

# Civic Participation in the Justice System

## How Individuals Shape Major Cases

Teach students about civic participation and the role it has played in our judicial history with this two-part lesson comprising historic cases, a classroom mock trial, and a research project.

### TEACHER INSTRUCTIONS

#### Objective:

Your students will analyze the impact of historic cases and the role of civic participation in these cases. Students will also demonstrate their understanding of the basic elements of a trial through a mock trial proceeding.

#### Time:

Two class periods

#### Materials:

Student Worksheets #1 and #2, access to online resources, paper, pencil or pen

### Session One

## INTRODUCTION: Citizenship in *Brown v. Board of Education of Topeka*

**1. Ask** students to share what they know of the Supreme Court case *Brown v. Board of Education of Topeka*. Many of them might know that the case declared racial segregation in public schools illegal and that it began the process of desegregation. Share with students further details about the case and emphasize that the case was a culmination of strategic civil rights work rather than an isolated event.

**2. Explain** how racial segregation had been a feature of daily life in the United States since the late 19th century. Many different states, cities, and towns had their own laws enforcing segregation. In Kansas, cities were allowed to segregate students in elementary schools. The state's capital ran four elementary schools for African-American students. Some of the parents of these students, along with local NAACP

activists, decided to challenge this policy.

**3. Ask** students how they think a case like *Brown v. Board of Education* makes it to the Supreme Court. Students might assume that cases involving injustice simply emerge and make their way through the court system, but that is not how cases work. Individuals or groups must file a lawsuit against a government claiming illegal discrimination. In Topeka, it was Oliver Brown, a parent of a student, and 13 other parents from the city who sued the Topeka Board of Education in federal court. The NAACP assisted them in the legal process.

**4. Discuss** with students what it must have felt like to take part in this effort. The legal system and the police supported segregation, so challenging official policy carried risks. Parents in the lawsuit faced backlash from their community. Lawyers working with the parents risked professional damage as well as physical harm. The threat of danger increased as the case gained national attention and as plaintiffs' and their lawyers' names appeared in the press.

**5. Explain** that taking part in court cases like these is a form of civic participation. Without willing plaintiffs, legal counsel, and the people supporting them, these cases would never be brought to and fought in court.

### CLASS ASSIGNMENT: Mock Trial!

**1. Distribute** the Student Worksheet "Mock Trial!" to the class. Explain that the worksheet will lead students through a mock trial so that they can experience the different roles that are played in a legal proceeding.

**2. Assign** students roles listed on the sheet or have them volunteer for them. In the first step, students will brainstorm a case that is relevant to their interests. Suggest that they keep the focus as local as possible, such as school issues surrounding free speech, school uniforms, or sports participation.

**3. Encourage** students to think about civic participation throughout the mock trial—in particular, how participating in a court case often requires a significant commitment of time and money, as well as exposure to criticism. Guide students through the worksheet's steps and conclusion of the activity.



## TEACHER INSTRUCTIONS

### Session Two INTRODUCTION: Major Supreme Court Cases and Young People

**1. Ask** students to list examples of major issues that have come before the Supreme Court. Some examples include slavery, segregation, and freedom of speech. Other major cases that affect students' rights have been argued before the Court, as well. Issues in these cases include corporal punishment and rights to privacy.

**2. Discuss** with students how they think these national cases arrived before the Court. The classroom cases will begin with one or more students raising the issue of a perceived injustice in their school. Explain to students that they will discuss some of these issues and explore relevant Supreme Court cases using advanced research methods.

**3. Introduce** the issues in the case of *Vernonia School District 47J v. Acton*. James Acton was a seventh grader who wanted to start playing on the football team, but he objected to the school's policy of drug testing for sports. With the help of the American Civil Liberties Union, Acton and his family sued the school district to oppose the policy. Discuss with students what arguments they think each side might have used.

**4. Review** for students the case of *Hazelwood School District et al. v. Kuhlmeier et al.* Students of Hazelwood East High School objected to the censorship of material they had written for the school newspaper. The school's principal thought the material could cause problems for

some people mentioned and also violated the privacy rights of others. Discuss what arguments they think each side might have used.

**5. Discuss** with students how both cases may have required courage and sacrifice among the plaintiffs and their supporters.

**6. Share** with students that they will explore one of these two cases using advanced research methods.

### CLASS ASSIGNMENT: Research

**1. Distribute** the Student Worksheet "The Power of Research" to the class. Explain that the first part of the worksheet presents research methods—some of them traditional and well-known, some of them more modern. Next, students will choose one of the two cases discussed at left to explore. The worksheet provides prompts to kick-start and guide their research.

**2. Instruct** students to read the first part of the worksheet to familiarize themselves with research methods. Answer any questions they might have and, if needed, test out some of the research methods with them.

