

Supreme Court of The United States (SCOTUS)

STAGE 1 – DESIRED RESULTS

Context: Supreme Court of the United States (SCOTUS)

Students examine the role of the court in our democracy and the impact of the court on public policy. Students learn how the Supreme Court works and about the politics of the judicial nominating process. Students also return to and deepen their understanding of the Constitution, particularly the Bill of Rights and the 14th Amendment. As they learn about the court's role in the struggle for civil rights, students consider when, if ever, differences in the treatment of different groups is permissible. As they examine civil liberties, which are protected in the Bill of Rights, and the limits on protections for civil liberties, students also examine a core democratic tension—how to balance the rights of the individual with the needs of society.

Purpose: Supreme Court of the United States (SCOTUS)

The purpose of this unit is to learn how the federal court system of the United States works. Students learn not only about the structure of the court system but also about the importance of an independent judiciary. They take on the roles of lawyers and federal court judges and justices. Through simulating landmark Supreme Court cases, students develop an understanding of selective incorporation, precedence, and the effects of Supreme Court decisions. In these cases, students revisit important constitutional concepts (especially federalism, separation of powers, checks and balances, and enumerated/implied powers) and review the roles that governmental institutions and linkage institutions play in the U.S. political system. While the cycle helps students understand the U.S. court system, it also instructs on civil rights and civil liberties—how they have been defined by the Constitution and can be redefined through new constitutional interpretation.

Driving Questions

How does the Supreme Court work?

How does the Supreme Court balance the rights of the individual and the needs of society?

2018-19 College Board Redesigned Curriculum Framework

Units

Unit 1: Foundations of American Democracy

Unit 3: Civil Liberties and Civil Rights

Big Ideas

Primary: Liberty and Order (LOR)

Secondary: Constitutionalism (CON); Civic Participation in a Representative Democracy (PRD)

Enduring Understandings and Learning Objectives

- ✓ LOR-2: Provisions of the U.S. Constitution's Bill of Rights are continually being interpreted to balance the power of government and the civil liberties of individuals. LOR-2.A: Explain how the U.S. Constitution protects individual liberties and rights.
 - LOR-2.B: Describe the rights protected in the Bill of Rights.
 - LOR-2.C: Explain the extent to which the Supreme Court's interpretation of the First and Second Amendments reflect a commitment to individual liberty.
 - LOR-2.D: Explain how the Supreme Court has attempted to balance claims of individual freedom with laws and enforcement procedures that promote public order and safety.
- ✓ LOR-3: Protections of the Bill of Rights have been selectively incorporated by way of the Fourteenth Amendment's due process clause to prevent state infringement of basic liberties.
 - LOR-3.A: Explain the implications of the doctrine of selective incorporation.
 - LOR-3.B: Explain the extent to which states are limited by the due process clause from infringing on individual rights.



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- ✓ PRD-1: The Fourteenth Amendment’s “equal protection clause” as well as other constitutional provisions have often been used to support the advancement of equality.
 PRD-1.A: Explain how constitutional provisions have supported and motivated social movements.
 PRD-3.A: Explain how the government has responded to social movements.

- ✓ CON-5: The design of the judicial branch protects the Supreme Court’s independence as a branch of government, and the emergence and use of judicial review remains a powerful judicial practice.
 CON-5.A: Explain the principle of judicial review and how it checks the power of other institutions and state governments.
 CON-5.B: Explain how the exercise of judicial review in conjunction with life tenure can lead to debate about the legitimacy of the Supreme Court’s power.
 CON-5.C: Explain how other branches in the government can limit the Supreme Court’s power.

- ✓ CON-6: The Supreme Court’s interpretation of the U.S. Constitution is influenced by the composition of the Court and citizen-state interactions. At times, it has restricted minority rights and, at others, protected them.
 CON-6.A: Explain how the Supreme Court has at times allowed the restriction of the civil rights of minority groups and at other times has protected those rights.

- ✓ CON-2: Federalism reflects the dynamic distribution of power between national and state governments.
 CON-2.C Explain how the distribution of powers among three federal branches and between national and state governments impacts policy-making.

