

Instructions for Attorneys

Review and discuss the background materials that have been provided to you. Working in your team, respond to the following:

1. We represent the _____
2. Write a clear, brief statement of your position.
3. List at least two facts from the case that support your position with an explanation of how each fact supports your position.
4. Identify two precedents that support your case. In which ways can you use these previous rulings?
5. Write at least one reason why a court decision in your favor will benefit society.

Source: Kristen Borges, social studies teacher, Southwest High School, Minneapolis, Minnesota

Instructions for Supreme Court Justices

1. Read through the facts of the case. Outline the facts.
2. Discuss the following questions and as a group come up with the best possible answers. Remember there is no need to reach a consensus. If there is disagreement, write each opinion and how many Justices supported each opinion.
 - a. Suppose every child in a public school classroom voted to begin each class with a prayer and Bible reading. Is there a difference if a local school board or state statute authorized such practices and if so, what is it?
 - b. Why is school prayer prohibited when legislatures begin sessions with prayers, the term God is in the Pledge of Allegiance and on legal tender, and witnesses in legal proceedings take an oath on the Bible?
3. What are some of the questions you may have for the school board attorneys?
4. What are some of the questions you may have for Jane Doe's attorneys?
5. Use the guidelines known as the Lemon Test to decide if the school board policy violates the First Amendment to the Constitution. (The primary purpose of the policy must not be religious. It must have some other purpose, such as furthering education.)

Source: Kristen Borges, social studies teacher, Southwest High School, Minneapolis, Minnesota

Supreme Court Conference Instructions

1. The Justices meet in the circle in the middle of the room. They shake hands as the Supreme Court Justices traditionally do before they meet.
2. Chief Justice: Announce the case for discussion. Begin discussion of the case. All Justices should state their opinion of the case and the reasoning behind their opinion. Begin with the Chief Justice and then go around the circle.
3. Oral Opinion: Discuss the strongest points made by the appellant. Discuss the strongest points made by the respondent. Discuss weak points on both sides. Justices should try to persuade others and try to form coalitions in order to reach a majority opinion. Issue the opinion.
4. Chief Justice: Have each Justice give his/her vote and key reasons for his/her opinion. Keep a tally of the other Justices' votes for or against.

Source: Kristen Borges, social studies teacher, Southwest High School, Minneapolis, Minnesota

After-Hearing Discussion Instructions

Do you agree? Why or why not?

- What language of the Constitution and the Amendments, other law, or previous cases was relied upon in the Court's decision?
- What were the key principles involved?
- What was the significance of the Court's decision?
- Did the decision change the meaning of the Constitution?
- Was this the best way to solve the problem?
- What are the alternative ways?
- Can you predict problems arising out of the Court's decision?

Read *Santa Fe Independent School District v. Doe*.

Source: Kristen Borges, social studies teacher, Southwest High School, Minneapolis, Minnesota

Instructions for Supreme Court Opinion Essay

Write an essay that states your opinion of the case *Santa Fe School District v. Jane Doe*. Convince the reader to agree with you by citing specific facts from the actual case. Think about the arguments you made and heard during the mock Supreme Court hearing. Be sure to review and address all of the arguments from the opposing side as well. By pointing out the weaknesses of the opposing arguments, you will convince the reader that your opinion is the stronger one. Choose your language and words carefully. Consider the reader while writing.

Use the following to help you organize your essay:

Introduction:

Introduce the reader to the case. Try to grab his/her attention right away. Briefly explain the issues in the case as well as the facts of the case. Provide a clear thesis statement that states your opinion of the case.

Body:

The supporting paragraphs of your paper should include arguments that defend your opinion (thesis). Make sure you include three arguments that support your opinion. Include specific details from the case that support your opinion as well as reasons why the opposing arguments were weak.

Conclusion:

Analyze the actual United States Supreme Court decision for *Santa Fe School District v. Jane Doe*. Address potential problems and benefits the Court's decision might present in the future. Address the language of the Constitution and the Amendments, other law, or previous cases that were used in the Court's decision. Did the decision change the meaning of the Constitution?

Your paper will be assessed using the [Scoring Sheet for Final Essay](#).