# The Words We Live By:

# The Fourth Amendment

## English Language Arts, Grade 8

The purpose of this unit is to develop understanding of how to make an effective argument supported by evidence. To achieve this purpose, students read sections of the United States Constitution and excerpts of arguments in Supreme Court cases that involve the Fourth Amendment, which addresses the right to privacy. These cases include examples that deal with students’ right to privacy in school.

Students write an argument about a Fourth Amendment case, and, as a team, present their arguments orally. After completing this unit, students will have a firmer grasp of the components of an argument and a deeper understanding of the Constitution and how its amendments are the foundation for their rights. This unit is recommended for the end of the first quarter of grade 8.

*Model Curriculum Units include lesson plans, embedded performance assessments, and resources. In using these units, consider the variability of learners in your class and adapt as necessary.*

This document was prepared by the   
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| Table of Contents [Unit Plan **..** 5](#UnitPlan)  [General Notes and Resources 10](#GeneralNotes)  [Lessons 1–3 11](#Lessons123)  [Lessons 4–6 24](#Lessons456)  [Lessons 7–12 (includes CEPA) 30](#Lessons7101112)  [CEPA Teacher Instructions 53](#TeacherInstructions)  [CEPA Student Instructions and Handouts 55](#StudentInstructions)  [CEPA Rubric and Scoring Guide 64](#CEPARubric)  [Unit Resources 66](#UnitResources)   |  |  |  | | --- | --- | --- | | **Stage 1 – Desired Results** | | | | **ESTABLISHED GOALS**  CCSS.ELA-Literacy – RI.8.5 Analyze in detail the structural elements of a text, including the role of specific sentences, paragraphs, and text features in developing and refining a key point. **G**  CCSS.ELA-Literacy.RI.8.9 Analyze a case in which two or more texts provide conflicting information on the same topic and identify where the texts disagree on matters of fact or interpretation.  CCSS.ELA-Literacy.W.8.1 Write arguments (e.g., essays, letters to the editor, advocacy speeches) to support claims with clear reasons and relevant evidence.  CCSS.ELA-Literacy.W.8.1.a Introduce claim(s), acknowledge and distinguish the claim(s) from alternate or opposing claims, and organize the reasons and evidence logically.  CCSS.ELA-Literacy.W.8.1.b Support claim(s) with logical reasoning and relevant evidence, using accurate, credible sources and demonstrating an understanding of the topic or text.  CCSS.ELA-Literacy.W.8.1.c Use words, phrases, and clauses to create cohesion and clarify the relationships among claim(s), counterclaims, reasons, and evidence.  CCSS.ELA-Literacy.W.8.1.d Establish and maintain a style appropriate to audience and purpose (e.g., formal for academic writing).  CCSS.ELA-Literacy.W.8.1.e Provide a concluding statement or section that follows from and supports the argument presented.  **CCSS.ELA-Literacy.**W.2 Write informative/explanatory texts (e.g., essays, oral reports, biographical feature articles) to examine a topic and convey ideas, concepts, and information through the selection, organization, and analysis of relevant content.  CCSS.ELA-Literacy.SL.8.1 Engage effectively in a range of collaborative discussions(one-on-one, in groups, and teacher-led) with diverse partners on *grade 8 topics, texts, and issues*, building on others’ ideas and expressing their own clearly.  CCSS.ELA-Literacy.SL.8.4 Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound valid reasoning, and well-chosen details; use appropriate eye contact, adequate volume, and clear pronunciation  CCSS.ELA-Literacy.SL.8.5 Integrate multimedia components and visual displays into presentations to clarify information, strengthen claims and evidence, and add interest. | ***Transfer*** | | | ***Students will be able to independently use their learning to:* T**   * Communicate ideas effectively in writing to suit a particular audience and purpose. * Communicate ideas effectively in discourse and oral presentations to suit various audiences and purposes. | | | ***Meaning*** | | | **UNDERSTANDINGS U**  ***Students will understand that…***  U1 The Fourth Amendment protects a person’s right to privacy and court cases have dealt with the students’ rights to privacy in a school.  U2 Authors choose words for a specific purpose and sometimes the impact of those words extends beyond the text.  U3 An argument-based oral or written presentation contains a clear claim, relevant evidence, sound reasoning, and well-chosen details. | **ESSENTIAL QUESTIONS Q**  Q1 Why should the Fourth Amendment matter to me?  Q2 How can people interpret the same text, or even the same word, differently?  Q3 How can I get people to agree with me? | | ***Acquisition*** | | | ***Students will know…* K**  K1 That the Constitution provides a framework for the democratic government in the United States and contains a provision for amendments to allow changes to the document.  K2 The Fourth Amendment specifically deals with rights around unreasonable searches and seizures.  K3 The Fourth Amendment has been interpreted differently based on the history of court case analysis.  K4 The meaning and use of vocabulary terms: *argument*, *claim*, *counterclaim*, *evidence*, *reasons*, *Preamble*, *constitution*, *Supreme* *Court*, *Supreme* *Court* *Justice*, *amendment*, *democratic*, *jury*. | ***Students will be skilled at…* S**  S1Interpreting texts that present both sides of a question.  S2 Creating effective oral and written arguments and supporting them with well-chosen evidence.  S3 Using strategies to attack and analyze long sentences to assist with close reading.  S4 Reading for a purpose using text annotations. | | **Stage 2 – Evidence** | | | | **Evaluative Criteria** | **Assessment Evidence** | | | For written work:   * strong organization and development of ideas logical and effective claims * acknowledgement and refutation of counterclaims * strong use of relevant evidence * effective persuasive language and precise choice of words   For oral presentation, in addition to the criteria above:   * awareness of audience * appropriate use of eye contact * adequate volume and pacing * clear and accurate pronunciation   See CEPA Rubric | **CURRICULUM EMBEDDED PERFOMANCE ASSESSMENT (PERFORMANCE TASKS) PT**  You are part of a legal team with the task of arguing for or against an issue related to the Fourth Amendment. Your goal is to prepare a written and oral argument. The “Supreme Court” will hear your argument and decide the case. You need to create a written argument in which you state your side of the issue while also acknowledging opposing viewpoints. You will then use your brief to prepare and present an oral argument with your team in front of the “Supreme Court.”  Your arguments must include a claim, acknowledgement of counterclaims, supporting evidence, and sound reasoning.  The “Supreme Court” will consist of the remaining students in the class, those you are not on your legal team. These students will be responsible for making a decision and justifying their decision in writing.  Group Tasks—Look at Both Sides of the Argument:   * Read the facts of a Supreme Court case related to the Fourth Amendment and discuss the central question in the case. * Discuss your opinions about the case drawing upon the facts of the case, the text of the Fourth Amendment, and personal experience. * Use a T-chart to list claims on both sides of the issue. * Read and discuss portions of the actual arguments from the Supreme Court case. * Include additional relevant details from the actual arguments on to your T-chart to support your opinions.   Individual Task—Written Argument   * Using your materials from your group tasks, you will be required to write an individual argument in which you argue a claim (the side of the argument will be assigned by your teacher) with logical reasoning and relevant evidence while also acknowledging the opposing viewpoint. You will bring your written argument to the group in preparation for the group’s oral presentation.   Group Task—Oral Presentation   * You will use your written arguments and a teacher provided template to prepare your oral presentation to the “Supreme Court.” Each group member will have a defined role during the oral presentation.   Individual Task—Audience Members   * You will take on the role of a “Supreme Court” judge. After listening carefully to both sides of the oral presentation, you will produce a written decision based on the facts of the case and the text of the Fourth Amendment. | | | **Stage 3 – Learning Plan** | | | | ***Summary of Key Learning Events and Instruction***   * Introduction to the Constitution using the Preamble: “Who are ‘We the People’?” * Analyze the language of the Preamble using close reading and completing a graphic organizer. * Read pages 10–17 in *The Words We Live By* and complete guided questions. * Work in groups to complete a poster of “Who are ‘We the People’?” * Introduction to the Fourth Amendment: * Analyze the language of the Fourth Amendment using close reading and completing a graphic organizer. * Close reading of pages 157–163 in *The Words We Live By.* * Groups will be assigned one section of reading to present to the whole class. * Modeling the CEPA Lesson(s)—with the whole class: * Read the facts and the central question of a Fourth Amendment case: *New Jersey v. T.L.O.* * Brainstorm possible arguments with evidence from the facts of the case and/or the text of the amendment for each side of the question and fill in T-chart. * Construct a written argument for one side with the class. * .Students will complete a written argument for the other side * Students complete the CEPA   Understanding by Design®. © 2012 Grant Wiggins and Jay McTighe. Used with permission. | | | |
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## General Notes and Resources

The purpose of this unit is to develop understanding of how to make an effective argument supported by evidence. To achieve this purpose, the unit presents information about the United States Constitution and case studies of legal arguments based on the Fourth Amendment. This Amendment addresses the right of privacy: in the words of the amendment, “the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures…”.

Students begin by reading the Preamble to the Constitution and an excerpt from Linda R. Monk’s book, *The Words We Live By: Your Annotated Guide to the Constitution*. They consider some of the seminal words that define Americans, such as “We the People.” After students focus on a close reading of Monk’s chapter about the Fourth Amendment, they read parts of Supreme Court cases that have been used to define some of the parameters of the Fourth Amendment. These cases include examples that deal with students’ rights of privacy in school. Finally, students argue for or against a position in a case related to the Fourth Amendment. Each student creates a written argument including a claim, acknowledgment and refutation of counterclaims, supporting evidence, and sound reasoning. In teams, students prepare and present an oral argument in front of classmates who listen in their roles as Justices of the Supreme Court.

