



How do courts count?

<p>Time Frame: 4-5 days</p>	<p>Author: Mary Ellen Daneels- Lead Teacher Mentor, Robert R. McCormick Foundation.</p>
<p><u>Proven Practices</u></p> <ul style="list-style-type: none"> ✓ Instruction on government institutions ✓ Use of current & controversial issues ✓ Simulations of democratic practices ✓ Service Learning 	
<p><u>IL Social Studies Standards</u></p> <p>SS.IS.2.9-12: Determining Helpful Sources-- Develop new supporting and essential questions through investigations, collaboration, and using diverse sources.</p> <p>SS.IS.5.9-12: Developing Claims and Using Evidence--Identify evidence that draws information from multiple sources to revise or strengthen claims.</p> <p>SS.IS.7.9-12: Communicating Conclusions-- Construct and evaluate explanations and arguments using multiple sources and relevant, verified information</p> <p>SS.CV.4.9-12. Explain how the U.S. Constitution established a system of government that has powers, responsibilities, and limits that have changed over time and are still contested while promoting the common good and protecting rights</p> <p>SS.CV.7.9-12: Describe the concepts and principles that are inherent to American Constitutional Democracy.</p> <p>SS.CV.9.9-12: Processes, Rules, & Laws-- Evaluate public policies in terms of intended and unintended outcomes and related consequences.</p>	<p><u>CCSS/ELA History/Social Studies Standards</u></p> <p><u>CCSS.ELA-LITERACY.RH.11-12.1</u> Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.</p> <p><u>CCSS.ELA-LITERACY.RH.11-12.6</u> Evaluate authors' differing points of view on the same historical event or issue by assessing the authors' claims, reasoning, and evidence.</p> <p><u>CCSS.ELA-LITERACY.RH.11-12.9</u> Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.</p>
<p>Essential Question: Are the branches “balanced”? Alt: How <i>should</i> courts interpret the law?</p>	



Supporting Questions:

- How do courts interpret the law?
- Why do judicial interpretations often appear to be political?
- How does the U.S. Supreme Court decide what cases to decide?
- How do individuals differ over the use of judicial review in light of current events?
(Note: this inquiry uses the issue of the citizenship question on the census. You could substitute a more timely issue)



Resources Required w/Citations:

- Constitutional Interpretation Activity- *Minnefornia* from Street Law. Available at <http://streetlaw.org/Documents/Document/Document/1178>
- *Supreme Court Nominations* from I Civics.org. Available at <https://www.icivics.org/node/2500268>
- *Originalism vs. Living Constitution* video. C-SPAN. Available at <https://www.c-span.org/video/?c4507562/originalism-living-constitution>
- *How does a case get to the Supreme Court?* - video from Vox. Available at <https://www.youtube.com/watch?v=KEjgAXrkXY>
- *Granting Certiorari* Activity by Street Law. Available at <http://streetlaw.org/Documents/Document/Document/1420>
- Statement Sort by Mary Ellen Daneels, Robert R. McCormick Foundation. Available at <https://tinyurl.com/statement-sort-courts>
- Four Corner Formative Worksheet by Mary Ellen Daneels. Available at <https://tinyurl.com/4-square-formative-courts>
- How do courts count? ppt by Mary Ellen Daneels. Available at <https://tinyurl.com/How-courts-count-ppt>
- Textual Evidence for Census by Mary Ellen Daneels. Available at <https://tinyurl.com/courts-text-evidence>
- Cohn, D’Vera. “What to Know About the Citizenship Question the Census Bureau is Planning on Asking in 2020.” Pew Research Center. 3/30/2018. Available at <http://www.pewresearch.org/fact-tank/2018/03/30/what-to-know-about-the-citizenship-question-the-census-bureau-is-planning-to-ask-in-2020/>
- Paxton, Ken. “Stop Ginning up Hysteria: Citizenship Question on the Census is Nothing New.” *The Hill*. 3/30/18. Available at <http://thehill.com/opinion/immigration/380982-stop-ginning-up-hysteria-citizenship-question-on-census-is-nothing-new>
- von Spakovsky, Hans A. “Citizenship Question Essential for Accurate Census.” *The Heritage Foundation*. 2/21/18. Available at <https://www.heritage.org/immigration/commentary/citizenship-question-essential-accurate-us-census>
- Strain, Michael R. “2020 Census Shouldn’t Ask About Citizenship.” *Bloomberg*. 3/6/18. Available at <https://www.bloomberg.com/view/articles/2018-03-06/2020-census-shouldn-t-ask-about-citizenship>
- Weser, Wendy and Wolf, Thomas. “Why the Census Asking About Citizenship is Such a Problem.” *Huff Post*. 3/27/18. Available at https://www.huffingtonpost.com/entry/opinion-weiser-wolf-census-citizenship_us_5aba6334e4b054d118e74f3f
- “New Citizenship Question in 2020 Census Sparks Backlash.” Video clip from *Washington Post*. Available at https://www.washingtonpost.com/news/politics/wp/2018/03/27/why-adding-a-citizenship-question-to-the-census-launched-a-political-firestorm/?noredirect=on&utm_term=.d5860f9e13de



