

# *Does the judicial branch really matter?*



United States Supreme Court (Photo Credit: Wally Gobetz/Flickr)

<https://www.flickr.com/photos/wallyg/3633635251>

## Supporting Questions

1. How is the federal court system organized and what are its powers?
2. How are federal judges chosen and how long are their terms?
3. What is judicial review and how does it impact the lives of citizens?

## 8th Grade Civics and Economics

## Compelling Question?

<b>Standards and Content</b>	<p><b>SOL CE.9:</b> The student will apply social science skills to understand the judicial systems established by the Constitution of Virginia and the Constitution of the United States by</p> <ul style="list-style-type: none"> <li>a) describing the organization of the United States judicial system as consisting of state and federal courts with original and appellate jurisdiction;</li> <li>b) by describing the exercise of judicial review.</li> </ul> <p><b>SOL CE.1:</b> The student will demonstrate skills for historical thinking, geographical analysis, economic decision-making, and responsible citizenship by</p> <ul style="list-style-type: none"> <li>a) analyzing and interpreting evidence from primary and secondary sources, including charts, graphs, and political cartoons;</li> <li>c) analyzing information to create diagrams, tables, charts, graphs, and spreadsheets;</li> <li>e) constructing informed, evidence-based arguments from multiple sources;</li> <li>h) using a decision-making model to analyze and explain the costs and benefits of a specific choice;</li> <li>j) defending conclusions orally and in writing to a wide range of audiences, using evidence from sources.</li> </ul>
<b>Staging the Compelling Question</b>	HOOK – <a href="#">Impact of Judicial Review</a> Activity. Students will review Supreme Court cases and determine if bias can influence decision making.

<b>Supporting Question 1</b>	<b>Supporting Question 2</b>	<b>Supporting Question 3</b>
How is the federal court system organized and what are its powers?	How are federal judges chosen and how long are their terms?	What is judicial review and how does it impact the lives of citizens?
<b>Formative Performance Task</b>	<b>Formative Performance Task</b>	<b>Formative Performance Task</b>
Complete a <a href="#">T-Chart</a> to describe the structure and powers of the federal judicial branch.	Write <a href="#">a paragraph</a> that summarizes the qualifications for federal judges, how they are chosen, and the length of their term of office, including how they can be removed.	Use <a href="#">Source A</a> 's information about judicial review and its impact to complete the questions within Source A.
<b>Featured Sources</b>	<b>Featured Sources</b>	<b>Featured Sources</b>
<b>Source A:</b> <a href="#">Judicial Branch for Kids</a>  <b>Source B:</b> <a href="#">US Constitution- Article III</a> (primary source with annotations)	<b>Source A:</b> <a href="#">Federal Judges</a>	<b>Source A:</b> <a href="#">Judicial Review Defined</a>

<b>Summative Performance Task</b>	<b>ARGUMENT:</b> Construct an argument (e.g., detailed outline, poster, essay) that answers the question “ <a href="#">Does the judicial branch really matter?</a> ” using specific claims and relevant evidence from sources while acknowledging competing views.
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## C3 TEACHERS

	<p><b>EXTENSION.</b> Have students research a recent Supreme Court case (in the last two years). The student should then create a summary of the background of the case and the decision. This student will present the summary of the background of the case (without the ruling) and allow students to decide how they think the case was decided. Then, the student can present the summary of the ruling of the case.</p>
<p><b>Taking Informed Action</b></p>	<p><b>UNDERSTAND</b> Students should <a href="#">research a case</a> that is scheduled to be heard by the Supreme Court.</p> <p><b>ASSESS</b> Students should then determine the opposing arguments or viewpoints of the case.</p> <p><b>ACT</b> Students can write a letter to the attorneys or person/organization involved in the case giving support for their argument.</p>

*\*Featured sources are suggested and links are provided. It may be that these links are broken and we apologize in advance for the inconvenience.*

## Overview

### Inquiry Description

This inquiry leads students through an investigation of the judicial branch.

It is important to note that this inquiry requires prerequisite knowledge of the legislative and executive branches.

