

11th Grade American History

Bill of Rights Debate Information

Important Information

* Remember that you won't find out until the day of the debate which side you will be arguing. You must prepare to represent both parties in the court case.

* The packet of information I have given you is to get you started, to help you get a feel for the kinds of issues to explore when preparing your case. You will of course want much more information (especially since the other team has the same packet you do!) In order to thoroughly explore your issue, be sure to address all of the following:

-- Get a feel for major Supreme Court cases that would serve as precedent in your case. In some cases, you are arguing that the Court should abandon past precedent, and in some cases you are arguing that the Court should continue to employ past precedent. Either way, your arguments must include coverage of important Court decisions that pertain to your case. Try to determine how the real Supreme Court would rule on your case today.

-- Keep in mind the hierarchy of our court system. State court rulings can be good evidence, but they are trumped by federal court decisions (because we have a federalist system of government). Federal Circuit Court of Appeals decisions are trumped by decisions made by the US Supreme Court. Also keep in mind that lower court rulings, even if later overruled by a higher court, can still serve as great expert opinion for your case.

-- Gather expert opinion in your case. What do knowledgeable people say about issues related to your case?

-- Keep in mind that the Supreme Court sets precedent based on important legal, social, or moral issues presented in a case. Be creative in defining and arguing these types of issues in your case. What legal, social and moral issues are at stake in your case?

-- Use the way I have worded cases as clues for how to approach your arguments. Teams are most successful when they pay attention to exactly how laws are worded, which facts are given in case summaries, and the opinions of the people involved.

-- Gather at least 5 sources other than those that I gave you. Your persuasive essay, which you will write on your debate topic, will require 5 sources other than those in your packet. It is vital that everyone in the group participate in the research process. **Do not** divide up the work (assign one person the opening, another the closing, etc.) before you have finished your research. Complete the research process together (for example, have one person investigate Court cases, another social issues, another expert opinions, etc.) and pool your research. Talk over evidence, arguments and strategy as a team. Then--only when you have completed your research process--should you divide presentation tasks.

* Your debate grade will count as an exam grade in history class.

* Your grade will be determined solely on your presentation to the Court; I will not collect any of your materials. You may (and should), however, bring notes with you. Be sure not to read during your presentation, however. Remember that you are most persuasive when you are looking your audience and opponents in the eye.

Structure of the Supreme Court Hearing

The Court hearing will be strictly timed according to the following schedule. I will time teams and stop arguments at the time limit.

- Petitioner Opening Statement (3 min.)
- Respondant Opening Statement (3 min.)
- Open Debate (5 min.)
- Petitioner Closing Statement (2 min.)
- Respondant Closing Statement (2 min.)

It is a requirement that everyone on a team speak roughly equally during the Court hearing. The opening statement will be prepared in advance of the debate; therefore, I recommend that those students who perhaps may be a bit nervous about speaking before the class do the opening: those students will be able to fully prepare their remarks before class and only have to concentrate on delivering them effectively while in class.

The closing statement will be half prepared before class, half improvised during the debate. The person who delivers the closing will know coming into the debate what main arguments s/he wants to stress and reiterate during the closing, but this person will also have to think on his/her feet and include arguments that were raised by the opponent's opening statement and during the open debate.

The open debate must stay civil, respectful, and professional. If the open debate degrades into bickering and shouting over one another, both teams will lose points in the *Oral Presentation* category. The only rule that I will set for the open debate is that each team must have ample opportunity to speak without being interrupted. If I feel that one team is not being heard, I will award the team a period of free-speaking time (probably 30 seconds) to speak without the other team's being able to respond.

Think of the open debate as a cross examination. For example, a lot of the following is excellent: "You stated in your opening statement that [such and such], but one can see that your argument is not true because of [such and such]." Your biggest goal is to argue back **all** of your opponents' arguments during the period of open debate. Your team's strategy may be to hold some of your evidence out of your opening statement to save for the open debate period; you can introduce new evidence to refute the other team's evidence.

