to the divine.

"This is a case about a family's right to send a 14-year-old honor student to public school without her being forced to renounce her family's religious beliefs," wrote lawyers from the ACLU and the Raleigh firm Ellis & Winters in a brief supporting the lawsuit.

The Johnston County school system has a dress code banning facial piercings, along with short skirts, sagging pants, "abnormal hair color" and other items deemed distracting or disruptive.

But the dress code also allows for exemptions based on "sincerely held religious belief," and says, "the principal or designees shall not attempt to determine whether the religious beliefs are valid, but only whether they are central to religious doctrine and sincerely held."

That's where the school stepped over the line, the lawsuit alleges, saying officials repeatedly dismissed explanations of the Iaconos' faith by the family and their Raleigh minister.

"We followed all the rules, so I don't understand why the school is being so unreasonable," Nikki Iacono said. "The dress code policy allows for a religious exemption, and I explained to the principal and various school officials how my daughter's nose stud is essential to the expression of our family's religious values."

Terri Sessoms, spokeswoman for Johnston County schools, said the district had received notice of the lawsuit, but officials can't comment on disciplinary actions involving individual students.

Ariana Iacono has been suspended four times since fall classes started, missing 19 out of 28 school days so far. On Monday, the school system denied an appeal of her most recent suspension, and told her she'd have to attend South Campus Community School, an alternative facility for students with disciplinary and other problems. She still wouldn't be allowed to wear the nose piercing in the other school.

Nikki Iacono, 32, joined the Church of Body Modification in 2009, and her daughter followed a year later. Their minister, Richard Ivey, thinks school officials are dismissing a little-known belief system simply because it's unfamiliar.

"I'm shocked that it's gone this far, but I guess I'm not surprised they'd be so quick to stick with their first judgment and not hear anyone else's reasoning," he said.



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Socratic Seminar Form

Name: \_\_\_\_\_

Questions about the article	
<b>Close-Ended Question:</b> Write a question about the topic that will help everyone come to an agreement about details concerning the topic. This question usually has a "correct" answer.	<b>Open Ended Question:</b> Write an insightful question about the topic that will require proof, insights, and group discussion to discover or explore the answer to the question
<b>Connection Question:</b> Write a question connecting the topic to national patterns or processes, especially as they develop over time, OR how local developments relate to national or global ones.	<b>Societal Comparison:</b> Question: Write a question comparing the topic either within or among different factions of society.

Please write notes about the article that you think are important for the Socratic Seminar in the space below or on the back.

Need Help for your Socratic Seminar?	
<b>To introduce an idea</b>	
<b>Use the Text</b>	<ul style="list-style-type: none"> <li>The following quote made me think about _____.</li> <li>While reading _____, I realized _____.</li> <li>_____ really made sense to me when I read _____.</li> </ul>
<b>Ask a Question</b>	<ul style="list-style-type: none"> <li>What was meant by _____? What did the author mean by _____?</li> <li>How is _____ related to _____? What is the connection between _____ and _____?</li> <li>What was it important that _____? Why did the author mention _____?</li> </ul>
<b>To respond to an idea</b>	
<b>Add your thinking to the idea</b>	<b>Seek to better understand the idea</b>
<ul style="list-style-type: none"> <li>I also think that _____.</li> <li>In addition, it occurred to me that _____.</li> <li>To take it one step further, consider _____.</li> <li>Another example of _____ is _____.</li> </ul>	<ul style="list-style-type: none"> <li>I am still wondering about _____.</li> <li>I am having a hard time understanding why _____.</li> <li>I need more information regarding _____.</li> <li>I continue to be confused by _____.</li> </ul>



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Take the idea in a different direction		Connect the idea to something else	
<ul style="list-style-type: none"> <li>• That's not exactly how I understood _____.</li> <li>• Let's consider the possibility that _____.</li> <li>• _____ can also be interpreted as _____.</li> <li>• I see it differently; in my opinion _____.</li> </ul>		<ul style="list-style-type: none"> <li>• _____ reminds me of _____.</li> <li>• _____ is similar to _____.</li> <li>• _____ can also be found in _____.</li> <li>• _____ is linked to _____ by _____.</li> </ul>	
<b>To reflect on the dialogue</b>			
<b>Evaluate my understanding</b>		<ul style="list-style-type: none"> <li>• As a result of the comment about _____.</li> <li>• The conversation helped me understand / realize _____.</li> <li>• I still need help with _____.</li> </ul>	
<b>Examine the seminar process</b>		<ul style="list-style-type: none"> <li>• The conversation could have been improved by _____.</li> <li>• The seminar was useful because _____.</li> <li>• During the next seminar, I will _____.</li> <li>• _____.</li> </ul>	

Socratic Seminar Peer Edit Form

Date:		Reading/Viewing Item		
Opening Question:				
Person Observed	Listens	Responds to Questions	Asks Questions	Comments Numbers or Words
	1-4 points	1-4 points	1-4 points	
	1-4 points	1-4 points	1-4 points	
Comments-Use these for comments			<ol style="list-style-type: none"> <li>4. had an excellent idea</li> <li>5. asks good questions</li> <li>6. outstanding participation-includes responding, asking questions, paraphrasing, encourages others to participate</li> <li>7. did not participate</li> </ol>	
<ol style="list-style-type: none"> <li>1. needs to speak more</li> <li>2. calls out, interrupts</li> <li>3. needs to focus more</li> </ol>				



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<b>Listening</b>	<ul style="list-style-type: none"> <li>• Listens for opportunities to respond</li> <li>• Does not overlook details</li> <li>• Takes notes/writes questions</li> <li>• Avoids repetitive remarks</li> <li>• Builds on discussion</li> <li>• Points out flawed reasoning</li> <li>• Overcomes any distractions</li> </ul>	<ul style="list-style-type: none"> <li>• Is generally attentive and focused</li> <li>• Responds thoughtfully to ideas/ questions raised</li> <li>• May be too absorbed in own thoughts to hear others' questions</li> <li>• May write down some thoughts but not consistently</li> </ul>	<ul style="list-style-type: none"> <li>• Responds only to ideas that are personally interesting</li> <li>• Asks for repetition of questions or rephrasing of questions</li> <li>• Takes very limited notes</li> <li>• Easily distracted or may be source of distraction</li> <li>• Does not look up the text as it is cited</li> <li>• Does not visibly respond to cited text</li> </ul>	<ul style="list-style-type: none"> <li>• Not attentive to others</li> <li>• Exhibits negative body language</li> <li>• Makes comments showing total misrepresentation of material</li> <li>• Does not listen well to others' points</li> <li>• Takes no notes</li> </ul>
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Unit: I KNOW MY RIGHTS