Landmark Supreme Court Cases

Lesson Video: Grades 6-8

Overview

Teacher: **Wendy Ewbank**

Grades: **7–8**

School: **Madrona Middle School**

Location: **Edmonds, Washington**

NCSS Standards-Based Themes: Individuals, Groups, and Institutions; Power, Authority, and Governance; Civic Ideals and Practices

Content Standards: History, Civics

Video Summary

Is flag burning an acceptable expression of free speech? Should evidence obtained without a search warrant be admissible in court? What constitutes a "clear and present danger" in wartime? Wendy Ewbank and her students use two simulation exercises to examine the nature of individual rights and the role of the Supreme Court in sustaining them.

The first simulation is in the form of a press conference, in which students take on the roles of key figures from landmark Supreme Court cases. First Ms. Ewbank questions the players in order to clarify and highlight specific information about each case. Then she invites the rest of the class to act as the "press corps" and question their peers.

In the second simulation—a town meeting—students consider the issue of flag burning. Although it is currently protected under the First Amendment, flag burning has become the subject of a newly proposed amendment that would make it illegal. Students express their opinions about the constitutionality of such an amendment, then assume the roles of town leaders and residents to debate the issue. After listening to the views of their fellow "townspeople," students re-examine their own views to see if they have changed.

Standards

Expectations of Excellence: Curriculum Standards for Social Studies defines what students should know and be able to do in social studies at each educational level. This lesson correlates to the following standards for middle school students:

V. Individuals, Groups, and Institutions

Analyze group and institutional influences on people, events, and elements of culture; describe the various forms institutions take and the interactions of people with institutions; identify and describe examples of tensions between belief systems and government policies and laws; apply knowledge of how groups and institutions work to meet individual needs and promote the common good.

Standards, cont'd.

VI. Power, Authority, and Governance

Examine persistent issues involving the rights, roles, and status of the individual in relation to the general welfare; analyze and explain ideas and governmental mechanisms to meet needs and wants of citizens, regulate territory, manage conflict, and establish order and security.

X. Civic Ideals and Practices

Examine the origins and continuing influence of key ideals of the democratic republican form of government, such as individual human dignity, liberty, justice, equality, and the rule of law; identify and interpret sources and examples of the rights and responsibilities of citizens; locate, access, analyze, organize, and apply information about selected public issues—recognizing and explaining multiple points of view; practice forms of civic discussion and participation consistent with the ideals of citizens in a democratic republic.

Content Standards: History, Civics

About the Class

Classroom Profile

> "By participating in a simulated press conference and town meeting format, students have to not only read about and learn the issues, they have to own the ideas and take on a character who has a stake in the outcome. I think they'll remember these concepts in ways they never would have by just reading or writing about them." —Wendy Ewbank

Year at a Glance
The Post-Colonial World
Settlers to the New World
The Revolutionary World
The Constitution and Bill of Rights
Immigration
Model UN Project
World Geography
Washington State

Wendy Ewbank teaches seventh- and eighth-grade history at the Madrona Middle School in Edmonds, Washington. A small town with a large retirement community, Edmonds is also home to a professional population that commutes to the high-tech industries in nearby Seattle. Edmonds is predominantly Caucasian with a growing Asian population. Madrona Middle School reflects Edmonds's demographics while drawing more diversity from neighboring towns. Each year, 150 students and 25 parent volunteers participate in the school's thriving service learning program by working with the American Civil Liberties Union (ACLU), environmental organizations, a senior center, and local museums.

Ms. Ewbank teaches a multiage class of seventh- and eighth-graders. Because seventh-grade standards cover world regions, and eighth-grade standards cover U.S. history, Ms. Ewbank integrates her curriculum by including both subjects. She began the year with a unit on the post-colonial world, examining world regions and studying the relationships between different countries (for example, how an Italian explorer named Christopher Columbus obtained funding from the king and queen of Spain). From there, students went on to study units on early America up to and including the Constitution and Bill of Rights.

About the Class, cont'd.

By the time the class began the lesson shown in "Landmark Supreme Court Cases," students had studied the balance of powers among the three branches of government, the impact of court rulings on the law, and the conflict that sometimes arises between preserving individual liberties and protecting the common good. They had a solid understanding of the law and had simulated other town meetings, as in a lesson on the Founding Fathers, for example. Before this simulation, Ms. Ewbank asked students to research Supreme Court cases and share their findings in posters they created. Students conducted additional research once they were assigned specific roles for the press conference and town meeting simulations.

Ms. Ewbank explained to students what she expected of them in terms of their participation in the simulation. She assessed their understanding based on how substantive their contributions were and their ability to think on their feet and stay in character when fielding questions. At the end of the lesson, students were given an essay test on the Constitution and on the Supreme Court cases they had just studied. Ms. Ewbank then connected what students had learned in this lesson to the next unit on immigration, and later to a lesson on civil rights.

Lesson Background

Read this information to better understand the lesson shown in the video.