Note: This inquiry is expected to take one to two 90-minute class periods. The inquiry time frame could expand if teachers think their students need additional instructional experiences (e.g., supporting questions, formative performance tasks, featured sources, and writing). Teachers are encouraged to adapt the inquiry to meet the needs and interests of their students. This inquiry lends itself to the differentiation and modeling of historical thinking skills while assisting students in reading a variety of sources.

## Summative Performance Task

At this point in the inquiry, students have examined the judicial branch, including the powers, judges, and, specifically,

judicial review.

Students should be expected to demonstrate the breadth of their understanding and their abilities to use evidence from multiple sources to support their claims. In this task, students will construct an argument (e.g., detailed outline, poster, essay) that answers the question “**Does the judicial branch really matter?**” using specific claims and relevant evidence from sources while acknowledging competing views.

Students’ arguments will likely vary, but could include any of the following:

- *The organization of the judicial branch.*
- *Information about judicial review and how it impacts their lives.*
- *Information about how justices are chosen and their terms of office.*

## Other Notes

This lesson was designed for a Virginia 8th Grade Civics and Economics classroom. It was designed with the intention to provide material related to the Standards of Learning for the judicial branch, but supplemental information to allow students to develop an opinion about the inner workings of the judicial branch and its interaction with the other branches.

This was designed to be an entire mini-lesson regarding the judicial branch within a larger national government unit. Any segment of this plan is able to be used as a standalone lesson, rather than needing to be taught as a whole piece.

Any part of this lesson can be easily extended to include information for higher-level thinking, above and beyond requirements. This includes, but is not limited to

- *Specifics on the most recent additions to the Supreme Court (Gorsuch, Kavanaugh, and Jackson)*
- *Legal principles and logistics regarding decisions on any of the cases studied within the lesson*
- *Exploring the question of whether a federal judiciary is necessary at all, including possible alternatives*

	4	3	2	1	Not Observed
Core Expectations (.1a and .1c) [choose one overall holistic score]					
Accuracy of Content	• Identified, analyzed and interpreted information sources to demonstrate an in-depth understanding of content	• Analyzed and interpreted information sources to understand specific content	• Used information sources to understand of concepts, people, places, or events	• Used information sources to understand content	
Synthesizing information sources	• Integrated evidence from multiple information sources to determine characteristics of people, places, events or concepts	• Gathered and classified information to sequence events and separate fact from opinion	• Classified information, sequenced events, and separated fact from opinion	• Separated fact from opinion	
Explaining Evidence	• Used information to consistently develop, support, or refine the explanation or statement	• Used information to develop and support an explanation or statement	• Used information to support an explanation	• Identified information to support an explanation	
Task Specific Concepts and Skills					
Evaluating Sources (.1e)	Compared and contrasted ideas about historical, cultural and political perspectives in history	Compared and contrasted concepts, people, places, or events	Explained concepts, people, places, or events	Identified concepts, people, places, or events	
Score	Pass Advanced (range: 7-8)	Pass Proficient (range: 5-6)	Progressing (range: 3-4 )	Needs Improvement (range: 1-3)	Not Evident (range: 0)

## C3 TEACHERS

\*Rubric taken from VDOE: <https://www.doe.virginia.gov/teaching-learning-assessment/k-12-standards-instruction/history-and-social-science/assessment-resources>



## Judicial Branch Hook Activity Directions

In preparation for this activity, teachers should organize students into six groups. Each group will be assigned a reading about a Supreme Court landmark case from the [Judicial Branch Hook Activity Handouts](#). Each page in the document will include information on a real case from the past.

Once students are in groups, and before starting the activity, make sure to give some background information to students about when/how justices decide a case:

- Justices/Judges are not free to let their personal opinions affect the outcome. Rather, justices must put aside any personal biases and decide the case solely according to the law.

Individually, the students on each team will make a list of any biases they may have about the case or any facts about their lives that may affect their decision-making process. The students also compile a list of facts they deem relevant to the case, and facts they deem irrelevant. Students should not need to do further research.

