

Making Complex Decisions

The Newest Justice

Sonia Sotomayor will soon take her place on the bench as the nation's newest Supreme Court Justice. Read her story (pp. 10-11). Then use the lesson below to explore the kinds of complex decisions she will help make as a member of the nation's highest court. This lesson was written for *JS* by Karen Kellaheer, a substitute teacher in Warren County, New Jersey, and former Scholastic editor.



Karen Kellaheer

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OBJECTIVES

Students will:

- research and discuss milestone Supreme Court cases.
- collaborate to decide a case and issue a majority opinion.

PREPARE

Before students arrive, list the following on the board.

Supreme Court cases:

- *Brown v. Board of Education*
- *Miranda v. Arizona*
- *Tinker v. Des Moines*

Questions:

1. What was the case about?
2. When did it take place?
3. What did the Court rule?

TEACH

1. Review the Supreme Court's role: to ensure that laws and actions of the government are fair according to the United States Constitution. When people challenge a law or action that they think is unfair, the case first goes to a lower court. If that court's decision is appealed, the case can keep going higher. Only about 150 cases each year go all the way to the Supreme Court.

2. Explain that parts of the Constitution are vague and difficult to interpret. Often, Justices disagree on what the Constitution says about a particular issue. The Court then makes its ruling based on a majority vote. One Justice writes an essay that explains the majority opinion. A Justice who disagrees often writes a dissenting (expressing different ideas) opinion.

3. Direct students' attention to the cases and questions you have listed on the board. Have students select one case and research it at the school library or online. Students will find useful information at landmarkcases.org, as well as at cybersleuth-kids.com/sleuth/Government/United_States/Supreme_Court_Cases. Invite students to report back to the class.

4. Explain that students will now decide a case. Divide students into odd-numbered groups, then share the facts of the case in the following box. Instruct students to debate the case, then vote. Have each group write a paragraph giving its majority opinion. Students who disagree should write a minority opinion.

YOUR CASE:

Just before school let out for the year, students were working on the final issue of the school newspaper. In accordance with school policy, they showed the pages to their faculty adviser. In turn, the adviser showed the pages to the principal. The principal thought that two of the stories were inappropriate. Since there was no time to revise the issue, he told the adviser to delete those stories. The students thought that this was unfair and took the school to court. **What do you think?** Should school administrators be able to control what a school paper can print?

5. Share with students the real-life results. The case summarized above, *Hazelwood v. Kuhlmeier*, led to a landmark decision by the Supreme Court in 1988. The Court ruled that schools may limit what students can say or do in school-run activities.

6. As a class, discuss the qualities that Sotomayor and her colleagues must possess in order to grapple with issues like these every day.