Content: Supreme Court Rulings on Individual Rights

***Schenck v. United States* (1919):** In 1917, while American soldiers were fighting in France during World War I, the general secretary of the Socialist Party (Charles T. Schenck) mailed 15,000 leaflets to young men urging them to resist the draft. Schenck and his colleagues were arrested for violating the Espionage Act of 1917. They were charged with conspiring to cause insubordination in the armed forces, obstructing the draft, and using the mail unlawfully. Schenck argued that their right to free speech had been denied. The Court ruled against Schenck. Justice Oliver Wendell Holmes argued that Congress has the right to prevent free speech if it constitutes a "clear and present danger."

***Dennis v. United States* (1951):** In 1948, Eugene Dennis and 10 other leaders of the American Communist Party were arrested and charged with conspiring to teach how to overthrow the government by forceful means. Their highly publicized trial lasted nine months. They were found guilty of violating the Smith Act, which made it illegal to advocate the violent overthrow of the government. Mr. Dennis claimed that the Smith Act violated his right to free speech. The communist leaders appealed their case to the Supreme Court, arguing that advocating a revolution is not the same as starting one, and that it was unconstitutional to punish individuals for their ideas. The Court ruled against Dennis, finding that freedom of speech can be lifted if the speech represents a "clear and present danger." Between 1951 and 1956, 120 alleged "second-string" communists were arrested and convicted.

***Mapp v. Ohio* (1961):** Based on a tip that a bombing suspect was hiding out in the home of Dorlee Mapp, police in Cleveland, Ohio came to search the young woman's home. Ms. Mapp asked to see a search warrant, but the police did not have one. The police left and returned with what Ms. Mapp claimed was a blank piece of paper. The police didn't find the suspect, but they did find pornographic materials that were illegal to possess in the state of Ohio. Ms. Mapp was arrested, tried, and convicted on an obscenity charge—a felony punishable by up to seven years in prison. She appealed the conviction, arguing that the search of her home was a violation of her Fourth Amendment right to protection against unreasonable search and seizure. The Court sided with Ms. Mapp and in its ruling created the exclusionary rule, making illegally obtained evidence inadmissible in court.

***Olmstead v. United States* (1928):** In 1919, the Eighteenth Amendment was passed, which made it illegal to manufacture, transport, or sell intoxicating beverages. In the late 1920s, a known bootlegger named Roy Olmstead had more than 50 employees working for him and owned two ocean vessels that he used to import liquor. Federal agents wiretapped his phone and used the recordings as evidence to convict Olmstead of violating the Eighteenth Amendment. Olmstead appealed on the basis that his Fourth Amendment right to privacy had been violated and evidence against him had been obtained without a warrant. The Court ruled against Olmstead, claiming that an individual's right to privacy and right to be shown a search warrant applied to entering his home and seizing property, but not to eavesdropping on telephone conversations.

About the Class, cont'd.

***Texas v. Johnson* (1989):** In 1984, a crowd gathered outside the Republican National Convention in Dallas to protest the Reagan Administration's policies. During the demonstration, an American flag was burned, and Gregory Johnson was arrested and convicted under Texas law of desecrating a flag and disturbing the peace. Johnson appealed his conviction and lost in the state court of appeals. Later, the Texas Court of Criminal Appeals overturned his conviction, holding that burning the flag is "expressive conduct" protected by the First Amendment. The State of Texas then appealed the decision to the U.S. Supreme Court, which ruled 5 to 4 in Johnson's favor that his conviction was inconsistent with the First Amendment.

Teaching Strategy: Role-Playing and Simulations

Interactive teaching strategies like role-playing and simulations work best when they're presented spontaneously to students. However, effective use of role-playing requires preparation, a well-defined format, clearly defined goals and outcomes, and time to debrief after the simulation. Role-playing and simulations require students to improvise using the information available to them. In the process, it encourages critical thinking and cooperative learning. These teaching tools can also be effective in helping students clarify attitudes and ideologies and make connections between abstract concepts and real-world events.

Watching the Video

As you reflect on these questions, write down your responses or discuss them in a group.

Before You Watch

Respond to the following questions:

- How do you engage students in complex issues?
- How do you introduce students to the Constitution as a document that is both durable and adaptable?
- How can role-playing and simulations be used to help students understand the Constitution?

Watch the Video

As you watch "Landmark Supreme Court Cases," take notes on Ms. Ewbank's instructional strategies, particularly how she prepares, implements, and debriefs the role-playing and simulations. Write down what you find interesting, surprising, or especially important about the teaching and learning in this lesson.

Watching the Video, cont'd.

Reflecting on the Video

Review your notes, then respond to the following questions:

- What struck you about the classroom climate, background, preparation, strategies, and materials used in this lesson?
- What kind of preparation do you think Ms. Ewbank's students needed prior to assuming their roles?
- What were the major parts of the lesson, and what was the purpose or goal of each part?
- Describe how Ms. Ewbank extended student knowledge during the role-playing and simulations.
- How is this class different from yours? How might you teach your own students about challenges to the Constitution?

