

Teacher Guide

The Constitution and Bill of Rights: Equal Protection and Gratz v. Bollinger: A U.S. Supreme Court Case

Overview

This PowerPoint lesson contains two presentations: ***The Constitution and the Bill of Rights: Equal Protection*** and ***Gratz v. Bollinger: A Supreme Court Case***. The lesson begins with *The Constitution and Bill of Rights: Equal Protection* presentation to introduce and provide background on the concept of equal protection under the law. Using animated graphics, this presentation provides a visual medium to accompany the teacher’s oral narrative. It is designed to provide flexibility for teachers to focus on key concepts most appropriate for their courses and students.

The PowerPoint lesson also includes a moot court activity, *Gratz v. Bollinger: A Supreme Court Case*. In this activity, students apply their knowledge about the 14th Amendment equal protection clause as they prepare for and present a mini-moot court case. The PowerPoint presentation provides graphics and sound effects. The talking points for this presentation provide teachers with procedures for conducting the activity using the slides as cues for the students. A student handout is included to help students prepare for the case.

Time Estimations

Part I: The Constitution and the Bill of Rights: Equal Protection PowerPoint Presentation	10 minutes
Part II: Gratz v. Bollinger PowerPoint Presentation	10 minutes
Part III: Moot Court activity	20 minutes
Part IV: Lesson Reflection	5 minutes
Part V: Share Supreme Court’s decision	<u>5 minutes</u> 50 minutes

Part I and II—Suggested Presentation Strategy

1. Preview the two presentations: *The Constitution and the Bill of Rights: Equal Protection* and *Gratz v. Bollinger: A Supreme Court Case* and review the talking points for each.
2. Prepare a narrative presentation to accompany *The Constitution and the Bill of Rights* based on your interests and student needs. You may want to provide additional depth on specific topics.
3. Following the presentation, explain to students that they are going to have a chance to participate as attorneys and justices in a Supreme Court case.
4. Using PowerPoint, guide students through the activity, *Gratz v. Bollinger*. Step-by-step procedures are included in the talking points. You may want to explain that the case is named after the students who were applying to get into the University of Michigan, Jennifer Gratz and Patrick Hamacher, and the President of the University of Michigan, Lee Bollinger.

Part III—Conducting the Moot Court Activity

1. Tell the students they are now at the Supreme Court of the United States. Read through the “To Prepare for the Case” and “Rules for the Oral Arguments” from the Student Handout with them. Make sure students understand the rules.

The Question Before the U.S. Supreme Court:

Does the University of Michigan's use of racial preferences violate the 14th Amendment?

To Prepare for the Case...

Attorneys for Gratz (Students): Create arguments to convince the justices that the admission policy is not fair to Gratz and Hamacher or other students who are not African-American, Hispanic, or Native American.

Attorneys for Bollinger (University): Create arguments to convince the court that the admissions system is fair and necessary to provide a diverse student population.

Justices of the U.S. Supreme Court: Create at least three questions to ask each side to help you determine whether the University admission policy violates the 14th Amendment.

Rules for the Oral Argument

1. Attorneys representing the students appealed the case to the Supreme Court, they are *appellants*. They will present first.
2. Attorneys representing the university are responding to the appeal, they are *respondents*. They will present second.
3. Justices will ask questions of both sides during the arguments.
4. After hearing both sides, justices deliberate out loud. Attorneys listen but do not interrupt.
 - Justices, deliberate by discussing the arguments you heard. Share with each other the most persuasive and least persuasive arguments you heard.
 - Justices, provide reasons why you thought arguments were most persuasive or least persuasive.
 - After deliberating, vote whether your court rules in favor of the students or in favor of the University.

The Arguments of Gratz (Appellant)

Attorneys representing the students argued the university's undergraduate admission policy did violate the 14th Amendment. To support their position they argued:

1. In *Bakke*, the court decided that schools cannot accept or deny students based only on race or ethnicity. Everyone has to have an equal chance at getting in.
2. In the Michigan Law school case, every qualified applicant is judged on an individual basis with race or ethnicity being one of many factors considered a plus. But in the university's undergraduate admissions program, minority students were more competitive because they got extra points. This is important because students are admitted to the university based on a mathematical system.
3. Some applicants were not as competitive as others based on the extra points minority students were given.
4. Gratz was denied the opportunity to compete for admissions on an equal basis.
5. Therefore the university's admissions policy violated Gratz's rights under the 14th Amendment.

The Arguments of Bollinger (Respondent):

Attorneys representing the University of Michigan undergraduate program argued the university's admission policy did not violate Gratz's 14th Amendment Rights. To support their position they argued:

1. Under Bakke, the university has a right to ensure that its student body is diverse. It is important to the quality of education for all students.
2. In the Michigan Law school case, the court allowed race and ethnicity to be considered a factor in granting admission to the law school.
3. The university's undergraduate admissions system makes it fairer for all students to have a chance to attend this school, even those who did not have the same opportunities earlier in life and in high school as others.
4. Though the system gives points to certain racial and ethnic groups, it also gives the same amount of points to athletes, or disadvantaged students.
5. Therefore the University's admission policy did not violate Gratz's 14th Amendment Rights.

14th Amendment

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. Form them into groups of seven. Each group is its own court. You can assign roles or the students can select their role. Each member of each group will have one of the following roles:
 - Two will be attorneys for the Gratz, the students. (appellant)
 - Two will be attorneys for Bollinger, University of Michigan. (respondent)
 - Three will be Supreme Court Justices (the three justices are a “triad”)
3. Give courts enough time, probably 15 minutes, to prepare according to the Student Handout.
4. When all groups are ready, attorneys for the Gratz (the students) will speak first. Attorneys for Bollinger (the University) will speak second.
5. Remind students that the justices may ask questions at any time.
6. Attorneys for the students take turns giving a one-minute summary of their arguments.
7. Attorneys for the University will take turns giving a one-minute summary of their arguments.
8. Justices should spend a few minutes asking questions of each side.
9. After hearing both sides, justices in each group deliberate out loud. Attorneys listen but do not interrupt the justices.
 - Justices deliberate by discussing the arguments they heard. Justices share with each other the most persuasive and least persuasive arguments they heard.
 - Justices provide reasons why they thought arguments were most persuasive or least persuasive.
 - After justices deliberate, each triad votes whether they will rule in favor of the students or the University.
10. After justices deliberate, take a poll of the triads in the classroom. How many triads voted for the students? How many for the University? How many triads were unanimous in their decision? How many had a dissenting justice (voting differently than the other two)?
11. Alternatively, have the judge triads come to the front of the room to deliberate in a fishbowl activity.

Part IV—Lesson Reflection

Debrief the activity with the students. Ask these questions in a whole-class discussion:

- What was the most persuasive argument you heard?
- Which side in the case do you think had the stronger arguments? Why?
- What facts of the case do you think were the most important for the students?
- What facts of the case do you think were most important for the University?
- How do you think the real Supreme Court decided this case? What makes you think the court decided the case that way?

Part V—Share the Supreme Court’s decision from the PowerPoint

Reveal the Supreme Court’s ruling. How was it similar or different than the student justices ruling? Point out the connections between the Constitution and amendments that were written a long time ago, Supreme Court decisions, and how these things can impact our lives today