Students will know/Learning Targets (Content):	Students will be able to/ Learning Targets (Skills):
<ol style="list-style-type: none"> 1. The structure of the judicial branch and its role in our democracy; the concepts of judicial review, precedence, and selective incorporation. 2. The differences between civil rights and civil liberties, including landmark Supreme Court cases. 3. The evolution of civil rights and protection of civil liberties. 4. The ways in which political ideology influence judicial decision-making; the concepts of judicial activism and judicial restraint. 	<ol style="list-style-type: none"> 1. Analyze the conflict between judicial philosophies (original intent vs. living Constitution). 2. Use the <i>U.S. Constitution</i> and precedent cases as the basis for judicial decision-making. 3. Use the <i>U.S. Constitution</i> as evidence and judicial argumentation. 4. Think critically while taking and supporting various positions.

College Board Disciplinary Practices

- Practice 2: Apply Supreme Court decisions.
- 2.a. Describe the facts, reasoning, decision, and opinion(s) of required Supreme Court cases.
 - 2.b. Explain how a required Supreme Court case relates to a foundational document or to other primary or secondary sources.
 - 2.c. Compare the reasoning, decisions, and opinion(s) of a required Supreme Court case to a non-required Supreme Court case.
 - 2.d. Explain how required Supreme Court cases apply to scenarios in context.



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STAGE 2 – ASSESSMENT EVIDENCE

Culminating Challenge

After the two moot circuit court rounds, students take on roles as lawyers and justices of the Supreme Court. The lawyer teams argue two recent cases being heard by the Supreme Court. In this simulation, students learn the importance of Supreme Court decisions and the role that majority, concurring, and dissenting opinions play in outlining the judicial and political attitudes of the government. Students learn how to appeal to the Supreme Court through a petition for a Writ of Certiorari, and they learn about the powers and roles of Supreme Court justices as nine students are appointed as justices to the Supreme Court (three were appointed by the president elect from the previous unit). Through this process, students also gain insight into the power of politics in the court system (Task 4).

Formative Assessments

- Reading and Vocabulary Quizzes
- Checks for Understanding (exit tickets, entrance tickets, interactive notes, use of student response systems, etc.)
- Writ petitions and written opinions of the courts
- Practice Free Response Questions
- Optional: Trial court simulation; task varies by assigned role
- Task 1: Appellate court simulation; task varies by assigned role
- Task 2: Appellate court simulation; task varies by assigned role

Summative Assessments

- Authentic Assessment: Moot court; specific outcome varies by role assignment (justices vs. attorneys)
- Unit Exam consisting of 40 multiple-choice questions, two free response questions (College Board AP Exam questions), and a simulation task

STAGE 3 – LEARNING PLAN

Task 1: Moot Court and Mock Trials

In round one of the Supreme Court simulation, students are assigned as judges or attorneys to one of four 1st Amendment cases. Each case has a key precedent identified—one of the 15 required cases students must be familiar with on the AP exam. Through oral argument, students apply the same disciplinary practice that they will be required to demonstrate on the free response questions and the SCOTUS comparison question. Attorneys will relate the key precedent to the case at hand and face questions from student judges about correct constitutional interpretation of the 1st Amendment.

Task 2: Moot Court—1st Amendment Cases

The structure of Task 2 is the same as Task 1, with students assigned to the same roles in one of four civil liberties cases, with a focus on selective incorporation (the process of applying the Bill of Rights to the states). This gives students the opportunity for critique and revision as they practice the disciplinary skills involved in oral argument. Teachers may begin to introduce legal writing in this task. Students once again prepare for a 20-minute appellate court hearing with assertive questioning and legal arguments.

Task 3: Supreme Court—Civil Rights

In Task 3, students once again reprise their legal roles, but this time a full Supreme Court presides, rather than a three-judge panel. The oral argument is twice as long, and students are assigned to one of two civil rights cases, again with a required case identified as a key precedent for each. Students grapple with the role of the courts in ensuring rights for historically disadvantaged groups.



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SCOTUS Foundational Texts

- The Constitution of the United States
- The Bill of Rights and subsequent Amendments
- Federalist No. 78 – The Judiciary Department
- Letter from Birmingham Jail (MLK Jr.)

SCOTUS Supreme Court Cases

- *Marbury v. Madison (1803)*
- *Engel v. Vitale (1962)*
- *Wisconsin v. Yoder (1972)*
- *Tinker v. Des Moines (1969)*
- *New York Times Co. v. United States (1971)*
- *Schenck v. United States (1919)*
- *Gideon v. Wainwright (1963)*
- *Roe v. Wade (1973)*
- *McDonald v. Chicago (2010)*
- *Brown v. Board of Education (1954)*

-Excerpts from opinions in **Citizens United v. FEC** can be used as teaching materials when students learn about campaign finance reform (typically approaching Task 4).



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