One of the main resources for the lesson is the website OYEZ, <http://www.oyez.org/>, a multimedia archive created and maintained by the Chicago-Kent College of Law. It is the source of Supreme Court audio recordings, transcripts, breaking news, and other information about the Court. Teachers who want to read about the history of interpretations of the Fourth Amendment may want to consult *The Bill of Rights* by Akhil Reed Amar (New Haven: Yale University, 1998). Teachers may choose to add current events topics about the issue of privacy in the use of cell phones, email, the Internet, and other electronic communications. The video clip in Lesson 4, <http://www.time.com/time/video/player/0,32068,1027506447001_2080296,00.html>, brings up the issue of electronic communications.

Students who successfully complete this unit will have a firmer grasp of the components of an argument and a deeper understanding of the Constitution and how its amendments are the foundation for their rights. This unit is recommended for the end of the first quarter of grade 8.

## Lessons 1, 2 and 3: The Preamble: Who Are “We the People”?

**Brief Overview of Lesson:** Students begin with the introduction to the Constitution, analyzing the language of the Preamble using close reading and completing a graphic organizer; read pages 10–17 in *The Words We Live By,* by Linda R. Monk and complete guided questions; and work in groups to complete a poster of We the People. As you plan, consider the variability of learners in your class and make adaptations as necessary.

**Prior Knowledge Required:** Text features, including sidebar definitions and quotations and boxed text that has references that illuminate the running text; background information on the Revolutionary War would be helpful.

**Estimated Time**: 3 classes of approximately 50 minutes each

**Resources for Lessons 1–3:**

Resources for the teacher:

* School House Rock: The Preamble(2:45) available at <http://www.youtube.com/watch?v=yHp7sMqPL0g>.
* One copy of *The Words We Live By: Your Annotated Guide to the Constitution,* by Linda R. Monk. Pages listed in the lesson refer to the paperback edition, Stonesong Press, 2003.
* A large version of the steps for Understanding Long Sentences following the lesson, written board, projected, or made into a poster to refer to throughout the unit.
* Preamble in Action worksheet (following the lesson—with an answer key)
* Guiding Questions for the Constitution and the Preamble worksheet

**Unit:** *The Words We Live By*: The Fourth Amendment

**Content Area/Course:** English Language Arts, Grade 8

**Lessons 1–3:** The Preamble to the Constitution: Who are ‘We the People’?

**Time:** Three 50-minute classes

**Standard(s)/Unit Goal(s) to be addressed in this lesson:**

CCSS.ELA-Literacy.SL.8.1 Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on *grade 8 topics, texts, and issues,* building on others’ ideas.

CCSS.ELA- literacy.SL.8.5 Integrate multimedia components and visual displays into presentations to clarify information, strengthen claims and evidence, and add interest.

And expressing their own clearly.

**Essential Questions addressed in this lesson:**

Q2 How can people interpret the same text, or even the same word, differently?

Q3 How can I get people to agree with me?

**Objectives:** Students will . . .

* Explain the precepts of the Constitution and the Preamble and be able to explain the role they have in our government.
* Use strategies to attack and analyze long, complicated sentences.
* Analyze the language of the Preamble to the Constitution using close reading and a graphic organizer.
* Complete written guided-reading questions for the text and write individual reflections about the impact of the Preamble on life today.

**Instructional Tips/Strategies/Notes for Teacher:**

* During the lesson, model thinking and answer the first guided-reading question with the whole class before releasing students to complete the activity.
* Follow-up discussions during the lesson will give students time to go back and make adjustments to their original answers if necessary.
* A KWL (What I Know, What I Want to Know, What I Have Learned) chart will be posted as an anchor chart throughout the unit.
* Academic vocabulary: *preamble*, *constitution*, *democratic*.

**Anticipated Student Preconceptions/Misconceptions:**

* The constitution was written centuries ago. It isn’t relevant to us.

**Lesson 1**

**Lesson Opening**

* Show students the video School House Rock—The Preamble (2:45 minutes) at <http://www.youtube.com/watch?v=yHp7sMqPL0g>
* Complete a KWL (know—want to know—learned) chart about the Constitution and Preamble.

**During the Lesson:**

* Guide students through the worksheet, at the end of the lesson: Understanding Long Sentences: Reading the Preamble to the U.S. Constitution. Emphasize that students are learning a process for attacking any long, confusing sentences. The main point is: chunk the sentence into meaningful parts, using punctuation and cue words and phrases to help you. It would be helpful to post the steps in the process for students to use in the next activity when needed.

**Lesson Closing:**

* Exit ticket (i.e., the final assignment students complete for the class): Write a sentence about what you [the student] think the Preamble means. Collect from students.

**Lesson 2**

**Lesson Opening**

* Writes a few exit-ticket comments from the day before on the board.
* Have students Turn-and-Talk to their neighbor about their thinking about the comments. Ask for student input/opinions and share some additional comments from the day before.

**During the Lesson**

* Conduct a read-aloud with frequent monitoring of student groups of pages 10–17 of *The Words We Live By.* This section includes an introduction to the Constitution and the history of and role of the Preamble to the Constitution.
* Divide the class into small groups and have them complete the Guiding Questions for the Constitution and the Preamble, following the lesson.

**Lesson Closing**

* Lead a whole-class discussion about the students’ answers to the guided questions.

**Lesson 3**

**Lesson Opening**

* Read the Preamble aloud and take any outstanding questions.

**During the Lesson**

Choices (depending on time available and the nature of the class):

* Independently or in pairs, students complete the Preamble in Action worksheet (following the lesson) and report out.
* Groups make small posters with the words We the People as the title. They will brainstorm their collective definition of *We the People* and present their thoughts through words and symbols on the posters. Each student group will present their We the People poster to the class.

**Lesson Closing**

* Students write a reflection about the content of the presentations made in class today. Explain how they connect to the reading you did about the U.S. Constitution and the Preamble. (Complete for homework).
* Preview outcomes for the next lesson: Understanding the basic precepts of the Constitution and the Preamble to the Constitution for the deeper level analysis in studying the Fourth Amendment.

**Formative Assessment:**

* Observations and conversations with students as they work, scanning the room, listening to discussions; student revisions/adjustments to original written work.
* We the People poster presentations.

## Understanding Long Sentences

1. Find the core sentence.

* Long sentences often contain a *core sentence* that is explained or developed by the other parts of the sentence. The punctuation often helps you to find the core sentence.

2. Make sure you understand the core sentence.

3. Look for cue words or phrases that may tell you how the other parts of the whole sentence are related to the core sentence.

4. Chunk the rest of the sentence into meaningful parts. The punctuation often will help you.

5. Make sure you understand each part.

6. Put the whole sentence into your own words.

## Student Resource: Understanding Long Sentences –

## Reading the Preamble to the U.S. Constitution (Lesson 1)

*We the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*

|  |  |  |
| --- | --- | --- |
| **Steps in Reading Process** | **Guiding Questions** | **Your Answers** |
| 1. Find the core sentence. Long sentences often contain a core sentence that is explained or developed by the other parts of the sentence. The punctuation often helps you find the core sentence. | Read the entire Preamble aloud. Construct the **core sentence** by putting the words that come *before* the first comma next to the words that come *after* the last comma. Write the core sentence. | Core sentence: |
| 2. Make sure you understand the core sentence. | Who do the writers say they represent? |  |
| “ordain and establish”   1. What do these words mean? 2. What effect does using BOTH words have? | **1.**  **2.** |
| Put the **core sentence** into your own words |  |
| 3. Look for cue words or phrases that may tell you how the other parts of the whole sentence are related to the core sentence. | What phrase is the cue in this sentence? |  |
| How is the core sentence related to the text within the two big commas? |  |
| 4. Chunk the rest of the sentence into meaningful parts. The punctuation often will help you. | Read the text between the big commas aloud:   1. How can you tell where each phrase starts and ends? 2. What kind of word starts each phrase (“form,” “establish,” “insure,” etc.)? 3. What is this a list of? How are they all related to the **core sentence?** | **1.**  **2.**  **3.** |
| 5. Make sure you understand each part. | “Form a more perfect Union”   * What did the writers want to unite? |  |
| “Establish justice”   * What does this mean? |  |
| “Insure domestic tranquility” (domestic= at home; tranquility=peace, calm)   * Explain this phrase |  |
| “Promote general welfare” (promote= encourage)   * Explain this phrase |  |
| “secure the blessings of liberty to ourselves and our posterity” (secure= obtain and hold tight to; posterity= people who come after us, our descendants)   1. What blessings did they mean? Give examples. 2. Why was it important to include their posterity? | **1.**  **2.** |
| 6. Put the whole sentence into your own words. | Your sentence: | |

## Student Resource: Guiding Questions (Lesson 2)

**Directions**: On a separate piece of paper answer the following questions for pages 10–17 of the text, *The Words We Live By,* by Linda R. Monk. Support your thinking with evidence from the text.

1. Explain why the drafters of the Constitution separated the government into three branches.
2. How do text features used in the chapter help the reader to understand important points emphasized by the author? Give three detailed examples from the text.
3. Who are “We the People” that the members of the Constitutional Convention referred to? Explain why so many groups were not included in that all-encompassing phrase at the time the document was written.
4. On page 16 of the text it states that Benjamin Franklin, who was in his 80’s at the time of the Constitutional Convention, supported the Constitution even “with all its faults”. Explain what you think he meant by this statement.
5. Define amendments and explain why the Constitution allows for them to be added to the original document.