Remember, all of the opponents' arguments that go unrefuted by your team stands in the court record as unrefuted. Do your best not to get stuck on one topic during the open debate; try instead to address and refute all of your opposition's arguments. (Keep in mind, too, that everyone on the team must take good notes during the opposing team's opening statement. In order to refute all the arguments, you have to remember them all!)

Grading Criteria for Debate

Definition of the Issues (25)--How well do you cover the whole case and all the issues in it?

Evidence (25)--How much court precedent, expert opinion and statistical evidence do you present?

Oral Presentation (20)--Are you convincing and polished in your delivery?

Participation Balance (15)--Does everyone in the group speak roughly equally?

Outcome of Debate (15)--According to your classmates, did you win?

American Studies Supreme Court Cases

Here are the cases you'll be arguing during our debate. You will serve as a member of the Supreme Court for three of the cases and, of course, be part of a legal team that argues the fourth. Remember that you could be called on to argue either side of your case.

① **Death Penalty: Schneider vs. Ohio.** Alexander Schneider, a poor, African-American recluse with a bad drug habit, is arrested and convicted that he plotted days in advance to murder his boss and then carried out the crime. He is convicted of first-degree murder and sentenced to the death penalty. Schneider has a history of misdemeanor offenses but has never committed a felony. He couldn't afford a lawyer for his trial and was given a court-appointed attorney who had just graduated from law school the previous month. Schneider admits his guilt but appeals his sentence on the grounds that Ohio has never in its history executed a white person but has executed 22 black criminals. The appeals court rules against him, but the Supreme Court has agreed to hear his case.

② **Abortion: Grotenhouse vs. Tennessee.** The state of Tennessee has made a law stating that if a woman wants to get an abortion, she must declare her intentions to her doctor and then wait a minimum 5 days before scheduling the procedure. During this 5-day waiting period, the woman must undergo counseling by either a state-certified psychotherapist or the leader of the religious house of worship to which she belongs (a minister, rabbi, etc.) A background check will also be performed on the woman during this waiting period, and if it turns out that the woman has had 2 or more abortions in the past, she would not be able to have another. Louise Grotenhouse has been denied an abortion by the state after her background check has shown that she has had two abortions already, one after having been sexually assaulted, and the other after a pregnancy resulting from unspecified circumstances. She filed suit in federal district court for the right to have an abortion and lost, and then lost her appeal in the Circuit Court of Appeals. The Supreme Court has now agreed to hear her appeal.

③ **Drug Testing: Jones vs. Illinois.** Mike Jones attends the University of Illinois medical school (an institution that receives public funding) and through his program, works as an intern in a department of Chicago General Hospital in which he performs allergy shots for kids. Four months before he was fired, Jones was even awarded a commendation from the hospital's executive director for his excellent performance on the job. After hearing rumors among the other interns that Jones was smoking pot before coming to work, though, the head of the allergy department calls Jones into her office and demands that he either take a urinalysis for marijuana or be fired. He refuses the test, loses his job, and files suit against the hospital. He wins his case in district court, but the hospital wins its appeal at the Circuit Court of Appeals level. The Supreme Court has now agreed to hear the case.

④ **Affirmative Action: O'Shea vs. University of Florida.** Michael O'Shea applies for a job at the University of Florida as a professor. There are 250 applicants, but it is immediately clear that O'Shea and Carlos Martinez are the frontrunners. O'Shea and Martinez both have PhDs in the subject area that the new professor will teach, and other job qualifications are generally equal. The only main difference between the candidates is that O'Shea has ten years experience teaching at the University of Maine, whereas Martinez is fresh out of graduate school. After an extensive interview process, the University of Florida decides to hire Martinez; the hiring committee's reports reads, "though O'Shea is more experienced and the other job qualifications are roughly equal, we choose to hire Martinez because we feel that having a culturally diverse faculty is an important goal for a university to have." Martinez is Latino. Out of a faculty of 150, only 3 other professors are native Spanish speakers. The state of Florida is 31% Latino and the university population is 22% Latino. O'Shea is white and grew up middle class. After being passed over for the job, O'Shea sues the university for job discrimination. He wins his case in district court, but an appeals court reverses the decision. The Supreme Court grants certiorari on O'Shea's appeal.

