

Street Law – Teaching about recent Supreme Court Decisions

October 18, 2013

10:10-11:10

Session Outline

- 10:10-10:15: Introduction
- 10:15-10:25: Introduce the topic
- 10:25-10:30: Case Study
- 10:30-10:42: Group Work
- 10:42-10:54: Report Out
- 10:54-11:00: Teacher Ideas
- 11:00-11:05: Supreme Court Summer Institute
- 11:05-11:10: Street Law Website/Conclusion

“The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

– Fourth Amendment to the U.S. Constitution

The Language of the Law

- How might you use this in your class?



Is a dog-sniff at someone's front door a
“search” that violates the 4th Amendment?

What do you need to search?

- a. Searching someone's house requires a warrant.
- b. Observing from the other side of the street is constitutional and does NOT require a warrant.

BIG QUESTION:

Is bringing a drug-sniffing dog to someone's front door the same as watching from across the street, or the same as going in the house: Do you need a warrant first?

Precendents

- In order to teach PRECEDENTS, you can take any court case and show the connections.
- Katz v. U.S.
- Kyllo v. U.S.
- Illinois v. Caballes

Katz v. United States (1967)

- Charles Katz was using a public payphone, and the FBI recorded his conversations using a device attached to the exterior of the phone booth. The Supreme Court said that this was an intrusion into Katz's reasonable expectation of privacy, because people would typically believe their telephone conversations to be private after they had entered a booth and closed the door. Based on this decision, courts deciding Fourth Amendment issues will often *first determine whether an individual who has been searched had an expectation of privacy that society recognizes as reasonable.*

Kyllo v. United States (2000)

- Danny Kyllo was suspected of growing marijuana in his home. A federal agent used a thermal imaging device to scan the house from across the street. He wanted to see if Kyllo was using high-intensity lamps normally used in marijuana growing operations. The Supreme Court ruled that using this device to gather information about what was inside a home was a search. *The Court said this technology was not something generally used by the public and that it detected information that would have been previously unknowable without a physical intrusion into the house.* Therefore, its use violates the reasonable expectation of privacy that people generally have regarding the inside of their homes.

Illinois v. Caballes (2005)

- Roy Caballes was legally stopped by a state trooper for speeding on the highway. While his ticket was being issued, a second trooper walked a drug-sniffing dog around his car, which led to the discovery of marijuana. The Supreme Court decided that the use of a dog-sniff around a car during a lawful traffic stop is not a “search” because it does not violate a reasonable expectation of privacy. As long as the police are already allowed to be where they are, like on a public highway, it is not reasonable to believe you should be able to keep illegal things from being discovered there.

Florida vs. Jardines: Case Study

Read the case study:

- a. Background
- b. Facts
- c. Issue
- d. Constitutional Amendment and Precedents

Take 5 Minutes to do so.

Group Work

- Give Handout to jot down arguments.
- Work in groups of 3-4
- Half the room come up with arguments for Florida, Other half for Jardines.
- If you get done early, come up with arguments for the opposing side.

Report Out

- Share arguments alternating back and forth.
- Which side do you believe to have the most compelling case? Thoughts.
- Pass out court decision.

Decision



<http://www.youtube.com/watch?v=K1Ya3SGukfM#t=39>

Teacher Ideas

- Any suggestions on how you could teach a case with precedents in class?

Supreme Court Summer Institute

- www.streetlaw.org
 - a. Programs
 - b. Worth every penny!



40 years of educating about law, democracy, and human rights

Street Law / Programs / Supreme Court Summer Institute for Teachers

Supreme Court Summer Institute for Teachers

OverviewBackgroundResourcesPartnersFor Participants



Since it began in 1995, the Supreme Court Summer Institute for Teachers has brought together over 900 teachers from across the country to convene in Washington, D.C., for six days of educational activities related to teaching about the U.S. Supreme Court.

The Institute is co-sponsored by the Supreme Court Historical Society.

[Learn more](#)

PRODUCTS & PUBLICATIONS



The Response DVD and Educational Materials
DVD with web-based educational materials
[Details](#)



NEWS & UPDATES



New Supreme Court Case Summaries & Teaching Materials
9 July 2013
We are delighted to release the case summaries and teaching... [Read more](#)



19th Annual Supreme Court Summer Institute
13 June 2013
Street Law is excited to embark on its 19th ... [Read more](#)

Programs

- Breakfast with a Legend
- Closing the Gap
- Community College
- Community Works
- Corporate Legal Diversity Pipeline Program
- Deliberating in a Democracy
- Educating About Intellectual Property
- Juvenile Justice
- Law Firm Diversity Pipeline Program
- Law School Diversity Pipeline Program
- Law School Programs
- Parents and the Law
- Save Our Streets
- School Resource Officers
- Summer Associates Program
- Supreme Court Summer Institute for Teachers**
- Youth Act!
- Youth in Transition

SEE ALSO

2014 Supreme Court Summer Institute for Teachers

Overview

Registration Info

Practicalities

Resources

Where	Washington, DC
When	June 19-24 & June 26-July 1, 2014
Registration Open	1 October - 17 March 14
Cost	\$150.00

Since it began in 1995, the Supreme Court Summer Institute for Teachers has brought together over 950 teachers from across the country to convene in Washington, DC, for six days of educational activities related to teaching about the U.S. Supreme Court. The Institute is co-sponsored by the Supreme Court Historical Society.

