

Teacher Notes



The Supreme Court

Activity 3 Case Summaries

Activity at a Glance

- ◆ **Subject:** Social Studies
- ◆ **Subject Area:** American Government
- ◆ **Category:** The Judicial Branch
- ◆ **Topic:** The Supreme Court
- ◆ **Grade Level:** 9 - 12
- ◆ **Prerequisites:** Students should be familiar with the three branches of the United States government, the United States Constitution, the Bill of Rights, the basic processes of the Supreme Court, and key points in American History.
- ◆ **Total Teaching Time:** 100 minutes

Materials

- ◆ TI-83 Plus
- ◆ TI External Keyboard
- ◆ NoteFolio™ Application
- ◆ TI Connectivity cable or TI-Navigator™ System
- ◆ Resource Files: **OPINION.8xv**, **GROUP.8xv**
- ◆ Student Work Sheets: Case Summaries: **United States vs. Virginia, Tinker vs. Des Moines Independent Community School District, Hazelwood School District vs. Kuhlmeier**
- ◆ Group Discussion Guide

Activity Overview

In this activity, students will review case summaries and opinions. Working in small groups, they will vote whether or not they are in agreement with the Court's majority decision. Each group will write a majority, concurring, and/or dissenting opinion. The groups will present their opinions to the class. Each group will discuss how they came to their decision and what aspects were important in their discussion.

Tip

Assign the same case to at least two groups to allow students to compare how they came to their decisions. You will need to circulate among the groups to assist in the discussion process.

Directions**Before the Activity Begins**

Divide the class into small work groups of five students. Distribute the **OPINION.8xv** and **GROUP.8xv** NoteFolio™ files to each student, either through the TI-Navigator™ Classroom Network or through TI Connectivity cables and the TI Connect™ software.

Warm-up Activity

Review the role of the Supreme Court in hearing cases on appeal. Review how the Supreme Court may interpret the Constitution in deciding cases. Also, review the responses from the previous activity before explaining today's activity. You may want to review the definitions of majority opinion, dissenting opinion, and concurring opinion before starting the activity.

During the Activity

Have the class divide into their groups. Hand out the case each group is assigned, and have the groups read their cases. After each group reads its case, students should:

- ◆ Discuss its merits
- ◆ Vote on a majority opinion

A **Group Discussion Guide** is included at the end of this activity. If desired, you can distribute it to each group to help guide their thinking and discussion.

After the discussion and vote, each member of the group will write a majority, concurring, or dissenting opinion in the **OPINION.8xv** NoteFolio™ file on their device.

Each student in each group will contribute to the **GROUP** NoteFolio™ file. This file provides room to explain:

- ◆ how they reached their group decision
- ◆ how they voted
- ◆ how they chose to interpret the Constitution
- ◆ how the group's decision was in common or dissimilar to the actual Court decision.

It is easiest if each group selects a scribe to record the group's answers to these questions. When these files are complete, the scribe should share the file with each member in the group and then submit it to the teacher as well. All students should submit their completed **OPINION** file to the teacher. Afterward, each group should prepare for their presentation to the class.

Note: This activity will require two class periods in order to give the groups adequate time for reading, discussing, and presenting positions.

After the Activity

Debrief with the class the different methods the groups used to arrive at their respective positions. Point out the aspects of each case that were taken under consideration.

In preparation for the assessment activity, allow students time to search the following Web sites for Supreme Court decisions that have impacted their lives:

<http://www.oyez.org/oyez/portlet/topCases>

<http://www.supremecourtus.gov>

<http://www.landmarkcases.org>

<http://www.finlaw.com/cascode/supreme.html>

Student Work Sheet
United States vs. Virginia

Name: _____

Date: _____

Argued on 17 January 1996; decided on 26 June 1996

Fourteenth Amendment: Section 1.

All persons born or naturalized in the United States, and subject to the jurisdictions thereof, are citizens of the United States and the State wherein they reside. 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.

Summary:

The Virginia Military Institute (VMI) is the only single sex public college in Virginia. Its mission is to produce men prepared to be leaders in both the military and private sector. The United States sued VMI alleging that its male-only admissions policy violated the Fourteenth Amendment's Equal Protection Clause. The District court ruled in favor of VMI. The Fourth Circuit Court reversed that decision and ordered VMI to remedy the situation. In response, VMI proposed to create a parallel program exclusively for women called the Virginia Women's Institute for Leadership (VWIL). The United States appealed again. The District Court affirmed the parallel plan. The United States appealed, and the Fourth Circuit also affirmed stating that the two programs would offer "substantively comparable" educational benefits.

Question:

Does the creation of an exclusively women's academy, as a comparable program to an all-male academy, satisfy the Fourteenth Amendment's Equal Protection Clause?

Conclusion:

The Supreme Court held that VMI's exclusively male admissions policy was unconstitutional. The Court held that:

1. VMI did not satisfy its claim that its male-only admissions policy was created in order to further educational diversity.
2. VWIL could not offer women the same benefits as VMI afforded men. VMI has a significant alumni reputation and connections.
3. The lower court's "substantive comparability" did not meet the Court's more exacting standard that "all gender-based classifications today" be evaluated with higher scrutiny.