## Student Resource: The Preamble in Action (Lesson 3)

*We the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*

**Directions:** Read the phrase excerpted from the Preamble. In the answer choices below, choose the governmental institutions and acts that best relate to the phrase. Explain your thinking in complete sentences.

|  |  |  |
| --- | --- | --- |
| **Excerpt** | **Answer Choices** | **Explain your thinking** |
| 1. “In order to form a more perfect Union” | 1. The Declaration of Independence was signed July 4, 1776, giving birth to the United States. 2. The United States Navy was established. 3. State conventions ratified the Bill of Rights, the first 10 amendments, to the Constitution protecting the most fundamental freedoms dear to Americans. |  |
| 2. “establish justice” | 1. The Department of Justice was established. 2. The School Lunch Program was established in 1946. 3. In 1789, Congress passed the Judiciary Act. |  |
| 3. “insure domestic tranquility” | 1. The Federal Emergency Management Agency (FEMA) was established in 1978 to aid Americans during catastrophes such as during the aftermath of a hurricane. 2. The National Guard was started to maintain a military force to be ready at all times to protect Americans in times of war or national threat. 3. The Department of Education was established. |  |
| 4. “provide for the common defense” | 1. The National Security Council advices the president on issues that threaten the United States. 2. The Department of War was established which became the Department of Defense. 3. Congress established Medicaid in 1965 to provide medical care to the poor and elderly. |  |
| 5. “promote the general welfare” | 1. The Central Intelligence Agency was formed to gather information from all parts of the world to ensure the safety of the American security forces. 2. The Rural Electrification Administration was established in 1935 to provide electricity to small towns and farms in the entire United States. 3. In 1935, Congress passed the Social Security Act to guarantee that Americans who worked would have an income when they retired. |  |
| 6. “and secure the blessings of liberty to ourselves and our posterity….” | 1. The National Park Service was created in 1916 to preserve some of the most beautiful places in America. 2. The National Air Force was established. 3. Congress passed the Clean Water Act in 1972 to guarantee the safety of America’s water supply. |  |

Adapted from Teaching and Learning Company’s *History Speaks…Preamble to the Constitution* (Carthage, IL, 1998).

## Teacher Resource: The Preamble in Action

## Answer Key (Lesson 3)

Note that there is more than one answer that could be correct. The student’s explanation of his or her thinking is the important component of this exercise.

1. A, C
2. C, A
3. A, B
4. B, A
5. B, C
6. A, C

## Lessons 4, 5 and 6: Introduction to the Fourth Amendment

**Brief Overview of Lessons**: In these lessons, students analyze the language of the Fourth Amendment using close reading and completing a graphic organizer; groups will be assigned one section of reading to present to the whole class. As you plan, consider the variability of learners in your class and make adaptations as necessary.

**Prior Knowledge Required:** Students will need to have some prior knowledge of the Constitution from Lessons 1–3.

**Estimated Time:** three 50-minute periods

**Resources for Lessons:**

For the teacher:

* One copy of *The Words We Live By,* by Linda R. Monk. Pages listed in the lesson refer to the paperback edition, Stonesong Press, 2003
* Video clip of people reciting the Fourth Amendment: <http://www.time.com/time/video/player/0,32068,1027506447001_2080296,00.html>

For the students:

* Full class set: *The Words We Live By,* by Linda R. Monk. If possible, print copies of pages 157–163 and the Reading the Fourth Amendment chart, at the end of the lesson

**Unit:** *The Words We Live By*: The Fourth Amendment

**Content Area/Course:** English Language Arts, Grade 8

**Lessons 4–6:** Introduction to the Fourth Amendment

**Time:** three 50-minute periods

**Standard(s)/Unit Goal(s) to be addressed in this lesson:**

CCSS.ELA-Literacy. RI. 8. 4

CCSS.ELA-Literacy.SL.8.1 Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on *grade 8 topics, texts, and issues,* building on others’ ideas.

CCSS.ELA-Literacy.W.8.1 Write arguments (e.g., essays, letters to the editor, advocacy speeches) to support claims with clear reasons and relevant evidence.

CCSS.ELA-Literacy.W.2 Write informative/explanatory texts (e.g., essays, oral reports, biographical feature articles) to examine a topic and convey ideas, concepts, and information through the selection, organization, and analysis of relevant content.

**Essential Questions addressed in this lesson:**

Q1 Why should the Fourth Amendment matter to me?

Q2 How can people interpret the same text, or even the same word, differently?

**Objectives:** Students will . . .

* Understand and interpret the words in the Fourth Amendment.
* Analyze the Fourth Amendment and rewrite it in everyday English using close-reading strategies and a graphic organizer.
* Based on teacher example, students can summarize a section of text and report to the class.

**Instructional Tips/ Strategies/Notes for Teacher:**

* Use your discretion when assigning the passages from the text to each group. Some passages are lengthier and more challenging than others.
* Use computers or tablets for writing whenever possible because their use will make revision and sharing easier.
* Academic vocabulary: *amendment*, *argument*, *jury*, *Supreme* *Court*, *Supreme* *Court* *Justice*, *search*, *seizure*, *warrant*, *rights*, *reasonable*, *unreasonable*, *probable* *cause*.
* When students read pages 158–163 in *The Words We Live By* in small groups, it may be helpful to make copies so they can mark it up.

**Anticipated Student Preconceptions/Misconceptions:**

* No one can be searched without a warrant.

**Lesson 4**

**Lesson Opening**

* Quick two-minute review: Teacher-led discussion to complete in the KWL chart started in Lessons 1–3.
* Before students read the Fourth Amendment, present them with the following scenario:

Johnny complained to the principal that his iPod was missing from his locker. While investigating, several students said they saw Sally with an iPod after school and she told them that it was new. The principal has decided to search Sally’s locker while Sally is in class to see if the missing iPod is there.

* Write on the board or project the following questions: Does the principal have the right to search Sally’s locker without her permission? Why or why not?
* Instruct students to write the answers in their notebooks and then Turn-and-Talk with a partner to discuss.
* Students will then share to the whole group and discuss the scenario.

**During the Lesson**

* Say: We have discussed the importance of the Constitution and the Preamble. Today we will look at one of the amendments to the Constitution—the Fourth Amendment.
* Remind students of the reading process they learned when reading the Preamble. Model the process with a section of the amendment gradually releasing responsibility to students. Decide whether to guide students through the first few questions, or do so as needed.
* In pairs, students read the words to the Fourth Amendment, and unpack the language using Reading the Fourth Amendment chart at the end of the lesson.
* Pairs share and discuss their answers with the class.

**Lesson Closing**

* Lead a discussion and synthesize the discussion. Ask for questions.

**Lesson5**

**Lesson Opening**

* Watch a short video on the Fourth Amendment followed by teacher-led discussion: <http://www.time.com/time/video/player/0,32068,1027506447001_2080296,00.html>

**During the Lesson**

* Read aloud all of page 157 and “Historical Background” on page 158 in *The Words We Live By.*
* Model writing a brief summary of the material, explaining the process of summarizing (e.g., find the topic sentence of each paragraph, decide which paragraph details are important and which you can leave out, put the words of the text into your own words). Post the summary as a model for students.
* Have students read pages 158–163 in *The Words We Live By* in small groups.
* While reading each group should read all of the pages, but pay special attention to their assigned sections.
* Each group will write a brief summary of their assigned section and present their summary to the rest of the class.
* Group 1: A Reasonable Expectation of Privacy
* Group 2: Reasonable Searches and Seizures
* Group 3: Arrests
* Group 4: Searches
* Group 5: The Exclusionary Rule
* Group 6: Exceptions to the Rule

**Lesson Closing**

* Lead a discussion about Fourth Amendment cases. Take questions from students and answer with input from class.

**Lesson 6**

**Lesson Opening**

* Ask students to take a few minutes to make any adjustments to your summary. The **s**ummaries will be posted around the room as anchor charts.

**During the Lesson**

* Students present their summaries to the rest of the class. The class discusses the summaries and asks questions.
* After the presentations and discussion, students answer the following questions in their notebooks:
* Look back at your answer to the question that was presented at the beginning of this lesson. Would you change your answer now? Why or Why not? Be specific and cite evidence from the text to support your answers.

**Lesson Closing**

* Exit ticket: Describe one thing that you learned about the Fourth Amendment that you did not know prior to this activity.
* Write down any questions that you may still have about the Fourth Amendment. If you do not have any personally, write down a good question that you think someone else might have.

**Formative assessment:**

* Observes student responses on the attached Reading the Fourth Amendment graphic organizer and guided questions.
* Preview outcomes for the next lesson: Explain that students will use their background knowledge of the Fourth Amendment to help them in the CEPA as they dig deeper into some Fourth Amendment Supreme Court cases.

## Student Resource: Reading the Fourth Amendment (Lesson 4)

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Directions:** What do the words of the Fourth Amendment mean in everyday English? Read phrases from the Fourth Amendment below and the guiding questions. Use the guiding questions to write your response to each part of the Fourth Amendment. Also, write a new version of the Fourth Amendment in everyday English.

|  |  |
| --- | --- |
| Fourth Amendment and Guiding Questions | Your Response |
| *The right of the people*   * What people? * Where do these rights come from? |  |
| *to be secure in their in their persons, houses, papers, and effects*   * What does secure mean? * Where do people have the right to be secure? * Explain what is meant by *persons*, *houses*, *papers*, *and effects*? |  |
| *against unreasonable searches and seizures*   * What kind of search would be unreasonable? * What does seizure mean? |  |
| *shall not be violated*   * What does it mean to violate? |  |

Rewrite the Fourth Amendment in everyday, twenty-first-century English:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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## Lessons 7, 10, 11 and 12: CEPA

## Take Your Case to the Supreme Court

**Brief Overview of Lessons:** This group of lessons starts with modeling with the whole class. Students will read the facts and the central question of a Fourth Amendment case; brainstorm possible arguments with evidence from the facts of the case and/or the text of the amendment for each side of the question and fill in a T-chart; construct a written argument for one side with the class; and complete a written argument for the other side. As you plan, consider the variability of learners in your class and make adaptations as necessary.