**3. Encourage** students to think about the role of civic participation in the case they explore.



# Mock Trial!

## Experiencing the trial process

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**Objective:**

You will participate in a mock trial to experience a vital part of our judicial system. You will explore the role of civic participation in the courtroom.

witnesses of the other side, and a closing statement.

**Step 6:** Proceed through the mock trial, summarizing key points in the table below. Throughout the process, take notes on instances where civic

participation plays a role. These are actions people take for the public good, often at a sacrifice to themselves.

**Step 7:** The jury should deliberate as a group, reach a verdict, and then explain it to the class.

**Instructions:**

**Step 1:** As a class, choose a topic for your mock trial. The topic should revolve around an issue that is important in your school—perhaps something a little controversial (but not too controversial).

**Step 2:** Divide into small groups and choose among the trial roles listed on the right.

**Step 3:** Plaintiffs should decide among themselves what they are claiming—their argument against the defendants. Write this on the board.

**Step 4:** Both sides should prepare a list of two student witnesses and prepare their testimony.

**Step 5:** Both sides should also prepare the following: an opening statement, direct questions for their own witnesses, cross-examination questions for

**Key Terms for a Civil Case:**

**Burden of proof:** the need for a plaintiff to prove the wrongdoing being claimed

**Case:** set of facts and arguments being made by both sides

**Defendant:** person, group, or organization accused of wrongdoing

**Defense attorney:** lawyer representing the defendant

**Deliberation:** careful consideration of evidence by the jury

**Evidence:** facts gathered to support an argument

**Jury:** group giving verdict

**Plaintiff:** person, group, or organization objecting to something the defendant has done

**Prosecutor:** lawyer representing the plaintiff

**Testimony:** what a witness says

**Verdict:** decision on disputed court case

**Witness:** person called to talk about their knowledge of the case

**Roles:**

Defendant (1)

Defense attorney (1)

Judge (1 student or teacher)

Jurors (up to 12)

Legal counsel and staff (variable)

Plaintiff (1)

Prosecutor (1)

Witnesses (2)

Trial Steps	
I.	<b>OPENING STATEMENTS</b> —Briefly describe what you intend to argue and what the jury will learn. • Prosecutor • Defense attorney
II.	<b>PROSECUTION’S CASE</b> —Prosecutor will call witnesses to the stand and ask questions, then the defense will cross-examine with their own questions. • Plaintiff • Witness A
III.	<b>DEFENSE’S CASE</b> —Defense attorney will call witnesses to the stand and ask questions, then the prosecution will cross-examine with their own questions. • Defendant • Witness B
IV.	<b>CLOSING ARGUMENTS</b> —Briefly summarize what was learned in favor of your case. • Prosecutor • Defense attorney
V.	<b>JURY DELIBERATION</b> —Jurors will discuss what they learned, come to a decision, and announce their verdict.

How does each role in the process practice civic participation?	
Keep notes below or on the back of this worksheet during the trial. Remember, civic participation involves actions people take for the public good, often at a sacrifice to themselves.	
Role	Evidence of civic participation

# The Power of Research

## Digging Into Major Supreme Court Cases



### Objectives:

You will learn new research skills and how to get to the bottom of a complicated case. You will consider how civic participation is a crucial component of many court trials.

### Instructions:

Follow the steps below to use advanced research skills to investigate a Supreme Court case of your choice.

## Part 1: Research Like a Pro!

**Step 1: Find the best sources!** The best sources are professional, objective, and accurate. Here are a few options:

- Public libraries and reference librarians: These facilities hold countless resources, and the librarians who work there are trained professionals who can help you locate the most relevant facts.
- Websites: The Internet is a jungle. While it's easy to get lost in the mess, there are many sites with great resources. The best sites end in ".edu" or ".gov."
- News sources: Look for news outlets that have won major awards, such as the Pulitzer Prize, and that follow professional journalistic standards. Reliable news outlets cite sources, avoid bias, and present more than one perspective in their reporting.
- Journals: These publications are produced by academic societies or trade organizations. Most rely on rigorous reviews of their articles for accuracy.

**Step 2: Go to the source**—interview an expert! Why not reach out to an authority on the subject yourself? By contacting a government agency, academic society, or trade association, you can set up an interview via email or phone.

**Step 3: Take great notes.** The best summaries are written in your own words, rather than copying from the source. Whether you use note cards, outlines, or a method of your own design, be sure to stay well organized. Use quotation marks to avoid plagiarism.

**Step 4: Keep track of your sources!** As you take notes, carefully write down the name and location of your sources so you can cite them in your presentation and research.

## Part 2: Investigation

Select one of the two following cases and use your research skills to answer the questions.

- *Vernonia School District 47J v. Acton* (random drug testing)
- *Hazelwood School District et al. v. Kuhlmeier et al.* (freedom of speech)

1. Who were the plaintiffs in this case? What events prompted this case to be brought to trial?
2. How did the case end up in the Supreme Court? What was the verdict in the case?
3. How did individuals in the case demonstrate civic engagement throughout the process?

