

## Summer '10

### Appeals Process

#### Pre-knowledge:

##### Vocab Words:

Establishment Clause  
 Free Exercise Clause  
 Appeal  
 Circuit Split  
 Attorney General  
 Atheist

#### Sequence:

Flow of the lesson:

a) Bellringer

**Note:** 'Say the Pledge' at the start of the class would make for an interesting beginning to the lesson

b) Intro Concept

c) Review for Understanding on Key vocab (done through bell ringer &/or homework previously assigned)

d) Provide students with handouts 1 OR 2—pass out at start of class (See below)

e) Divide class into two groups (A & B)

1) Group A is to

a) read handout provided

b) answer questions on handout

c) discuss w/ others in the classroom what the topic was and how the court(s) ruled

2) Group B is to

a) read handout provided

b) answer questions on handout

c) discuss w/ others in the classroom what the topic was and how the court(s) ruled

**Note:** The students do not know that even though both handouts are on same topic the appellate courts have ruled differently on the issue (i.e. a circuit split)

f) As a result of these differing opinions, a class discussion will result on how this causes the US Supreme Court to get involved to settle the 'circuit split'.

g) Discussion can ensue regarding if a higher authority (i.e. the US Supreme Court) should intercede and dictate policies to state/local authorities

h) Future Connections

i) Wrap Up/Assessments

Possible assessments include, but not limited to,

a) Handout

b) Verbal participation

c) Essay writing to the Essential Question

d) Exit Slip pertaining to topic at hand

e) Anticipation Guide

Equipment/Resources:

Text (if needed for research/reminders).

Magruder's American Government by William A. McClenaghan  
Pearson, Boston, MA, 2009.

Essential Questions:

Does the Judicial branches' appeal process promote justice and fairness?

Enduring Understanding:

Students will be able to visually demonstrate the appeal process on the national and state (of PA or CA) level

Students will be able to orally articulate how 'circuit splits' result in disparities among citizens and their rights

Students will be able to orally articulate how the US Supreme Court, while able to settle the dispute, can still lead to a sense of unfairness as the higher authority is dictates policy from above.

Students will be able to show the validity of their opinion by learning the ability to research, reason, articulate and defend said opinion

Standards:Gov't:

5.1.12 A, C, D, F

5.2.12 B

5.2.12 C,F, J

History

8.1.12 A

8.2.12 A\_D

8.3.12 A & C

R/W/L/S:

1.11.1 F, G

1.2.11 A

1.5.11 A, B, C, D, F, G

1.6.11 A, D, E

**Learning Styles:**

- 1) Mastery
  - a) Focus of Topic
    - 1) Clear Instructions
  - b) Focus of Task(s)
    - 1) Clear Reasons why doing
  - c) Facts of courts job descriptions/jurisdiction are definitive
  - e) Eventual 'correct' info shared
  
- 2) Understanding
  - a) Debating
  - b) Various 'correct answer' as choices/interpretations allowed
    - 1) Students make a connection and reason it out
  - c) Limited Problem solving is involved
  
- 3) Interpersonal
  - a) Group work
  - b) Limited, but, coaching possible
  - c) The 'discussion' questions allow for Problem Solving through human interaction is involved in reading and verbalization w/in group(s)
  
- 4) Self-Expressive
  - a) Student driven—they created reasons why PA has done what it has done re: rights to its citizens
  - b) They are "Shocked" that different readings are in the room=different outcomes

**Relate to personal life**

- 1) Students will understand how and why different rights are afforded by states and the implications that can have on your life
- 2) Students need to be able to understand the appeals process both on the state & national level to appreciate how the system is designed as well as how to use it if ever necessary
- 3) Students will understand that different parts of the nation can have judges who interpret the constitution differently resulting in a disparity of rights among the citizenry
- 4) Students can then discuss whether or not we, as a people, need an overarching authority figure to settle disputes and force local/state gov'ts to adhere to set policy decisions



## Pledge of Allegiance Case – Student Handout

Student X files a lawsuit against the Mitchell School District. Student X’s complaint is that students are being unlawfully exposed to the concept of a one true god by a government entity when reciting the Pledge of Allegiance.

Additional Details of the Case:

1. Students are required to attend school.
2. Mitchell School District is located in Pennsylvania.
3. The Pledge of Allegiance is recited every day after morning announcements in all elementary, middle and high schools within the district.
4. The Pledge includes the phrase “under God.”
5. Student X – a high school senior – is an atheist.