**Prior Knowledge Required:**

* The vocabulary of argument writing

**Estimated Time:** six 50-minute periods

**Resources for Lessons**  
Copies of Supreme Court cases:

* *New Jersey v. T.L.O.* (<http://www.oyez.org/cases/1980-1989/1983/1983_83_712>)
* *California v. Greenwood* (<http://www.oyez.org/cases/1980-1989/1987/1987_86_684>)
* *Vernonia School District v. Acton* (<http://www.oyez.org/cases/1990-1999/1994/1994_94_590>)
* *Board of Education v. Earls* (<http://www.oyez.org/cases/2000-2009/2001/2001_01_332>)
* *Minnesota v. Dickerson* (<http://www.oyez.org/cases/1990-1999/1992/1992_91_2019>)
* *Illinois v. Caballes* (<http://www.oyez.org/cases/2000-2009/2004/2004_03_923>).

For students**:**

* Transcript and audio of *New Jersey v. T.L.O.* (<http://www.oyez.org/cases/1980-1989/1983/1983_83_712>)
* Transcripts and access to audio for their assigned case
* Student Handout: Scaffolded Resource for Written Argument
* Student Handout: Oral Presentation Template
* Student Handout: Scaffolded Oral Presentation Template
* CEPA Student Instructions
* CEPA Rubric for Writing
* CEPA Oral Presentation Scoring Guide
* Paper for T-chart
* Completed chart from Lesson 4 (Reading the Fourth Amendment)

For the teacher:

* CEPA Teacher Instructions

**Unit:** *The Words We Live* By: The Fourth Amendment

**Content Area/Course:** English Language Arts, Grade 8

**Lessons 7–12/CEPA:** Take Your Case to the Supreme Court

**Time:** six 50-minute periods

**Standard(s)/Unit Goal(s) to be addressed in this lesson:**

CCSS.ELA-Literacy.RI.8.5 Analyze in detail the structural elements of a text, including the role of specific sentences, paragraphs, and text features in developing and refining a key point.

CCSS.ELA-Literacy.RI.8.9 Analyze a case in which two or more texts provide conflicting information on the same topic and identify where the texts disagree on matters of fact or interpretation.

CCSS.ELA-Literacy.W.8.1 Write arguments (e.g., essays, letters to the editor, advocacy speeches) to support claims with clear reasons and relevant evidence.

CCSS.ELA-Literacy.W.8.1a .Introduce claim(s), acknowledge and distinguish the claims(s) from alternate or opposing claims, and organize the reasons and evidence logically in paragraphs and sections. CCSS.ELA-Literacy.W.8.1b Support claim(s) with logical reasoning and relevant evidence, using accurate, credible sources and demonstrating an understanding of the topic or text.

CCSS.ELA-Literacy.W.8.1c Use words, phrases, and clauses to create cohesion and clarify the relationships among claim(s), counterclaims, reasons, and evidence.

CCSS.ELA-Literacy.W.8.1d Establish and maintain a style appropriate to audience and purpose (e.g., formal for academic writing).

CCSS.ELA-Literacy.W.8.1e Provide a concluding statement or section that follows from and supports the argument presented.

CCSS.ELA-Literacy.SL.8.1 Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on *grade 8 topics, texts, and issues,* building on others’ ideas.

CCSS.ELA-Literacy.SL.8.2 Analyze the purpose of information presented in diverse media and formats (e.g., visually, quantitatively, orally) and evaluate the motives (e.g., social, commercial, political) behind its presentation.

CCSS.ELA-Literacy.SL.8.4 Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound valid reasoning, and well-chosen details; use appropriate vocabulary, eye contact, volume and pronunciation.

**Essential Questions addressed in this lesson:**

Q2 How can people interpret the same text, or even the same word, differently?  
Q3 How can I get people to agree with me?

**Objectives:** Students will . . .

* Analyze two sides of an argument.
* Write and present an argument with evidence to support their own claim.
* Analyze both sides of a Fourth Amendment argument, and write and present an argument supporting their claim using notes from references and anchor charts prepared during a teacher-led activity(read pp. 158–163 in *The Words We Live By* in small groups).

**Instructional Tips/ Strategies/Notes for Teacher**:

* Use *New Jersey v. T.L.O.* as a model to prepare students to complete the CEPA on their own.
* In order to fully comprehend the court cases and effectively write the arguments, students need to have working knowledge of argument-writing vocabulary such as: *claim, counterclaim, evidence, sound reasoning, effects, probable cause.*
* If students have not acquired this vocabulary in previous classes, teachers can prepare and analyze a simple written argument with students in order to illustrate these terms (e.g., an argument on an engaging topic such as eliminating school sports or removing soda machines from schools).
* Before Lesson 9: Select and prepare cases (see the links in the Resources for Lessons above.)
* Review all of the cases before presenting them to students. The links will take you to audio versions and transcripts, so students will have the opportunity to hear an argument being presented as well as read the argument.
* When viewing any transcript, do *not* show the court decision; only show the facts and the central question (audio until 1:43; transcript until, “He found marijuana and other indications that the marijuana was in the purse for purposes of distribution.”)
* Use your discretion when picking cases. Think about your audience and add or change cases as necessary.
* Ideas for scaffolding oral presentation in the CEPA include giving students sentence starters, taping hesitant students and replaying their presentation or giving this student a smaller role. Examples of these are included in the resources.
* If possible, make computers or tablets available to students for writing.
* Central questions for each case are found on the Oyez website.

**Anticipated Student Preconceptions/Misconceptions:**

* Supreme Court proceedings are completely formal events.

**Lesson 7**

**Lesson Opening**

* Distribute copies of the CEPA Student Instructions. Discuss the expectations with students. Explain that they will create a model CEPA together as a class before they are expected to do one independently.

**During the Lesson**

* Introduce Fourth Amendment Case of *New Jersey v. T.L.O.*Go to [http://www.oyez.org/cases/1980-1989/1983/1983\_83\_712](http://www.oyez.org/cases/1980-1989/1983/1983_83_712%20) to show facts of the case and question, being careful not to show the court’s final decision.
* Explain that *New Jersey* means the state of New Jersey. Listen to the case and read the transcript (audio until 1:43; transcript until “He found marijuana and other indications that the marijuana was in the purse for purposes of distribution.”)
* Lead a discussion to identify and define difficult vocabulary followed by text annotation for *claim*, *counterclaim*, *evidence*, and *sound reasoning*.

**Lesson Closing**

* Check for students’ understanding and answer questions.

**Lesson 8**

**Lesson Opening**

* Have students take a few minutes to reread the transcript from the T.L.O. case.

**During the Lesson**

* Prepare a T-chart with New Jersey as one heading and T.L.O. as the other. Post the Fourth Amendment text next to the T-chart, and point to relevant phrases as you do your think-aloud.
* Model a think-aloud: brainstorm possible arguments for both sides of the case, filling in the T-chart as you model. Monitor for clarifying questions. Possible script for think-aloud:

“Let’s consider that there are two sides to every argument, the claim and the counterclaim. In this case, there is the ‘side’ of the girl, T.L.O., who claims that the school had no right to search her purse, and the ‘side’ of school administration, represented by the state of NJ, arguing the counterclaim that they had the right to search her purse.

Let’s look at T.L.O.’s side first. If I am T.L.O., why would I think that according to the Fourth Amendment the school has no right to search my purse? One reason is that my purse is my personal property, or effects [point to phrase in Fourth Amendment, then add this point to T-chart]. Another reason that I would highlight if I were T.L.O. is that I denied that I was smoking in the bathroom; the discussion should have ended there. The vice principal had no real reason to search my purse—no probable cause [point to phrase in Fourth Amendment and add point to T-chart]. Even if the v.p. was looking through my purse for cigarettes (which he shouldn’t have), why is it ok to confiscate anything else I have in there? What right does he have? Going through my whole purse is an unreasonable search [point to Fourth Amendment]. This is a violation of my personal rights! [add to T-chart]. Just because I have the stuff doesn’t mean that I do anything with it. Maybe I was holding it for my boyfriend?“ [add to T-chart.]

* Ask the class for any other points that have not yet been listed.

“Now, let’s look at the counterclaim, the side of the vice-principal /state of New Jersey. T.L.O. was discovered to be smoking in the bathroom by a teacher [add point to T-chart].

This constitutes probable cause to search her belongings for cigarettes, since smoking is against the rules of the school. When she was sent to the vice-principal’s office, she denied smoking in the bathroom, but the v.p. saw a pack of cigarettes sticking out of her purse [add to T-chart]. When he looked closer, he saw rolling papers in her purse. So far, he hadn’t actually searched her purse. But when he saw the rolling papers, he considered that probable cause to search her purse. That was not unreasonable. He saw the rolling papers, the girl had already lied about the smoking, and he knew that rolling papers were usually connected to marijuana use [add point to T-chart], so he decided to search further.

He felt that was a reasonable search, since he is responsible for the personal safety of all of the students in the building. That is why he continued [add “student safety” to T-chart]. The rights of the collective student body supersede the rights of T.L.O” [add point to T-chart].