After completing these lists, the students talk in their groups about the case, their biases, and what they consider to be relevant facts. The purpose of this exercise is to provide students with a means for recognizing their own biases, especially when the requirements of the law conflict with their personal feelings about the issues.

Afterward, you may share with groups the outcomes of each of the cases:

Case 1: ***Bethel School District #43 v. Fraser*** (1987)

→ **Holding:** Students do not have a First Amendment right to make obscene speeches in school.

Case 2: ***Board of Education of Independent School District #92 of Pottawatomie County v. Earls*** (2002)

→ **Holding:** Random drug tests of students involved in extracurricular activities do not violate the Fourth Amendment.

Case 3: ***Engel v. Vitale*** (1962)

→ **Holding:** School initiated-prayer in the public school system violates the First Amendment.

Case 4: ***Goss v. Lopez (1975)***

→ **Holding:** Students are entitled to certain due process rights.

Case 5: ***Hazelwood v. Kuhlmeier (1988)***

→ **Holding:** Administrators may edit the content of school newspapers.

Case 6: ***New Jersey v. T.L.O. (1985)***

→ **Holding:** Students have a reduced expectation of privacy in school.

Supreme Court Landmark Case  
Bethel School District #43 v. Fraser (1987)

**Directions:** As a group, read the background information related to the case. Then, individually, on your own sheet of paper, make a list of personal biases, or personal feelings that, if you were a judge, may affect your decision in this case. Be ready to discuss this with your group.

**Background:** In April 1983 Matthew Fraser, a student at Bethel High School in Washington state, gave a nominating speech for a classmate who was running for an office in student government. The speech—which occurred at a school assembly that was attended by approximately 600 students—featured numerous offensive and inappropriate statements, causing the audience to react in a variety of ways; some appeared embarrassed, while others yelled and made obscene gestures. Prior to the student assembly, two educators had warned Fraser that he should not give the speech and that if he did, serious consequences could result. The following day, the assistant principal told Fraser that he had violated the school’s policy prohibiting the use of obscene language. As punishment, school officials suspended Fraser for three days and removed his name from the list of possible graduation commencement speakers. After Fraser was unable to get his punishment overturned through the school board’s grievance procedure, his father filed suit on his behalf, alleging that officials infringed on his First Amendment right to freedom of speech.

## Supreme Court Landmark Case

### Board of Education of Independent School District #92 of Pottawatomie County v. Earls (2002)

**Directions:** As a group, read the background information related to the case. Then, individually, on your own sheet of paper, make a list of personal biases, or personal feelings that, if you were a judge, may affect your decision in this case. Be ready to discuss this with your group.

**Background:** In 1998 a school district in Oklahoma adopted a policy that required all middle- and high-school students who wished to participate in competitive extracurricular activities to submit to drug testing. The samples were collected by teachers who stood outside bathroom stalls. If test results were positive, they were kept confidential, except that parents were notified, and students were referred to counseling. Students were not reported to the police, and only repeated positive tests or refusals to participate in counseling could have led to students being excluded from extracurricular activities. Two students at Tecumseh High School, Lindsay Earls and Daniel James, and their parents filed suit against the school board, challenging the policy.

## Supreme Court Landmark Case

### Engel v. Vitale (1962)

**Directions:** As a group, read the background information related to the case. Then, individually, on your own sheet of paper, make a list of personal biases, or personal feelings that, if you were a judge, may affect your decision in this case. Be ready to discuss this with your group.

**Background:** New York state's Board of Regents wrote and authorized a voluntary nondenominational prayer that could be recited by students at the beginning of each school day. The stated prayer included, "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country," In 1958–59 a group of parents that included Steven Engel in Hyde Park, New York, objected to the prayer on the basis that it was a violation of the separation of church and state, protected in the First Amendment. Objectors to Engel argued that it was constitutional because it was voluntary and promoted the free exercise of religion (also protected in the First Amendment).

## Supreme Court Landmark Case

### Goss v. Lopez (1975)

**Directions:** As a group, read the background information related to the case. Then, individually, on your own sheet of paper, make a list of personal biases, or personal feelings that, if you were a judge, may affect your decision in this case. Be ready to discuss this with your group.