Facts About the Pledge:

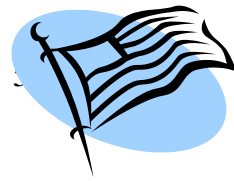
1. Originally composed by Francis Bellamy in 1892.
2. Original wording: *I pledge allegiance to my Flag and to the Republic for which it stands, one nation indivisible, with liberty and justice for all.*
3. The Pledge has been modified several times since 1892.
4. The phrase “under God” was added in 1954 in the midst of the Cold War.

Case History:

Student X sued Mitchell School District in Pennsylvania’s \_\_\_\_\_ Court, claiming that the recitation of the Pledge violates the Establishment Clause of the U.S. Constitution. This court ruled against him. Student X appealed all the way to the PA Supreme Court and still lost. Therefore, he appealed the decision to the U.S. \_\_\_\_\_. This court sided with the student, ruling that it did violate the Establishment Clause.

Discussion Questions:

1. Which clause of the U.S. Constitution did Student X claim was being violated?
2. Define this clause.
3. Based on this case, the U.S. court sided with whom in the end?
4. Based on the map on page 529, which circuit court made this ruling?



## Pledge of Allegiance Case – Student Handout

Student X files a lawsuit against the Reynolds School District. Student X’s complaint is that students are being unlawfully exposed to the concept of a one true god by a government entity when reciting the Pledge of Allegiance.

Additional Details of the Case:

1. Students are required to attend school.
2. Reynolds School District is located in San Francisco, California.
3. The Pledge of Allegiance is recited every day after morning announcements in all elementary, middle and high schools within the district.
4. The Pledge includes the phrase “under God.”
5. Student X – a high school senior – is an atheist.

Facts About the Pledge:

1. Originally composed by Francis Bellamy in 1892.
2. Original wording: *I pledge allegiance to my Flag and to the Republic for which it stands, one nation indivisible, with liberty and justice for all.*
3. The Pledge has been modified several times since 1892.
4. The phrase “under God” was added in 1954 in the midst of the Cold War.

Case History:

Student X sued Reynolds School District in California’s \_\_\_\_\_ Court, claiming that the recitation of the Pledge violates the Establishment Clause of the U.S. Constitution. This court ruled in his favor. Therefore, the Attorney General of California appealed the decision to the U.S. \_\_\_\_\_. This court sided with the state, ruling that it did not violate the Establishment Clause.

Discussion Questions:

1. Which clause of the U.S. Constitution did Student X claim was being violated?
2. Define this clause.
3. Based on this case, the U.S. court sided with whom in the end?
4. Based on the map on page 529, which circuit court made this ruling?



## Pledge of Allegiance Case – Answer Key

### Pennsylvania Handout:

#### Case History:

Student X sued Mitchell School District in Pennsylvania's Commonwealth Court, claiming that the recitation of the Pledge violates the Establishment Clause of the U.S. Constitution. This court ruled against him. Therefore, he appealed the decision to the U.S. 3<sup>rd</sup> Circuit Court of Appeals. This court sided with the student, ruling that it did violate the Establishment Clause.

#### Discussion Questions:

1. Which clause of the U.S. Constitution did Student X claim was being violated?  
*Establishment Clause*
2. Define this clause. *The U.S. Gov't cannot help, hurt, hinder or create on religion over another.*
3. Based on this case, the U.S. court sided with whom in the end? *Student X*
4. Based on the map on page 529, which circuit court made this ruling? *U.S. 3<sup>rd</sup> Circuit Court of Appeals* (\*adjust page number, using a map of the Federal Court Circuit from your textbook)

### California Handout:

#### Case History:

Student X sued Reynolds School District in California's Northern district, claiming that the recitation of the Pledge violates the Establishment Clause of the U.S. Constitution. This court ruled in his favor. Therefore, the Attorney General of California appealed the decision to the U.S. 9<sup>th</sup> Circuit Court of Appeals. This court sided with the state, ruling that it did not violate the Establishment Clause.

#### Discussion Questions:

1. Which clause of the U.S. Constitution did Student X claim was being violated?  
*Establishment Clause*
2. Define this clause. *The U.S. Gov't cannot help, hurt, hinder or create on religion over another.*
3. Based on this case, the U.S. court sided with whom in the end? *The state of California*
4. Based on the map on page 529, which circuit court made this ruling? *U.S. 9<sup>th</sup> Circuit Court of Appeals* (\*adjust page number, using a map of the Federal Court Circuit from your textbook)