* Ask the class for any other points that have not yet been listed.
* Take the reasons on one side and construct an argument [still modeling the think-aloud]. Document the argument on chart paper.
* Possible script for the think-aloud:

“Take a moment and look at what we have written down for T.L.O. [review information on chart]. We’re going to take this information and formulate a written argument in defense of T.L.O.

The first thing I need to do is identify my claim. What is my claim? I am defending T.L.O., so my claim is that it was unconstitutional to search her purse because it violates the Fourth Amendment. The amendment states, ‘The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures… without probable cause shall not be violated.’ T.L.O.’s testimony states that she was not smoking, so there should have been no probable cause to search her personal property for cigarettes.

Such a search would be unreasonable. However, even if you admit that there *was* probable cause for searching for anything related to smoking cigarettes, anything else found in her purse in such a search is not relevant to her smoking cigarettes. Just because something is found in her purse does not mean it belongs to her.

The argument for T.L.O. is that there was no probable cause to search for everything else, just for the cigarettes. She argues that just seeing the cigarettes is not probable cause to search her whole purse.

The other side will present counterclaims. They’ll probably say that the safety of the whole school population outweighs T.L.O.’s personal rights and that the safety of the school was threatened by T.L.O.’s possible use of marijuana and her possibly distributing it to other students. We say that the probable cause for suspecting marijuana use and distribution, and thus for the search, is weak. Rolling papers don’t constitute probable cause.”

**Lesson Closing**

* Lead a discussion about the modeled work.
* Say, start thinking about our tasks for tomorrow. We will write T.L.O.’s argument together as a class and then you will write arguments for the vice principal in this case.

**Lesson 9**

**Lesson Opening**

* Say: We are going to take the work we did yesterday and connect it to what we know about the Fourth Amendment. Let’s review our charts for the case.

**During the Lesson**

* On chart paper, write out arguments in T.L.O.’s defense using the written-response graphic organizer format.
* Assign pairs of students the task of writing the opposing argument.
* Share out opposing arguments.

**Lesson Closing**

* Show students the actual Supreme Court decision (<http://www.oyez.org/cases/1980-1989/1983/1983_83_712>).
* Take questions from students.
* Tell them they will begin the CEPA in the next lesson.

**Lesson 10**

**Lesson Opening**

* Review the CEPA directions and rubrics with students.

**During the Lesson**

* Divide students into groups. Assign each group a Fourth Amendment court case (see links under Resources for Lessons above). Both transcripts and audio recordings are available; use both if possible. (If students have computers or tablets they will be able to access both versions.)
* When assigning cases to groups, do not reveal the court decision. Only show the facts and the central question.
* Each group then discusses their case and makes a T-chart listing the claims on both sides of the issue. They read portions of the actual argument and include relevant details from the argument on their T-chart as well.
* Groups also identify and define difficult vocabulary and annotate (markup) text to highlight claims, counterclaims, evidence and reasons for each side of the case on the T-chart.
* Assign each student a specific side of the case they are analyzing. Following discussion, assign each student to write an argument on a specific side of their case.

**Lesson Closing**

* Facilitate a whole-class discussion about the work done today, and field questions from students.

**Homework:**

* Ask students to think about the argument they will write tomorrow.

**Lesson 11**

**Lesson Opening**

* Have students meet with their teams to ask clarifying questions so that they are prepared to write.

**During the Lesson**

* Do a quick review of the CPA Rubric.
* Students use the CEPA Rubric for writing, and for those students who need it, the Scaffolded CEPA for Written Arguments to craft their argument for their Fourth Amendment cases.

**Lesson Closing**

* Ask for volunteers to share their work and field student questions.
* Students who have not completed the assignment must do so for homework.

**Lesson 12**

**Lesson Opening**

* Instruct students to meet with their team members to discuss group norms, the role each member will play, and to review the oral presentation template (scaffolded version included) and rubric.

**During the Lesson**

* Groups use written arguments and the template to prepare an oral presentation for the “Supreme Court.” Groups discuss their individual written arguments/views and come to a consensus about which side of the argument they will present.
* Each group member must to be part of the presentation.
* The group will work together to complete the template and then rehearse their presentation.
* Groups present their case to the Supreme Court justices (remaining class members).
* Individual students act as Supreme Court justices as they listen to each case. Each justice must produce a decision based on the facts of the case.

**Formative Assessment:**

* Written arguments for one side of a Fourth Amendment court case.
* Student observations and class participation, including clarifying questions.

**Summative Assessment:**

* Oral argument presentations

## New Jersey v. T.L.O (Lesson 7)

(<http://www.oyez.org/cases/1980-1989/1983/1983_83_712>)

Audio: Listen up to 3:01

Transcript:

ORAL ARGUMENT OF ALLAN J. NODES, ESQ., ON BEHALF OF THE PETITIONER

Chief Justice Warren E. Burger: We will hear arguments next in New Jersey against T.L.O.—

Mr. Nodes, I think you may proceed whenever you are ready.

Allan J. Nodes: Mr. Chief Justice, and may it please the Court, this Court granted certiorari to the New Jersey Supreme Court in this case on the issue of the applicability of the Fourth Amendment exclusionary rule, the school searches conducted by school teachers and school officials.

In this case, the respondent was observed smoking a cigarette in a school restroom by a teacher.

The teacher took the student to the vice principal's office, and reported the incident to the vice principal.

After the vice principal left, the student not only denied having smoked in the restroom, but also stated that it couldn't have been her because she didn't even smoke.

After... following this statement, the vice principal asked for the student's purse, and opened the student's purse, finding a pack of cigarettes lying on the top.

He picked up the cigarettes and said something to the effect of, "You lied to me about smoking cigarettes."

He looked back in the purse, and saw rolling papers for cigarettes.

He believed these were indicative of the presence of drug paraphernalia in the purse, and continued to look through the purse.

He found marijuana and other indications that the marijuana was in the purse for purposes of distribution.

## CEPA Resources: Cases

***California v. Greenwood*** (<http://www.oyez.org/cases/1980-1989/1987/1987_86_684>

Audio: Listen up 4:27

Transcript:

ORAL ARGUMENT OF MICHAEL J. PEAR, ESQ. ON BEHALF OF PETITIONER

Chief Justice William H. Rehnquist: We'll hear argument next in No. 86-684, California versus Billy Greenwood and Dyanne Van Houten.

Mr. Pear, you may proceed whenever you're ready.

Mr. Pear: Mr. Chief Justice and may it please the Court:

This case is here on certiorari to the California Court of Appeals, Fourth Appellate District.

In February 1984, the Laguna Beach Police Department received some tips over the telephone that the occupants of a specific residence located in the City of Laguna Beach were involved in drug trafficking.

Based on that information, on April 6, 1984 and again on May 4th, investigators of the Police Department contacted the regular municipal trash collector when the morning trash was collected at that residence.

The investigators requested of the trash collector that he go down the street, pick up the trash bags that were in front of the residents' garage, were located in the public street in front of the garage, that that trash collector on each instance not mingle or mix the bags with other trash in his truck and that he bring those bags down the block to the investigator, which he did.

The investigator in each of these two instances returned to the Police Department with those trash bags and examined the contents.

On each occasion, items were found including drug residue and based on that, two separate search warrants were issued for that residence in Laguna Beach.

The California Court of Appeals affirmed the Trial Court's dismissal of the drug possession for sale charges against the respondents that were based on drugs found in the house during the search warrants on the basis that the Fourth Amendment prohibits warrantless trash searches.

The State respectfully asks this Court to reverse, in accordance with an inconformity with the rulings of ten Federal Circuit Courts of Appeals, the First, the Second, the Third, the Fourth, the Fifth, the Sixth, the Seventh, the Eighth, the Ninth on a case from California, and the Eleventh, all of which have held that warrantless trash searches of discarded garbage placed in an area accessible to the public for collection is not protected by the Fourth Amendment.

Additionally, in the case before the Court, there is a factor that it was not the police who on site examined the trash but rather the trash collector at their request obtained the trash.

It is our further position, the State's position in that circumstances that the trash collector is an agent of the police when he picks it up, but that the situation of trash voluntarily turned over to a third party, here the regulator trash collector, even where he's an agent or acting at the request of the police bestows no reasonable or legitimate expectation of privacy on the homeowner, it is rather a case of misplaced trust.

***Vernonia School District v. Acton*** (<http://www.oyez.org/cases/1990-1999/1994/1994_94_590>)

Audio: Listen up to 2:56

Transcript:

Argument of Timothy R. Volpert

Chief Justice Rehnquist: We'll hear argument now in Number 94-590, Vernonia School District.

Is that the way you pronounce the name of the—

Mr. Volpert: Yes, it is, Mr. Chief Justice.

Chief Justice Rehnquist: —Versus Wayne Acton.

Mr. Volpert: Mr. Chief Justice, and may it please the Court:

The issue presented is whether a school district faced with a serious drug problem with student athletes at its core may reasonably require athletes to submit to drug testing absent individualized suspicion.

The school district has established a serious threat to its ability to educate its students and to the safety of its athletes—

Justice Souter: Has it identified that threat as drug use, as opposed to, sort of a lot of bragging about drug use?

It seems to me, my recollection is that the, kind of the hard evidence on the actual usage was on the thin side, whereas there was plenty of evidence that people were going around bragging about drug use, glorifying drug use, giving the impression that it was a smart thing to do, and kids at that age claim to have done a lot of things that they haven't done.

Where does the, sort of the hard evidence stop, and the evidence of talk begin?