Recommended Procedures:

Note: *There is a slide show to guide you and students through inquiry for your use and revisions.*

- 1) Pass out Four Square Formative Worksheet and introduce students to questions guiding the inquiry
- 2) Instruct students that they will be engaging in a simulation of a democratic process and “interpret” the law. Pass out the Minnefornia Cases, read through the introduction and have students “interpret the law”.
- 3) Have the students engage in a quick pair share with their “elbow partner” to briefly discuss their decisions.
- 4) Read through each case to the class and have students give a “thumbs up/down” for each case a briefly discuss their reasoning. Then, share responses from answer key.
- 5) Show slide 7 and have students record in the top left box of their four square worksheet how each element listed can be used by the courts to “interpret” the law per the Minnefornia simulation.
- 6) Pass out the worksheet from icivics.org “Supreme Court Nominations (Reading Side B)” and have students underline material that answers the question, “Why do judicial interpretations often appear to be political? (see slide 6).
- 7) Watch the C-SPAN clip and have students note the difference between original and living document theories of interpreting the Constitution.
- 8) Have students get into small groups and complete the Supreme Court Nominations activity from icivics.org
- 9) When students are finished, use the key to check their work.
- 10) After the Supreme Court Nomination activity, have student further respond to the prompt in the top right box of the four square worksheet, “Why do judicial interpretations often appear to be political?”
- 11) Have student view the clip from Vox and take notes on “How does the Supreme Court decide what cases to decide?” on bottom left box of four square worksheet.
- 12) Have students read pages 1-4 from Street Law’s “Granting Certiorari” and add more information to bottom left box.
- 13) Put students into groups of 9 or so. Instruct them that they are going to simulate a democratic process and play the role of Supreme Court justices and decide to grant cert. Instruct students they will have 4-5 minutes per case, so they must work fast.
- 14) Pass out pages 5-10 from the “Granting Certiorari” materials from Street Law and begin. Prompt students every 4-5 minutes to switch cases.
- 15) Go through each case and have student share if their “court” decided to issue writ. Discuss any differences and then share correct answers per page 11 of the Street Law packet.
- 16) Have students add details per the Granting Cert activity about how the Supreme Court decides which cases to decide.
- 17) Read final supporting question to the class, “How do individuals differ over the use of judicial review in light of current events? and show video clip from *The Washington Post*.
- 18) Pass out article from Pew Research titled, “What to Know About the Citizenship Question.” and underline any details that answer how individuals differ over the use of the citizenship question.
- 19) Pass out statement sort and have students work in pairs to sort the statements into either supporting the use of the citizenship question or opposing the use of the citizenship question.
- 20) Give each student in the group one of the four primary source readings related to the



citizenship question. Instruct students to closely read their source and look for at least three statements from statement sort that are paraphrases of their source.

- 21) To check understanding, have students with same reading gather in a corner of the room, bringing statements with them.
- 22) Have students pair up with individual in small group who had similar perspective on issue and complete their side of the t-chart, summarizing best claims from both readings.
- 23) Have pairs share with one another, listeners, should paraphrase back what they heard and complete the t chart.
- 24) Have student complete bottom right square to t chart using a three shape reflection.
 - a) What is one “pointed” idea that stood out to them about the use of the citizenship question.
 - b) What is one idea the “squared” or agreed with their thinking.
 - c) What is one idea that is still “circling” in their head.
- 25) Have groups of three form groups of six. Have students briefly summarize what they discussed in their groups of three and then share their “circle” thoughts.
- 26) Introduce Philosophical Chair Activity to students, reading instructions provided on slide 21.
- 27) Have groups of 6 come up with a statement to pose to the larger group for Philosophical Chairs
- 28) Before beginning activity, go over rules on slide 22
- 29) Conduct Philosophical Chairs

Possible Service Learning Informed Action:

- Students can write an elected official advocating their position on the citizenship question.
- Students can write letters to the editor or craft an editorial cartoon on issue.
- Students can prepare a PSA campaign informing others of the 2020 census.
- Students can engage with community experts in an informed conversation to solicit the perspectives of members of the community about the upcoming census and the impact the citizenship question could have on representation in your area.

Differentiation:

- Advanced students may not use statement sort and curate further sources on the issue.
- For classes that need more literacy support, the teacher can model step 20 with one of the readings to the whole class, have class practice with an additional reading and check understanding and then have student pairs read final two sources and complete activity.
- Philosophical Chairs can occur without the primary source analysis; using only the simplified statements.
- There are three possible prompts for Philosophical Chairs on slides 24-26 that can be used instead of/with student generated prompts.

Possible Assessments:

- Preparation, Participation and Reflection of Service Learning Activities.
- Detailed outline or essay responding to the essential question.



Other Considerations:

For more information on how to conduct Philosophical Chairs in your classroom see

- Gonzalez, Jennifer. The Big List of Discussion Strategies. Cult of Pedagogy. Available at <https://www.cultofpedagogy.com/speaking-listening-techniques/>
- Reading Like a Historian: Philosophical Chairs. The Teaching Channel. Available at <https://www.teachingchannel.org/videos/reading-like-a-historian-taking-positions>