



Civic participation begins with civic education

Courtroom to Classroom Program Facilitator Guide

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

(For Senior High School Presentation)

Overview

This PowerPoint lesson begins with *The Constitution and Bill of Right* presentation to introduce and provide background on the judicial system and the Constitution. Using graphics, this presentation provides a visual medium to accompany the presenter's oral narrative. It is designed to provide flexibility for presenters to focus on key concepts most appropriate for their courses and students.

The PowerPoint lesson also includes a moot court activity, *Chicago v. Morales: A Supreme Court Case*. In this activity, students apply their knowledge about the Constitution and Bill of Rights as they prepare for and present a modified moot court case.

Time Estimations

Part I: The Constitution and the Bill of Rights	7 -10 minutes
Part II: <i>Chicago v. Morales</i> PowerPoint introduction	7 -10 minutes
Part III: Moot Court activity	20 minutes
Part IV: Share the Court's decision	<u>5 minutes</u>
	45 minutes

Suggested Presentation Strategy

1. Preview the PowerPoint slides and summary U.S. Supreme Court decision before the visit.
2. Prepare to narrate PowerPoint presentation. You may want to provide additional depth on specific topics, depending on what you predict the students will be most interested in.
3. Following the introductory 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, *Chicago v. Morales*. Step-by-step procedures are included in the "Talking Points" which can be viewed using the "Notes Page" command in "View." Below you will find questions and analyses you might consider **prior** to your visit in preparing to work with the student attorney/justice groups as well as a set of "prompts" you might use **during** your visit to help students begin to develop their arguments and questions.

Tips for Conducting a Moot Court Activity

There are two recommended methods for conducting the moot court activity, “Time-Efficient” and “Participatory.” Before your classroom visit, determine which method you will utilize in the classroom.

Time-Efficient Method

Activity:

1. Divide students into three groups (see role assignments below).
2. Students work with their assigned group to prepare the case and work with any outside resource people available.
3. A few minutes before the moot court is to start, ask representatives from each group to present the case in front of the class.
 - Three attorneys per side
 - Seven justices
4. After the presentation and decision, the teacher asks the other student attorneys what arguments they might have included, and the other justices how they might have decided the case differently.

Role Assignments:

- Students are to be divided into three groups: Justices, Appellants and Respondents
- The quickest and easiest method for assigning roles is to leave the students seated where they are and divide the room into three sections, and assign each section one role.
- Counting off by 3s is another quick method, but the students will have to physically regroup. Once they are in three groups, assign each group a role.

Participatory Method

Activity:

1. Divide the class into groups of seven students and label them Group A, Group B, etc.
2. Within each group of seven, assign the students a role (see role assignments below). After the role assignments you will have two appellants, two respondents and three justices in each group.
3. Ask all the justices from each group to gather on one side of the room, all the appellants in another area of the room and all the respondents in another part of the room.

4. Students work with their assigned group role to prepare the case and work with any outside resource people available.
5. A few minutes before the moot court is to start, the students return to their original groups of seven (e.g. Group A, Group B, etc.) and present their case simultaneously.
6. Each set of justices deliberates and decides its own case. Then each set shares its decision and rationale with the rest of the class. The students who were attorneys discuss the most compelling and weakest arguments they think they made.

Role Assignments: Justices, Appellants and Respondents

- Each moot court has three roles: Justices, Appellants and Respondents.
- Count off by 7 is a quick method to group students.
- Within each group of seven, assign roles (three justices, two appellants and two respondents) by one of the methods below:
 - Hand each student a colored file with the student handout inside (blue for the justices, red for the appellants, and green for the respondents).
 - Hand each student a strip of paper with a role assignment (justice, respondent or appellant).
 - Ask students within their group to decide who will be the three justices, two appellants and two respondents.

Possible Questions to Assist Student Attorney and Justice Groups

Chicago v. Morales

- I. **Prior** to teaching the lesson consider the following questions and how you might use these analyses to focus discussions among the students in the attorney and justice groups.
 - In the United States, there is an expectation that citizens can move about freely and congregate with whomever one chooses. However, most people do not know that the Constitution does not recognize a generalized right of social association.
 - In the Chicago case, the ordinance prohibits criminal street gang members from loitering. To be valid, the ordinance cannot be vague or overbroad in its application. How much weight should the Court give to the fact that Officers were given absolute discretion to determine what activities constitute

loitering? Is there a Constitutional right to loiter? Can a person standing on a street corner be there for innocent purposes? Can a person standing on a street corner be there for the purpose of criminal activity?

- The police officers enforcing the Chicago ordinance were trained professionals in gang activity and had special skills in identifying gang members. Should this matter? Is it possible that the ordinance may be enforced against non-gang members? Should it matter that non-gang members could also be charged with violating the ordinance?
- The term “gang” can mean different things to different people. A group of students from the same sports team may be labeled a gang, or a group of graffiti artists may also be called a gang. Is it reasonable for persons of common intelligence to differ in their interpretation and application of the term “street gang member”?
- Criminal gang activity can be a serious problem in many communities. The Chicago ordinance was enacted to address this activity and protect citizens from dangerous criminal endeavors. Should residents give up certain freedoms to ensure safety in their community?

II. During the Moot Court activity, you might use the following questions to help the student groups get started:

Attorneys representing Morales:

How could you convince the justices that ...

- 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.
- 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.

Attorneys representing Chicago:

How could you convince the justices that...

- The ordinance is necessary to protect Chicago from criminal street gangs. Criminal street gangs congregate in public places, deal drugs, and terrorize neighborhoods.
- There is nothing "vague" about this ordinance. When a police officer asks people to disperse and remove themselves from the area, people of ordinary intelligence will know what that means and understand exactly how to comply.
- The law is constitutional because it protects the rights of citizens against threats and criminal activities. "Loitering" is not a constitutional right.
- The ordinance does nothing more than allow the police to maintain the public peace, and, when necessary, to disperse groups of individuals who threaten it.
- The Gang Congregation Ordinance is not arbitrarily enforced. Police officers enforcing the ordinance have special skills and training in identifying known criminal street gang members.

Justices:

What questions might you ask to help you decide...

- if the way the ordinance defines "loitering" is too vague.
- if under the ordinance, the police have too much discretion in determining who is "loitering" and who is a member of a "criminal street gang."
- if the ordinance violates the protections of the due process clause of the 14th Amendment.

Syllabus: <http://supct.law.cornell.edu/supct/html/97-1121.ZS.html>