The Institute includes sessions led by Supreme Court experts, journalists, authors, and attorneys, who give teachers an in-depth understanding of how the Court chooses and decides cases, and what it is like to argue before the Court. The Institute covers six current or recent cases. This exciting opportunity culminates with a visit to the Court to hear decisions handed down and a private reception at the Court.

The Institute prepares teachers to use innovative teaching methods with current and past cases. Beyond the content-rich sessions and activities, teachers are also equipped with the skills and tools to train fellow teachers at home.



Street Law Website

- Resources

- a. www.landmarkcases.org

- b. Court Case Summaries -

- [http://www.streetlaw.org/en/Page/41/Supreme Court Case Studies By Topic](http://www.streetlaw.org/en/Page/41/Supreme_Court_Case_Studies_By_Topic)

- c. Deliberating in a Democracy -

- http://www.dda.deliberating.org/index.php?option=com_content&view=section&layout=blog&id=5&Itemid=37&lang=en

Create a username & password. It is free!

Background Summary & Questions (***)

In the early 1950s, Linda Brown was a young African American student in the Topeka, Kansas school district. Every day she and her sister, Terry Lynn, had to walk through the Rock Island Railroad Switchyard to get to the bus stop for the ride to the all-black Monroe School. Linda Brown tried to gain admission to the Sumner School, which was closer to her house, but her application was denied by the Board of Education of Topeka because of her race. The Sumner School was for white children only.

Under the laws of the time, many public facilities were segregated by race. The precedent-setting *Plessy v. Ferguson* case, which was decided by the Supreme Court of the United States in 1896, allowed for such segregation. In that case, a black man, Homer Plessy, challenged a Louisiana law that required railroad companies to provide equal, but separate, accommodations for the white and African American races. He claimed that the Louisiana law violated the Fourteenth Amendment, which demands that states provide "equal protection of the laws." However, the Supreme Court of the United States held that as long as segregated facilities were qualitatively equal, segregation did not violate the Fourteenth Amendment. In doing so, the Court classified segregation as a matter of social equality, out of the control of the justice system concerned with maintaining legal equality. The Court stated, "If one race be inferior to the other socially, the constitution of the United States cannot put them on the same plane."

At the time of the Brown case, a Kansas statute permitted, but did not require, cities of more than 15,000 people to maintain separate school facilities for black and white students. On that basis, the Board of Education of Topeka elected to establish segregated elementary schools. Other public schools in the community were operated on a nonsegregated, or unitary, basis.

At the time of the Brown case, a Kansas statute permitted, but did not require, cities of more than 15,000 people to maintain separate school facilities for black and white students. On that basis, the Board of Education of Topeka elected to establish segregated elementary schools. Other public schools in the community were operated on a nonsegregated, or unitary, basis.

The Browns felt that the decision of the Board violated the Constitution. They sued the Board of Education of Topeka, alleging that the segregated school system deprived Linda Brown of the equal protection of the laws required under the Fourteenth Amendment.

No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.

—*Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution*

Thurgood Marshall, an attorney for the National Association for the Advancement of Colored People (NAACP), argued the Brown's case. Marshall would later become a Supreme Court justice.

The three-judge federal district court found that segregation in public education had a detrimental effect upon black children, but the court denied that there was any violation of Brown's rights because of the "separate but equal" doctrine established in the Supreme Court's 1896 *Plessy* decision.

(Continued on next page)

Cases

Brown v. Board of Education

Dred Scott v. Sandford

Gibbons v. Ogden

Gideon v. Wainwright

Hazelwood v. Kuhlmeier

Korematsu v. United States

Mapp v. Ohio

Marbury v. Madison

McCulloch v. Maryland

Miranda v. Arizona

New Jersey v. T.L.O.

Plessy v. Ferguson

Regents of the U. of California
v. Bakke

Roe v. Wade

Texas v. Johnson

Tinker v. Des Moines

United States v. Nixon



Environment

Should our democracy permit the cultivation of genetically modified foods?



Free Trade

Should our democracy participate in free trade agreements?



Freedom of Expression

Should our democracy block Internet content to protect national security?



Juvenile Justice

In our democracy, should violent juvenile offenders be punished as adults?



Migration

In our democracy, should legal foreign workers have the same labor rights as citizens?



Minimum Voting Age

Should our democracy lower the voting age to 16?



National Service

Should all citizens in our democracy participate in one year of mandatory national service?



Public Demonstrations

Should our democracy have the power to prohibit unauthorized public demonstrations?



Public Health

Should our democracy require schools to provide sex education programs that include contraceptive



State-Owned Enterprises

Should our democracy own and manage companies in key industries?

Contact Information

Jeff Delezenne

Clinton High School – Clinton, Michigan

Jeff.delezenne@clinton.k12.mi.us

Manessa Braman

Addison High School – Addison, Michigan

bramanm@addisonschools.org