Mr. Volpert: —The hard evidence of drug use consists, Justice Souter, of observations on numerous occasions by a teacher of students smoking marijuana across the street, arrests of student athletes for using drugs, confiscation of drug paraphernalia on school grounds, admissions by students to the principal that they have used drugs, admissions by certain student athletes to the coaches that they had used drugs, coaches' observations of marijuana coming from the room of athletes the day after a serious injury—

Justice Souter: Well, there was one example of that, for example.

Was there more?

Mr. Volpert: —I'm sorry, of what?

Justice Souter: I mean, the... as I recall the briefs, there was one example of a coach going into a... I think it was a wrestler's room, and he smelled... after the kid had been injured, and he smelled pot.

I mean, were there other instances of that?

Mr. Volpert: There were no other instances that I can recall from the record, Justice Souter, where the smell of marijuana, where the teachers or coaches noticed the smell of marijuana.

Justice Souter: I think that's what's bothering me, because... I'm sure you didn't intend this, but I think you spoke of it in the plural, and yet there was only one instance of it, and that's why I'm troubled by the difficulty of figuring out just what is provably there about use, as opposed to what is generalization, or what is generalization about student bragging.

Mr. Volpert: Well, I could only answer that by saying that I believe that we have numerous... I don't believe, we do have numerous observations, admissions, proof of athletes being arrested for the use of drugs, and there is... I believe what you're referring to is, there is one instance, and I did not mean to speak of it in the plural, where a wrestler... where a coach smelled marijuana coming from a wrestler's room.

***Board of Education v. Earls***

(<http://www.oyez.org/cases/2000-2009/2001/2001_01_332>)

Audio: Listen up to 8:12

Transcript:

ORAL ARGUMENT OF LINDA M. MEOLI ON BEHALF OF THE PETITIONERS

Chief Justice Rehnquist: We'll hear argument now in No. 00... oh, pardon me... 01-332, the Board of Education of Independent School District No. 92 of Pottawatomie County v. Lindsay Earls.

Ms. Meoli.

Meoli I guess.

Is... is that the correct pronunciation?

Mr. Meoli: Meoli.

Mr. Clement: Meoli, okay.

The third time is the charm.

[Laughter]

Mr. Meoli: Mr. Chief Justice, and may it please the Court:

This case involves the constitutionality of the Tecumseh School Board's decision to implement a suspicionless drug testing policy for students in competitive activities as a reasonable response to student drug use.

Tecumseh's policy represents a natural, logical, and rational application of this Court's decision in Vernonia v. Acton.

Vernonia's policy applied to students who chose to participate in interscholastic athletics.

Tecumseh's policy applies as well to athletics, but also to all the other competitive activities that are offered by the district.

Respondents do not challenge the policy as applied to the athletics, conceding that this Court approved that practice in Vernonia.

Competitive—

Mr. Clement: Well, this policy goes beyond what was permitted in Vernonia, does it not?

Mr. Meoli: —Well, it covers—

Mr. Clement: It greatly expands the number of students covered by the policy.

Mr. Meoli: —It... it covers a wider variety of interscholastic competitive activities.

Mr. Clement: And the evidence is not as strong, is it, in this case of drug use in the school as... as was the case in Vernonia?

Mr. Meoli: Well, Your Honor, we do not believe that is true.

Mr. Clement: Well, if you go by the district court's findings, that's what you'd conclude.

Mr. Meoli: The district court in Vernonia?

Mr. Clement: In this case.

Mr. Meoli: In this case.

No, Your Honor, I... I really don't think so.

I think there is ample evidence in the record to demonstrate a drug problem in Tecumseh.

Mr. Clement: What do you—

—By the... by the young people who were involved in these particular extracurricular activities?

Mr. Meoli: Yes, we do have evidence of drug use with these students in extracurricular activities.

Mr. Clement: Well, what do you make of the... the reports that have been filed up to the eve of the adoption of this regulation by the school district with the Feds, year after year after year, saying, things are fine here?

The only thing we have to worry about is some beer.

Were they lying?

Mr. Meoli: No, Your Honor, I don't think they were lying.

Number one, the district has always admitted that alcohol really is the number one problem in the school district, and that's what the applications for the Federal—

Mr. Clement: Yes, but they were... they were saying at the same time that they didn't have a problem with... with what we usually refer to as drugs.

Mr. Meoli: —They said it... it wasn't a major problem at that time.

And... and I think if you compare—

Mr. Clement: And... and in point of fact, as I understand it, since the testing has been carried out among the... the class of people subject to this challenge, there have been only three instances of any drug use found.

Mr. Meoli: —From the... from the drug testing?

Mr. Clement: It would seem... it seems to me that your evidentiary problem is up to the eve of adopting the regulation, the school district was saying, we don't have a problem.

And once the regulation was, in fact, in... was... was placed into effect, you've gone for several years and you found three instances.

I... I don't see how you... you don't lose whether we look at it ex ante or ex post.

Mr. Meoli: Let me answer the second part first.

First of all, the... the policy was only in effect for a limited amount of time in the 2-year span of time.

It was implemented halfway into the first school year, and so a limited amount of students were covered in that first year.

The second year, the lawsuit was filed at the beginning of August, and therefore only a very limited number of initial testing was done before the district determined to hold the policy in abeyance.

There were four students in... under those limited amount of students that tested positive.

I know the court of appeals referred to three in one area, but that was just in the high school.

Mr. Clement: But didn't one—

—Well, I suppose the existence of a policy might be expected to deter drug use so that you would have fewer instances after it was imposed.

Mr. Meoli: Yes, Your Honor, and... and in fact really—

Mr. Clement: We will never know, will we?

Well, let her answer the question.

[Laughter]

Mr. Meoli: —Your Honor, in fact, it... it really did.

I... I mean, if you even take the limited amount of testing that we did in the 2-year period of time, the first year three students tested positive, the second year one student tested positive.

The only full year that the testing was applied in the Tecumseh School District was after the district court made its decision but before the court of appeals overruled it.

And that evidence is not in the record, but it was... there was a greater number of students that tested—

Mr. Clement: Ms. Meoli, didn't we say in Vernonia that in Skinner, which was the railroad employee testing case, we did not demand that it be shown that the particular railroad had a drug problem?

Didn't we say it was enough that there was a nationwide problem?

Mr. Meoli: —Yes, Your Honor.

Mr. Clement: We said that in Skinner, and we adverted to that in Vernonia.

Mr. Meoli: And... and Vernonia's evidence as well showed that there was not a specific drug problem among athletes.

Mr. Clement: I thought the argument in Vernonia and I thought the opinion in Vernonia, in assessing the particular interest of the district, repeatedly emphasized the particular problems with the athletes.

The athletes were the ones that the kids looked up to.

They were the role models.

There was rampant drug use among the athletes.

There was a rampant disciplinary problem among the athletes.

Athletes were getting injured.

There was a very specific showing of a specific interest of the district.

And now you're coming in and saying, well, that... that really does not matter.

And it seems to me that the implication of what you're saying is that these so-called special needs requirement will apply to every child in every school in the United States.

Mr. Meoli: I'm not saying that, Your Honor.

I... I think there is a corollary—

Mr. Clement: But isn't that the implication of what you're saying?

Mr. Meoli: —No, Your Honor, I don't.

For instance, you were talking about in Vernonia the athletes were looked up as role models.

Well, the athletes in interscholastic competition in Tecumseh are looked at as role models to some students—

Mr. Clement: Except for one startling difference.

The... in... there was a problem with athletes.

Here, one thing that is clear in the record is the... the school board's admission that the... that the drug and alcohol problem is more of a problem with those who are not engaged in these extracurricular activities.

In other words, the testing is directed to a group, those engaged in competitive activities, that is less of a problem, as far as drug use is concerned, than the rest of the students who are idle.

And just naturally one would expect what turns out to be the case, that there's more drug use in the group that's not tested than there is in the group that's tested.

Mr. Meoli: —Well, Your Honor, we have never said that the... the students in interscholastic competitive activities are the only students or even the most likely students to be abusing drugs.

But the evidence that we have in the case demonstrate that they do abuse drugs.

***Minnesota v. Dickerson***

(<http://www.oyez.org/cases/1990-1999/1992/1992_91_2019>)

Transcript:

IN THE SUPREME COURT OF THE UNITED STATES

MINNESOTA, Petitioner v. TIMOTHY DICKERSON

No. 91-2019

March 3, 1993

The above-entitled matter came on for oral argument before the Supreme Court of the United States at 10:07 a.m.

APPEARANCES:

MICHAEL O. FREEMAN, ESQ., Minneapolis, Minnesota; on behalf of the Petitioner.

RICHARD H. SEAMON, ESQ., Assistant to the Solicitor General, Department of Justice, Washington, D.C.; as amicus curiae, supporting the Petitioner.

PETER W. GORMAN, ESQ., Minneapolis, Minnesota; on behalf of the Respondent.

PROCEEDINGS

10:07 a.m.

CHIEF JUSTICE REHNQUIST: We'll hear argument first this morning in number 91-2019, Minnesota v. Timothy Dickerson.

Mr. Freeman.

ORAL ARGUMENT OF MICHAEL O. FREEMAN ON BEHALF OF THE PETITIONERS

MR. FREEMAN: Mr. Chief Justice, and may it please the Court:

This case has been called a plain touch, a plain feel, or plain view case. But when all the labels are set aside, this Court must decide whether police officers in the field, under a variety of circumstances, may continue using all their experience, all of their knowledge, and all of their senses in arriving at probable cause determinations.

In this case, Officer Vernon Rose conducted a limited, careful, and reasonable protective pat search that was well within the limits of the Terry v. Ohio doctrine.