Notes from the Opinions:

Justice Ginsberg (Opinion of the Court): In 1996, the Supreme Court declares unconstitutional VMI's policy, and any law which, "denies women, simply because they are women, full citizenship stature – equal opportunity to aspire, achieve, participate in and contribute to society."

Justice Scalia (Dissenting Opinion): "In other words, the tradition of having government-funded military schools for men is all well rooted in the traditions of this country as the tradition of sending only men into military combat. The people may decide to change the one tradition, like the other, through democratic processes; but the assertion that either tradition has been unconstitutional through the centuries is not law, but politics-smuggled-into-law."

Student Work Sheet

Name: _____

**Tinker vs. Des Moines Independent
Community School District**

Date: _____

Argued on 12 November 1968; decided on 24 February 1969

First Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Summary:

Three students at Des Moines public schools, John Tinker (15), Mary Beth Tinker (13), and Christopher Echardt (16) decided to protest the Vietnam War by wearing black armbands to school. The principals felt that the armbands would be disruptive. The principals of the schools decided to ask all students wearing armbands to remove them or be suspended. These three students refused to remove them and were suspended. The Tinkers filed suit against the school. The District Court upheld the constitutionality of the school authorities' action. The Eighth Circuit Court of Appeals was equally divided and therefore the District Court's decision was upheld. The case was appealed to the Supreme Court.

Question:

Were the students' First Amendment rights to freedom of speech violated by not being able to wear armbands?

Conclusions:

The Supreme Court decided the wearing of the armbands was considered to fall under the realm of freedom of speech. The principals had failed to demonstrate that the students' armbands would considerably interfere with appropriate school discipline.

Notes from the Opinions:

Justice Fortas (Opinion of the Court): "The school officials banned and sought to punish petitioners for a silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of petitioners. There is here no evidence whatever of petitioners' interference, actual or nascent, with the schools' work or of collision with the rights of other students to be secure and to be let alone... In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint."

Justice Stewart (Concurring Opinion): "Although I agree with much of what is said in the Court's opinion, and with its judgment in this case, I [p. 515] cannot

share the Court’s uncritical assumption that, school discipline aside, the First Amendment rights of children are coextensive with those of adults.”

Justice Black (Dissenting Opinion): “... the crucial remaining questions are whether students and teachers may use the schools at their whim as a platform for the exercise of free speech – “symbolic” or “pure” – and whether the courts will allocate to themselves the function of deciding how the pupils’ school day will be spent. While I have always believed that, under the First and Fourteenth Amendments, neither the State nor the Federal Government has any authority to regulate or censor the content of speech, I have never believed that any person has a right to give speeches or engage in demonstrations where he pleases and when he pleases.”

Student Work Sheet

Name: _____

**Hazelwood School District vs.
Kuhlmeier**

Date: _____

Argued on 13 October 1987; decided on 13 January 1988

First Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Summary:

In May 1983, the students in the Journalism II class at Hazelwood East High School submitted their copy of the school paper, *The Spectrum*, to their class advisor. As usual, the class advisor submitted the copy to the school principal. The principal saw one article that discussed student experiences with pregnancy and another article that discussed the impact of divorce on students' lives. The principal objected to both of these articles. With regard to the first article, the principal was concerned that the students who discussed being pregnant would be identified despite efforts to conceal their identity. His concern regarding the second article was the inclusion of student comments that identified their parents' marital problems. The principal ordered that the two pages with those articles be withheld from publication. Cathy Kuhlmeier and two other students pursued legal action believing that their First Amendment rights had been violated. The District Court decided that the school had the right to limit the students' speech in the school newspaper, as long as the school made the decision on a reasonable basis. The Eighth Circuit Court of Appeals reversed the decision of the District Court stating that the students First Amendment Rights were violated.

Question:

Did the principal's decision to delete the articles violate the student's First Amendment rights?

Conclusions:

The Supreme Court decided that schools have the right to refuse to support speech that is "inconsistent with 'the shared values of a civilized social order.'"

Notes from Opinions:

Justice White (Opinion of the Court): "A school need not tolerate student speech that is inconsistent with its basic educational mission. ... even though the government could not censor similar speech outside the school. The question whether the First Amendment requires a school to tolerate particular student speech... is different from the question whether the First Amendment requires a school affirmatively to promote particular student speech. The former question addresses educators' ability to silence a student's personal expression that

happens to occur on the school premises. The latter question concerns educators' authority over school-sponsored publications, theatrical productions, and other expressive activities that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school."

Justice Brennan (Dissenting Opinion): "In my view, the principal broke more than just a promise. He violated the First Amendment's prohibitions against censorship of any student expression that neither disrupts class work nor invades the rights of others, and against any censorship that is not narrowly tailored to serve its purpose."

Group Discussion Guide

1. What are the main points supporting each side?
2. What may have influenced the Court's interpretation?
3. What method of interpretation was used?
4. Do you agree with the opinion of the Court?
5. How did your group vote?
6. Write opinions demonstrating the voting of the group. For example, if your group voted in agreement with the Court's decision, the group should write a majority opinion that explains why. If the vote was not unanimous, then the members who disagreed with the majority write either a concurring or dissenting opinion.