⑤ **Right to Privacy: Holland and Price vs. Prunedale, California:** Prunedale, California passed a law in 1844 stating that "lewd or abnormal public behavior, including kissing and other expressions of affection" would result in the perpetrators' being charged with public indecency, a misdemeanor. The law was on the books for many years, and never once had anyone been charged under the statute until 1995, when Ryan Holland and John Price were charged. Holland and Price are gay partners, and had a commitment ceremony (the spiritual equivalent of a marriage, but not recognized by any town or state as a legal union of two people) in 1987. Holland is the legal owner of a convenience store where they both work. The couple was caught kissing behind the counter by a Prunedale officer who happened to come in to buy some snacks at 11:30 PM one Saturday night. The couple was charged with public indecency, and convicted by district court. They appealed their conviction to the Circuit Court of Appeals, but lost, and now the Supreme Court has agreed to hear the case.

11th Grade American History Bill of Rights Paper Assignment

Please write a paper defending the side you think should win in your Bill of Rights debate case. You may choose which side you think should win. The thesis of your paper should be that your side should win and include your major themes (topic areas) of analysis. In other words, the following is a strong thesis: “Holland and Price should win their case against Prunedale, California, as shown by _____, _____ and _____.” The three themes in the blanks will then be the themes in your three topic sentences.

Your paper must be 2.5 – 4 pages typed, double-spaced, size 12 font. Please type your name at the top right corner of your first page, skip one line, give your title centered on the next line, skip one more line, and begin your paper. Do not include a cover page.

Your paper needs a bibliography in MLA format. Papers without bibliographies and/or parenthetical citations in the proper format may be penalized up to 10 points.

The following is a description of an honors-level paper (A or B). Try to match your paper to the description

- I. Organization / The Skeleton of the Paper**
 - A. Thesis directly answers the question being asked (Who should win the case?) and includes strong themes.
 - B. Topic sentences reflect the thesis themes in the order the themes are presented in the thesis.
 - C. Topic sentences are each important smaller sub-points (stairs) in proving the larger point of the paper, the thesis (the top of the staircase).
 - D. Topic sentences have good breadth on the paper topic.

- II. Introductory and Concluding Paragraphs**
- A. Intro paragraph hooks the reader's interest and ensures that the reader understands why this topic is such an important one for American society and/or history.
 - B. Concluding paragraph successfully recaps the main arguments (thesis and topic sentences) of the paper.
 - C. Concluding paragraph includes original thinking by the writer extending the reader's understanding of the topic and the social, legal, or moral implications of the court case.
- III. Body Paragraphs**
- A. Each body paragraph includes a strong topic sentence.
 - B. Each paragraph includes 3-5 pieces of strong evidence from 2-3 different sources.
 - C. The paper as a whole uses 7-10 different sources of information (not counting the packet of opposing viewpoint essays you received).
 - D. Evidence is creatively and accurately interpreted—the writer explains logically and creatively to the reader how each piece of evidence proves the topic sentence.
 - E. Expert opinion, court cases and statistics are all used throughout the paper as evidence.
 - F. All evidence is relevant to the paragraph and proves the topic sentence of that paragraph.
 - G. The writer chooses good quotations.
 - i. Quotations are concise.
 - ii. The writer uses ellipses to cut quotes down to only the most important words.
 - iii. Quotations have meaningful and interesting words and phrases for interpretation.
- IV. Technical Aspects of the Paper**
- A. The paper is technically clean, free of all spelling and grammar errors.
 - B. Sentence variety is strong: the author varies the placement of the subjects in the sentences and the length of the sentences. The writer uses a variety of punctuation to accomplish this variety. Remember, you have three options at least in forming your sentences:
 - i. We went to the store, and my mom purchased bread.
 - ii. We went to the store. My mom purchased bread.
 - iii. We went to the store; my mom purchased bread.
 - C. The writer smoothly transitions from idea to idea and from piece of evidence to piece of evidence.
 - D. The writer transitions smoothly from paragraph to paragraph.