QUESTION: Well, do you agree that, at least on the officer's testimony, it was possible for the State Supreme Court to find, as it did, that he went beyond the pat search for weapons? I presume the point of their analysis was that whatever this lump was that he felt, it was perfectly obvious that it wasn't a gun or a knife or some kind of a weapon, and that he went a little bit further to see if he could figure out what it was. Do you agree that the court could at least place that interpretation on the testimony?

MR. FREEMAN: Yes, Your Honor, the court could have, but we believe the court erred. The facts for the trial court and facts —

QUESTION: Well don't — don't we normally take our facts from the State — the State courts or the courts from which the appeals are taken?

MR. FREEMAN: Yes, you do, Your Honor. But we believe that the facts in the trial court, in the Supreme Court were the same, but the Minnesota Supreme Court used the wrong legal standard, the subjective standard, to — in which to arrive at its conclusion of the facts. If the subjective standard —

QUESTION: Well, what was subjective about its concluding that the officer had gone — based on the officer's own testimony, had gone beyond what was necessary to determine whether there was a weapon there or not.

MR. FREEMAN: Well, Your Honor, the — the Supreme Court majority opinion even misstated Officer Rose's testimony. I would refer the Court to page 2 of the reply brief, because the –

QUESTION: Uh-hum.

MR. FREEMAN: — The facts in the transcript were very limited in terms his testimony. He said, "As I pat searched the front of his body I felt a lump, a small lump in the front pocket. I examined it with my fingers and it slid and it felt to be lump of crack cocaine in cellophane." If he —

QUESTION: Well, he didn't — he didn't claim that he thought the lump might be a weapon. And, I mean, no one — when I read it, it didn't occur to me that this so-called lump might be a potential weapon, which is what he was authorized to search for under Terry.

MR. FREEMAN: Your Honor, we believe that the — the facts before — before the trial court, before the Minnesota Supreme Court, and this Court, support the conclusion at the same time he decided that it was not a weapon, that he knew it was crack cocaine. We suggest that he can do that because of his experience as a police officer, because he had seized crack cocaine out of this very same house at 1030 Morgan Avenue, North in Minneapolis on previous occasions, and, in fact, he had arrested suspects with weapons on their person.

So when he was doing a legitimate Terry stop and a subsequent search for weapons —

QUESTION: Could a reasonable trier of fact conclude that the officer went beyond the bounds of what was necessary in order to determine if the subject had a weapon?

MR. FREEMAN: Your Honor, a reasonable trier of fact could make that conclusion, but we believe since the Minnesota Supreme Court used the subjective standard rejected in Horton, that that so colored their judgment that they did not provide the proper analysis.

I would point to the Court —

QUESTION: Well did — would you agree, then, that a police officer cannot, in conducting a Terry frisk, go beyond what is necessary to make the determination that the subject does or does not have a weapon?

MR. FREEMAN: Yes, Your Honor, the limits of the Terry search say that that is a search strictly for — is a search for weapons. And it — the position is that, in fact, if — at the time he decided it was not a weapon, that that search must stop.

QUESTION: So the conduct of the search cannot extend beyond the object of the search, beyond the purpose of the search.

MR. FREEMAN: That is correct.

Your Honors, we're suggesting that Officer Rose using his knowledge and experience in touching the suspect in the front of his thin nylon jacket, reasonably concluded, with probability, that, in fact, he had crack cocaine in the pocket and therefore he was authorized to seize it.

And what, I guess, we're suggesting is that the Court should confirm what Officers Rose — Rose's experience and knowledge, and, yes, his hands told him, that at the time he touched this object in the nylon jacket during a protective pat frisk authorized by Terry, that he concluded that it was not a weapon and at the same time contemporaneously decided it was crack cocaine.

***Illinois v. Caballes*** (<http://www.oyez.org/cases/2000-2009/2004/2004_03_923>)

Audio: Listen up to 4:10

Transcript:

Argument of Lisa Madigan

Justice Stevens: We will now hear argument in Illinois against Caballes.

General Madigan.

Ms Madigan: Thank you, Justice Stevens, and may it please the Court:

This Court has made clear on several occasions, including 21 years ago in Place and 4 years ago in Edmond, that a sniff by a drug-detection dog is not a Fourth Amendment search, and if something is neither a search nor a seizure, then it requires no Fourth Amendment justification.

Justice Souter: Well, we've held that it's certainly not a... a full-blown search.

It's not a search in the classic sense, but a Terry stop isn't an arrest in... in the classic sense either.

We... we have said that that is a kind of seizure.

Why do... I think your... your argument assumes that this for... for purposes of search analogies that something is either a... a full-dress search or it's not a search at all.

Why isn't there a... a possibility of... of a kind of middle ground searches just as there is on seizures?

Ms Madigan: Well, this Court made clear in Arizona v. Hicks that it did not want to go down the road of creating something known as a quasi-search so that courts and police officers would be in the position of trying to determine whether or not something was a search or not.

Justice Souter: Oh, I... I can... I can just imagine the problems, but I mean, what... I think what's... what the... what's bothering me about the case is that if we persist in... in saying that... that it's... that it's an either and or question with no question with no possible gradation, then I assume nothing prevents the police from taking the dogs through every municipal garage in the United States and I suppose there's nothing that prevents the police from taking the dogs up to any homeowner's door, ringing the bell, and seeing if the dog gets a sniff of something when the door is opened.

We're... we're opening rather a... a large vista for... for dog intrusions, and... and that's what's... that's what's bothering me.

Why... why should we... why should we open that vista if there is a possibility of a... of a middle ground that would prevent it?

Ms Madigan: Well, I would start with the reality that dog sniffs by their very nature, as this Court recognized in both Place and Edmond, are very unique both in terms of the manner in which the sniff is conducted, as well as the content of... of the information that the sniff reveals, so that a dog sniff is only going to be able to reveal the presence or absence of contraband.

And this Court has recognized that individuals have no privacy interest in the possession of contraband.

Justice Ginsburg: Does that imply that your answer is yes to the question?

If we say, as you urge, a dog sniff is not a search, then the police are free to parade up and down every street in the country with dogs sniffing car trunks.

Ms Madigan: Yes.

Because a sniff is not a search, a police officer would be able to take a narcotics-detection dog down the street with him or her.

I can tell you that because of the limited resources... and this is a point brought up in the Illinois Association of Chiefs of Police amicus brief... that that is not likely to occur.

In addition, I can also tell you that in the State of Illinois, the Illinois State police do not train their dogs nor do they use their dogs on people.

They only use them on objects.

But yes, in answer to both of your questions, because a dog sniff does not constitute a search, dogs could be used to walk down streets.

They could, hypothetically, be used in parking lots, and at times they are used in parking lots.

## Curriculum Embedded Performance Assessment (CEPA)

## Teacher Instructions

Students are part of a legal team with the task of arguing for or against an issue related to the Fourth Amendment. Their goal is to prepare a written and oral argument. The “Supreme Court” will hear their arguments where all decisions are final. Each student will need to create a written argument in which he or she states their side of the issue while also acknowledging opposing viewpoints. They will use this written brief to prepare and present an oral argument with their team in front of the “Supreme Court.”

Arguments must include a claim, counterclaims, supporting evidence, and sound reasoning. The cases and an argument writing template are included in the resource section. The “Supreme Court” will consist of the remaining students in the class, not involved with a legal team. These students will be responsible to make a decision and justify their decision in writing.

I. Group Tasks—Look at both sides of the argument:

* Read the facts of a Supreme Court case related to the Fourth Amendment and discuss the central question in the case.
* Discuss your opinions about the case drawing upon the facts of the case, the text of the Fourth Amendment, and personal experience.
* Use a T-chart to list claims on both sides of the issue.
* Read and discuss portions of the actual arguments from the Supreme Court case.
* Include additional relevant details from the actual arguments on to your T-chart to support your opinions.
* Groups will work on their own to identify and define difficult vocabulary and will annotate (mark up) the text to highlight the claim, counterclaim, evidence and reasons prior to writing.

II. Individual Task—Written argument (to be scored with rubric included at the end of the CEPA)

* Using the materials from their group tasks, students will be required to write an argument in which they argue a claim (the side of the argument will be assigned by your teacher) with logical reasoning and relevant evidence while also acknowledging the opposing viewpoint. Bring your written argument to the group in preparation for the group’s oral presentation.

III. Group Task—Oral presentation (to be scored with the scoring guide at the end of the CEPA)

* You will use your written arguments and a teacher-provided template to prepare your oral presentation to the “Supreme Court.” Each group member will have a defined role during the oral presentation.

IV. Individual Task—Audience members (this component is not scored)

* You will take on the role of a “Supreme Court” judge. After listening carefully to both sides of the oral presentation, you will produce a written decision based on the facts of the case and the text of the Fourth Amendment.

## CEPA Student Instructions: Take Your Case to the Supreme Court

You are part of a legal team with the task of arguing for or against an issue related to the Fourth Amendment. Your goal is to prepare a written and oral argument. The “Supreme Court” will hear your argument and decide the case. You need to create a written argument in which you state your side of the issue while also acknowledging opposing viewpoints. You will then use your brief to prepare and present an oral argument with your team in front of the “Supreme Court.” Your arguments must include a claim, acknowledgement of counterclaims, supporting evidence, and sound reasoning. The “Supreme Court” will consist of the remaining students in the class, those who are not on your legal team. These students will be responsible for making a decision and justifying their decision in writing.

I. Group Tasks—Look at both sides of the argument:

* Read the facts of a Supreme Court case related to the Fourth Amendment and discuss the central question in the case.
* Discuss your opinions about the case drawing upon the facts of the case, the text of the Fourth Amendment, and personal, or other, experience.
* Use a T-chart to list claims on both sides of the issue.
* Read and discuss portions of the actual arguments from the Supreme Court case.
* Include additional relevant details from the actual arguments on to your T-chart to support your opinions.

