

Preparing for the Supreme Court Hearing

Take a look at the arguments made in the lower courts. Think about arguments and questions you might use.

Arguments Made in Lower Courts

Attorneys for Chicago:

- Our city has been afflicted with criminal street gangs, and these gangs congregate in public places, deal drugs, and terrorize the neighborhoods. Many residents feel that they are prisoners in their own homes.
- The ordinance does nothing more than allow the police the power to maintain the public peace, and, when necessary, to disperse groups of individuals who threaten it.
- There is nothing "vague" about this ordinance. When a police officer asks people to disperse and remove themselves from the area, the majority of people will know what that means and understand exactly how to comply.
- The Gang Congregation Ordinance is enforced by officers who have special skills and training in identifying known criminal street gang members.
- The law is constitutional because it protects the rights of citizens against threats and criminal activities. "Loitering" is not a constitutional right.

Attorneys for Morales:

- The law is unconstitutional because it prohibits people who are not doing anything illegal to assemble in public areas. The freedom to loiter for innocent purposes is protected by the due process clause of the 14th Amendment.
- The way the ordinance defines "loitering" is too vague. There are good reasons why a person might be standing on the street, and these good reasons might not be apparent to a police officer passing by.
- The police should not have the authority to decide who is "loitering" and who has an apparent purpose for standing on the street.
- If the loitering is in fact harmless and innocent, the dispersal order itself is an unjustified impairment of liberty.

Question Before the Court:

Is the City of Chicago's Gang Congregation Ordinance unconstitutional? Why or why not?

To Prepare for the Case:

Attorneys for Chicago: Create arguments to convince the justices that the ordinance is **not** unconstitutional or vague.

Attorneys for Morales: Create arguments to convince the justices that the ordinance **is** vague and unconstitutional.

Justices of the U.S. Supreme Court: Create at least three questions to ask each side to help you determine the case.

Rules of Oral Argument

1. Attorneys for Chicago will present first.
2. Attorneys for Morales will present second.
3. Justices will ask questions of both sides during the arguments.

The Justices' Decision

1. After oral arguments, the justices meet and discuss the case.
2. They vote on the decision, then explain the reasons to the rest of the class for the decision.