Looking Closer

Here's an opportunity to take a closer look at interesting aspects of Ms. Ewbank's lesson.

Simulating a Press Conference: Video Segment

Go to this segment in the video by matching the image (to the left) on your TV screen. You'll find this segment approximately three minutes into the video. Watch for about three minutes.

Students have prepared to assume roles in a simulated press conference about landmark Supreme Court cases. The segment begins with the press conference involving the case of *Dennis v. the United States.*

- What does Ms. Ewbank do to introduce the simulation and activate student interest?
- What evidence do you see that students are engaged and are assuming their roles?
- What do you notice about how Ms. Ewbank uses questions, supplementary information, and summary statements during the simulation?

Simulating a Town Meeting: Video Segment

Go to this segment in the video by matching the image (to the left) on your TV screen. You'll find this segment approximately 13 minutes into the video. Watch for about 10 minutes.

Before the town meeting, Ms. Ewbank asks students to indicate their personal opinion about flag burning by standing along a continuum.

- Why do you think Ms. Ewbank begins by asking students to share their opinions?
- What is the importance of using the continuum strategy at the beginning and end of the lesson?
- What does Ms. Ewbank do to ensure that students will begin to think of this issue from several perspectives?
- What clues do students offer that they are prepared, engaged, and learning?

Connecting to Your Teaching

Reflecting on Your Practice

As you reflect on these questions, write down your responses or discuss them as a group.

- How would you use role-playing and simulation to study a complex issue related to your curriculum?
- What challenges have you faced when conducting a simulation or role-play, and how have you addressed them?
- What are some of the important non-negotiable ground rules that should be agreed upon by students and teachers before beginning a role-play or simulation activity?
- What background knowledge and skills do students need for such a lesson to be successful?

Taking It Back to Your Classroom

- Ask students to study the constitutions of other countries and create a profile of individual rights under different forms of government. Then have them compare the rights they have as American citizens to the rights of citizens of other countries.
- Plan a simulation experience like the one in the video, using court cases that involve students' rights. For example, *Hazelwood School District v. Kuhlmeier* (1988) involves the right of school administrators to censor student newspapers.
- Ask students to research a current issue related to the First Amendment. For example, how close should anti-abortion protesters be allowed to get to women's health clinics? Have them study court rulings and present their findings and their own opinion in a paper structured like a court ruling.
- Working in small groups, have students research and create historically accurate mock newspapers with lead stories about landmark Supreme Court cases. Allow students to use the rest of the paper to write about other key political and social issues of the same era. For example, a newspaper from June 1989, when *Texas v. Johnson* was decided, might also include stories about China and Tiananmen Square protests, European parliamentary elections, the NATO meeting in Brussels, our government's bailout of savings and loan banks, and President George H. Bush's anticrime plan.) This activity helps students place Supreme Court decisions in a historical context.

Resources

Print Resources for Students

Alonso, Karen. *Schneck V. The United States: Restrictions on Free Speech*. Berkeley Heights, N.J.: Enslow Publishers, Inc., 1999.

Sherrow, Victoria, Sarah Betsy Fuller, and Harvey Fireside. *Landmark Supreme Court Cases Series*. Berkeley Heights, N.J.: Enslow Publishers, Inc.,1997.

Print Resources for Teachers

Evans, Ronald W., and David Warren Saxe, eds. *Handbook on Teaching Social Issues*. National Council for the Social Studies Bulletin 93. Washington, D.C., 1996.

Joyce, Bruce R., Marsha Weil, with Emily Calhoun. *Models of Teaching*. Boston: Allyn & Bacon, 2000.

The Supreme Court's Greatest Hits. Read by Jerry Goldman. Evanston, Ill.: Northwestern University Press, 1999. Audiocassette and Compact Disc.

Teacher Created Materials. *Using Literature and Simulations in Your Social Studies Classroom*. Huntington Beach, Calif.: Teacher Created Materials, 2001.

Web Resources for Students and Teachers

US Supreme Court Multimedia Database: http://oyez.at.nwu.edu

Northwestern University's Oyez Project site is devoted to significant trials, and includes a complete description of each case and virtual tours through the Supreme Court Building.

National Constitution Center: http://www.constitutioncenter.org

This site offers in-depth histories of the Constitution, the Bill of Rights, and major amendments, as well as current resources on civic affairs.

Constitution Index: http://www.uni-wuerzburg.de/law/home.html

This extensive index includes primary source materials and constitutional documents from countries around the world.

Historic Supreme Court Cases: http://www.socialstudieshelp.com/CourtCases.htm

The Social Studies Help Center features brief, yet comprehensive descriptions of monumental Court decisions and amendments to the Constitution.

The New York Times: Daily Lesson Plan: http://www.nytimes.com/learning/teachers/lessons/19990628monday.html

Geared toward middle and high school teachers, this particular lesson explores some Supreme Court decisions and historical cases.