II. Individual Task—Written argument

* Using your materials from your group tasks, you will be required to write an individual argument in which you argue a claim (the side of the argument will be assigned by your teacher) with logical reasoning and relevant evidence while also acknowledging the opposing viewpoint. You will bring your written argument to the group in preparation for the group’s oral presentation.

III. Group Task—Oral presentation

* You will use your written arguments and a teacher-provided template to prepare your oral presentation to the “Supreme Court.” Each group member will have a defined role during the oral presentation.

IV. Individual Task—Audience member

* You will take on the role of a Supreme Court judge. After listening carefully to both sides of the oral presentation, you will produce a written decision based on the facts of the case and the text of the Fourth Amendment.

## Student Handout:

## Scaffolded CEPA Resource for Written Argument

***Introduction:***

This case is about . . .

The central question in this case is . . .

My claim is that the . . .

Reasons and evidence to support this are . . .

The opposition states that . . . They are wrong because….

***Second Paragraph***:

An important reason that strengthens my claim is …

Evidence from the case to support this reason is ….

***Third Paragraph:***

Another reason that strengthens my claim is…

Evidence from the case to support this reason is ….

***Fourth Paragraph:***

One final reason in support of this claim is…

Evidence from the case which reinforce this reason is ….

***Summary***

As previously stated, my claim is that …….

Reasons to support this are…..

Reasons and evidence presented clearly support that…..

## Student Handout for CEPA:

## Oral Presentation Template

**Directions:** As a group you will use your written arguments and this template to prepare your oral presentation to the “Supreme Court.” Your group may choose either side of the argument to present. Each group member needs to be part of the presentation. As a group, you can decide who will work on each role. After you have finished the template, use the scoring rubric as a guide and spend some time rehearsing your presentation.

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| --- |
| **Role 1—Introduction** (Summarize the case and the central question. Be sure to explain what side of the argument you will be presenting. You should also generally mention your three reasons.) |

|  |
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| **Role 2—Explain Reason #1** (Use text from the Fourth Amendment along with facts from the specific case to support your answer. You may also support your reasons with decisions from other Supreme Court cases.) |

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| --- |
| **Role 3—Explain Reason #2** (Use text from the Fourth Amendment along with facts from the specific case to support your answer. You may also support your reasons with decisions from other Supreme Court cases.) |

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| **Role 4—Explain Reason # 3** Be sure to use text from the Fourth Amendment along with facts from the specific case to support your answer. You may also support your reasons with decisions from other Supreme Court cases. |

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| **Role #5—Summary** Remind the audience of your reasons and end with a strong concluding sentence. |

## Student Handout: CEPA Resource

## Scaffolded Oral Presentation Template

**Directions:** As a group you will use your written arguments and this template to prepare your oral presentation to the “Supreme Court.” Your group may choose either side of the argument to present. Each group member needs to be part of the presentation. As a group, you can decide who will work on each role. After you have finished the template, use the scoring rubric as a guide and spend some time rehearsing your presentation.

|  |
| --- |
| **Role 1—Introduction** Summarize the case and the central question. Be sure to explain what side of the argument you will be presenting. You should also generally mention your three reasons.  Counsel for the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ claims that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. However, according to the Fourth Amendment, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. This applies to this case because\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. |

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| **Role 2—Explain Reason #1** Use text from the Fourth Amendment along with facts from the specific case to support your answer. You may also support your reasons with decisions from other Supreme Court cases.  Counsel believes that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is a clear reason in support in of our client. Evidence from the case to support this is\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. |

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| **Role 3— Explain Reason #2** Use text from the Fourth Amendment along with facts from the specific case to support your answer. You may also support your reasons with decisions from other Supreme Court cases.  Counsel believes that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is a clear reason in support in of our client. Evidence from the case to support this is\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. |

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| **Role 4—Explain Reason # 3** Be sure to use text from the Fourth Amendment along with facts from the specific case to support your answer. You may also support your reasons with decisions from other Supreme Court cases.  Counsel believes that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is a clear reason in support in of our client. Evidence from the case to support this is\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. |

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| **Role #5— Summary** Remind the audience of your reasons and end with a strong concluding sentence.  Esteemed justices, according to the Fourth Amendment, the counsel for the defendant has proven their claim that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Counsel has established clear reasoning in support of this claim. These reasons are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Deliberations will support that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. |

## CEPA Rubric for Writing

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **CATEGORY** | **4** | **3** | **2** | **1** |
| **Organization and Development** | Organization and development enhance comprehension and persuasiveness | Organization and development aid reader’s comprehension | Organization and development have flaws but a reader can get the point | Organization and development are minimal and detract from comprehensibility |
| **Claims** | Claims are particularly effective and logical | Claims are logical and presented effectively | Claims are logical but not presented effectively | Claims are not logical or are presented in an illogical way |
| **Counterclaims / opposing viewpoints** | Acknowledgement of opposing viewpoints is particularly effective and comprehensive; the counterclaim is refuted | The opposing viewpoint is effectively presented | At least one opposing viewpoint is presented | Opposing viewpoints are omitted |
| **Evidence and citations** | Citations and relevant evidence are used effectively to build a compelling argument. | Citations and evidence were accurate and used effectively Citations and evidence were accurate and used effectively | Citations and evidence were used, but did not build on each other | Citations and evidence were not used or not used accurately |
| **Language** | Language and word choices are nuanced and particularly persuasive | Language and word choices used are effective and persuasive | Language and word choices are used well some of the time | Language and word choices are bland and/or not persuasive |

## Oral Presentation Scoring Guide

**Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Case: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Group Members: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Each member of the group will receive the same grade. Students will also do a self-assessment. The teacher and students will base their assessments on the following criteria: Presenting claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound valid reasoning, and well-chosen details; using appropriate eye contact, adequate volume, and clear pronunciation.

|  |  |  |  |
| --- | --- | --- | --- |
| **Oral Presentation Rubric** | **Possible Points** | **Self-Assessment** | **Teacher Assessment** |
| Introduction | 4 |  |  |
| Reason #1 | 4 |  |  |
| Reason #2 | 4 |  |  |
| Reason #3 | 4 |  |  |
| Conclusion | 4 |  |  |
| **Total Possible Points** | **20** |  |  |

Rate each category according to the following scale: 4 = excellent, 3 = good, 2 = needs improvement, 1 = incomplete, and 0 = unsatisfactory.

**Teacher Comments:**

## Unit Resources

**Lessons 1–3**

Teacher resources:

* School House Rock, *The Preamble to the Constitution* (2:45) available at <http://www.youtube.com/watch?v=yHp7sMqPL0g>.
* One copy of *The Words We Live By: Your Annotated Guide to the Constitution,* by Linda R. Monk. Pages listed in the lesson refer to the paperback edition, Stonesong Press, 2003.
* A large version of the steps for Understanding Long Sentences (after the lesson). This text can be written on the board, projected, or made into a poster so that students can refer to it throughout the unit.

Resources for students:

* A full-class set of *The Words We Live By: Your Annotated Guide to the Constitution,* by Linda R. Monk

**Or**

* Printed copies of pages 10–17 from *The Words We Live By: Your Annotated Guide to the Constitution,* by Linda R. Monk
* Understanding Long Sentences: Reading the Preamble to the U.S. Constitution, following the lesson
* Guiding Questions for the Constitution and the Preamble, following the lesson

**Lessons 4–6**

Teacher resources:

* One copy of *The Words We Live By: Your Annotated Guide to the Constitution,* by Linda R. Monk. Pages listed in the lesson refer to the paperback edition, Stonesong Press, 2003.
* Video Clip: <http://www.time.com/time/video/player/0,32068,1027506447001_2080296,00.html>

Resources for students:

* A full-class set of *The Words We Live By: Your Annotated Guide to the Constitution,* by Linda R. Monk

**Or**

* Printed copies of pages 157–163 from the book
* Reading the Fourth Amendment, at the end of the lesson

**Lessons 7–12**

Copies of Supreme Court cases: (also see transcripts on the Resource section for Lessons 7-12):

* *New Jersey v. T.L.O* (<http://www.oyez.org/cases/1980-1989/1983/1983_83_712>)
* *California v. Greenwood* (<http://www.oyez.org/cases/1980-1989/1987/1987_86_684>)
* *Vernonia School District v. Acton* (<http://www.oyez.org/cases/1990-1999/1994/1994_94_590>)
* *Board of Education v. Earls* (<http://www.oyez.org/cases/2000-2009/2001/2001_01_332>)
* *Minnesota v. Dickerson* (<http://www.oyez.org/cases/1990-1999/1992/1992_91_2019>)
* *Illinois v. Caballes* (<http://www.oyez.org/cases/2000-2009/2004/2004_03_923>).

Teacher resources:

* See Resource Pages for Lessons 7–12 for transcripts of the cases above, including stop-points for audio.
* Paper for T-chart

Resources for students:

* Transcript and audio of *New Jersey v. T.L.O.* (<http://www.oyez.org/cases/1980-1989/1983/1983_83_712>)
* Transcripts and access to audio for their assigned case
* Student Handout—Scaffolded Resource for Written Argument
* Student Handout—Oral Presentation Template
* Student Handout—Scaffolded Oral Presentation Template
* CEPA Student Instructions
* CEPA Rubric for Writing
* CEPA Oral Presentation Scoring Guide
* Paper for T-chart
* Completed Chart from Lesson 4 (Reading the Fourth Amendment)