

Literacy and the Law

Lesson Title: Lesson 7: Supreme Court in Action

Context of the lesson within the project: This seventh lesson follows the editing of arguments, and has teams of attorneys arguing their cases in front of 12 Supreme Court Justices (Scene 2). The power point shares more of the continuing story of the Fred Korematsu case. (Power point Slides 20-23)



History Social Science Content Standards (applicable grade level standards)

5.7.5 Discuss the meaning of the American creed that calls on citizens to safeguard the liberty of individual Americans within a unified nation, to respect the **rule of law**, and to preserve the Constitution.
11.7.5 Students analyze American's participation in World War II. Discuss the constitutional issues and impact of events on the U.S. home front, including the internment of Japanese Americans (e.g., Fred Korematsu v. United States of America).

Suggested K-12 Pathway for College, Career, and Civic Readiness

Dimension 2, Participation and Deliberation.

By the end of Grade 5: D2.Civ.9.3.5. Use deliberative processes when making decisions or reaching judgments as a group.

D2.Civ.10.3-5. Identify the beliefs, experiences, perspectives, and values that underlie their own and others' points of view about civic issues.

By the end of Grade 8: D2.Civ.10-68. Explain the relevance of personal interests and perspectives, civic virtues, and democratic principles when people address issues and problems in government and civil society.

By the end of Grade 12: D2.Civ.10.9-12. Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights.

College and Career Readiness Anchor Standards for Speaking and Listening K-12 *

***(See specific grade level CCSS within these subtitles that provide developmentally appropriate details)**

Comprehension and Collaboration

1. Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.
3. Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric.

Theatre, Creative Expression

Creative Expression, Development of Theatrical Skills

- 2.1 Participate in improvisational activities to explore complex ideas and universal themes in literature and life.

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Essential Questions:

- What is justice?
- Is civil disobedience ever justified? Explain.
- Are the processes in place in democracy designed to “level” individual bias in the court system effective? Why or why not?
- In what ways do people react to race and differences between one another?
- Do citizens have responsibilities as well as rights? If so, do they have a responsibility to speak up about injustice? Explain.

Objective(s):

Students will analyze the strength of the arguments on both sides of the case and effectively create questions that counter the claims of the argument.

Students will evaluate the point of view of submitted arguments collaboratively and make decisions regarding questions based on democratic principles and constitutional rights.

Assessment: This will be assessed by teacher observation of discussion and evaluation of written questions.

Criteria			
Written: Literacy and the Law			
Written opinion supports point of view with reasons and information. Clear intro, statement of opinion Logically ordered reasons supported by facts and details Use of words, phrases and clauses Provides conclusion related to opinion presented			
Speaking and Listening Collaborative discussions with clear expressions of ideas Builds on other's ideas, responds to others' questions Prepared, follows roles assigned Reviews key ideas from discussion and draw conclusions, shares at a reasonable pace using logical reasoning			
Theatre Active participation in improvisation, exploring emotions, physical characteristics, developing character Strong collaboration with "teams" of attorneys, and in role as Supreme Court Justices			

Materials and Resources Needed: Attorney team arguments on the final brief from each side – copies for each student in class, power point slides 21-28, Script for Scene 2

(2 minutes)

Hook: We will enact our own Supreme Court case, *Korematsu v. U.S. Government*. Nine of you will be U.S. Supreme Court justices, two of you will be an attorney team for the plaintiff representing *Korematsu*, and two of you will represent the U.S. Government, the defendant.

(40 minutes or more)

Teacher has chosen four students, two on each attorney team. Their written arguments are used for their oral argument briefs, and the teams of two will share their arguments to the court (Justices) before the scene is “played out”. They need to “blend” their written arguments in advance of the oral arguments.

Attorneys practice giving their “revised and blended” oral arguments which can be 3-5 minutes, while the remainder of the class reads copies of these argument briefs. The Supreme Court is always given the arguments before court so that they are prepared with clarifying questions. You may work with the class to create questions that address the arguments on each side of the case (with or without the attorney teams present). Questions can come from students counter claims from their personal written briefs if

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they apply, or create other questions, which may more specifically apply to the briefs submitted by of the teams of attorneys.

Pass out Scene 2, the court scene. You will notice that a bailiff must be appointed, and nine justices; one of the Justices should be the Supreme Court Justice. Students should read through the scene, and the classroom should be set up as a courtroom with students “in character”.

Justices should meet and decide which questions each will ask of the teams of attorneys during the appeal. If four questions are asked by a different justice for each side, all of the justices will have the opportunity to speak during court. It is recommended that they practice this, and that you choose students who were not in the first scene, so that everyone gets a chance to perform overall. (Remember, there are two actors in Scene 3, coming up, so there are more opportunities!). You may decide whether or not the attorney teams are told in advance which questions will be posed to them in court. You may also assign “press” (videographers to photograph the trial).

Pass out Scene 2, the Supreme Court scene. You will notice that a bailiff must be appointed, and nine justices; one of the Justices should be the Supreme Court Justice. Students should read through the scene, and the classroom should be set up as a courtroom with students “in character”.

The more official you set this up, the more “real world” and more buy-in from students. They should dress accordingly. Attorneys dress professionally, and if you cannot come up with 9 “robes”, at least ask the Justices to dress professionally as well. (I bought cheap robes that were actually vampire capes!) A parent might be willing to make 9 simple black capes that simply pin together at the top. Bailiff can make a badge. Perform the Supreme Court trial.

Slide 20: Following Scene 2: As most students know, in 1944, the court found in favor of the U.S. Government and against Korematsu and the internment of the Japanese.

Slide 21: Point out that Justice Robert Jackson dissented (was opposed or against the court’s findings) along with two others, and discuss his quote about racial discrimination.

Slide 22: In 1980 President Jimmy Carter appointed a commission who reviewed the facts and circumstances and concluded the following: (above slide)

The FBI had sent reports created back in 1944 that denied that Japanese Americans had committed any wrongdoing. It was discovered that the reports were never presented to the US Supreme Court – and in one case set afire! This was government misconduct.

Slide 23: When there is misconduct, a case can be reopened. Judge Marilyn Patel **formally overturned Korematsu’s conviction**. Fred Korematsu became active in a civil rights group and helped to get the legislature to pass a bill that would give \$20,000 for each surviving Japanese American that was put in an internment camp.

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Closure:

Have a discussion about the \$20,000...did this compensate for the losses of the Japanese Americans?