**Background:** Demonstrations were held at various schools in Columbus, Ohio, protesting the Vietnam War. Ten students at two high schools and one junior high school were given 10-day suspensions from school after disturbances caused damages to school property. Included in the suspension was Dwight Lopez, who reportedly did not damage any property. Before the suspensions, the school principals did not hold hearings for the affected students to determine if suspensions were necessary, and Ohio law did not require them to do so.

Supreme Court Landmark Case  
Hazelwood v. Kuhlmeier (1988)

Directions: As a group, read the background information related to the case. Then, individually, on your own sheet of paper, make a list of personal biases, or personal feelings that, if you were a judge, may affect your decision in this case. Be ready to discuss this with your group.

Background: The case concerned *The Spectrum*, a student newspaper published as part of a Journalism II class at Hazelwood East High School in St. Louis County, Missouri. *The Spectrum* was published roughly every three weeks during the 1982–1983 school year. The cost of printing the paper, as well as supplies, textbooks, and a portion of the academic advisor's salary, were furnished by the district's Board of Education, supplemented by newspaper sales. The faculty adviser to the journalism class submitted page proofs of the May 13 issue of the newspaper to the principal for approval, a practice that was customary at the time. The principal objected to two of the stories scheduled to run. One was about teen pregnancy, containing interviews with three students who had been pregnant. The story used false names to keep the girls' identities a secret. The principal was concerned about content as well as the fact that the identities of the students could be inferred. In response, the student editor and two student reporters filed suit in January 1984. They argued that this violated their First Amendment right to freedom of speech.

## Supreme Court Landmark Case

### New Jersey v. T.L.O. (1985)

**Directions:** As a group, read the background information related to the case. Then, individually, on your own sheet of paper, make a list of personal biases, or personal feelings that, if you were a judge, may affect your decision in this case. Be ready to discuss this with your group.

**Background:** A teacher at Piscataway High School in New Jersey, upon discovering a 14-year-old freshman and her friend smoking cigarettes in a school bathroom in violation of a school rule, took them to the principal's office, where they met with the assistant principal. When questioned, the student denied that she had been smoking and claimed that she did not smoke at all. The assistant principal demanded to see her purse. After the student was forced to hand over the purse, the assistant principal found a pack of cigarettes. As he kept searching through the purse, due to evidence in plain view, his search revealed a small amount of drugs and paraphilia and an index card that appeared to list students who owed money, and two letters that implicated the student in dealing marijuana. The principal then called the police and the student's mother, who voluntarily drove the student to the police station. The teen was convicted of dealing and use of illicit drugs, expelled from the school, and fined \$1,000.



# Article III

## Section 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

The Supreme Court was the only federal court created by the Constitution. The lower courts were created by Congress later.

Cases between states are heard in the Supreme Court

# Article III

## Section 2

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--between a State and Citizens of another State;--between Citizens of different States;--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Cases involving US laws or the US Constitution are heard in federal court.

Cases involving ambassadors or cases on the ocean are heard in the Supreme Court.

## Federal Judicial Branch

Using the information in Sources A and B, complete the T-Chart below by adding the courts in the federal judicial branch, including the number of courts for each court (you will not fill up each row under structure.)

Then, add at least 5 powers that the federal judicial branch has.

[illegible]

## Federal Judges

Directions: Use the space below to write a paragraph that summarizes the qualifications for federal judges, how they are chosen and the length of their term of office, including how they can be removed.

## Does the Judicial Branch really matter?

Directions: Construct an argument that answers the questions “Does the judicial branch really matter?” Include supporting arguments, using specific claims and relevant evidence from sources while acknowledging competing views.

This could take the form of -

- Public Service Announcement (PSA)
  - Create the public service announcement to explain whether or not the judicial branch matters in our lives.
- A presentation (Google Slides)
  - Design a presentation to present to your peers that answers the questions of whether or not the judicial branch matters in our lives.
- An essay
  - Write an essay that answers the question of whether or not the judicial branch matters in our lives.
- Choose a different presentation option and have it approved by the teacher.