



How the Supreme Court confirmation process can help students make sense of civics and the law.

By Madeline Farbman

ORDER IN THE COURT!

This fall teachers will have the infrequent but valuable opportunity to teach children about the Supreme Court and its confirmation process. The appointment of a new Justice lets students witness the Court's role and how the three branches of government work together. Teachers also report that the Court is a favorite topic because children can see how rulings have affected their daily lives—in cases that deal with segregation, wearing protest armbands to school, immigration, or free speech.

Lessons on the Court and the confirmation process should go well beyond memorization of facts. "As a general rule," says Diana Hess, faculty on the Supreme Court Summer Institute for teachers, "the best ones are those that require kids to process information and make some

kind of decision." Role-playing and debates which require judgment and critical thinking help students better understand the Court and the confirmation, as well as larger lessons about the judicial process, checks and balances, citizenship, and the rights others have won for today's students.

Learning About the Justices

You can help students of any age learn about current, past, and potential Supreme Court Justices. Kids are intrigued by how people—some from extremely modest circumstances—rose to such an exalted position, says Susan Adler, a University of Missouri teacher-educator. Let students do the research themselves, though you should point them to appropriate books or Web sites, such as www.oyez.org, which contains information on current cases.

The Art of Debate

Try having students role-play the nomination process or a Supreme Court trial. "Debating questions openly in a structure that fosters fact-finding and multiple perspectives truly can help students understand the Supreme Court, because the root of the nomination process is going to be the debates that take place," says Cricket F. L. Kidwell, a social sciences specialist and Director of Curriculum and Instruction in California. Cheryl Cook-Kallio, a social studies teacher and fellow at the Federal Judiciary, has students debate the death penalty. The children can sit in one of three areas in the classroom, picking one position: "pro," "con," or "I don't know." The students take turns arguing their position, and once during the period, they can get up and switch sides.

Encourage your students to focus their arguments on facts, and in some role-plays or debates, have students take a position they don't personally believe. This requires them to speak from reason, not emotion, and to see and appreciate opposing views.

While middle schoolers can debate actual Supreme Court issues or role-play confirmation hearings, upper-elementary



As can be seen from these images of the Justices through the ages, the Supreme Court today, shown here, better reflects the demographics of the country.

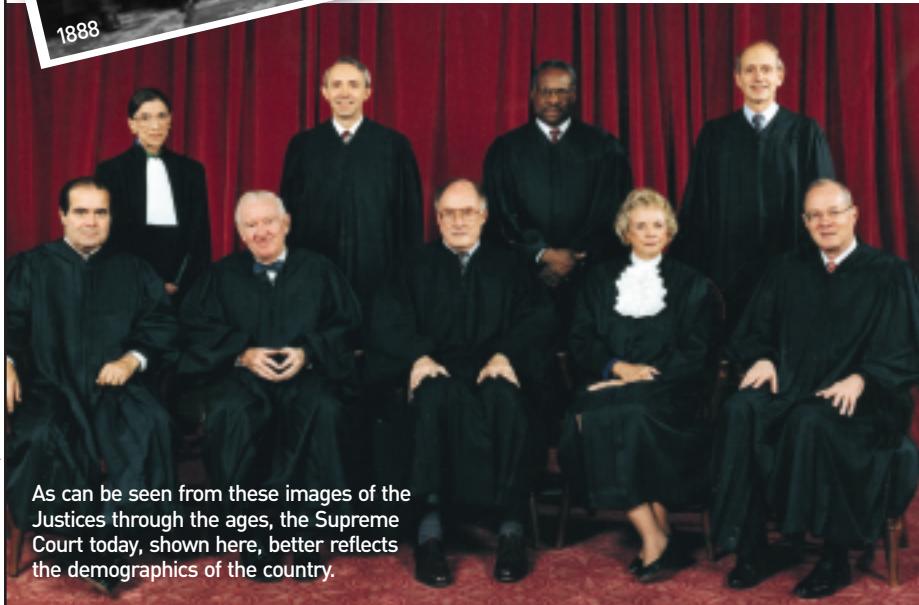


PHOTO: TOP: LIBRARY OF CONGRESS VIA SODA; MIDDLE: C.M. BELL/COLLECTION OF THE SUPREME COURT OF THE UNITED STATES VIA SODA; BOTTOM: SUPREME COURT HISTORICAL SOCIETY VIA SODA

current events

tary students can learn about the judicial process by debating topics more immediately relevant to their lives. Cook-Kallio has her sixth-grade debate club argue issues such as year-round school, and students in younger grades could tackle school dress codes or the benefits of video games, she says.

Deciding on the Decision-Makers

The question of what criteria should be used to select a Justice gets students to examine how the President and Congress shape the Court during the confirmation process. Middle schoolers can discuss this question in small groups and then write a letter to the President recommending certain criteria, says Lee Arbetman, director of Street Law, a program which promotes teaching law and civics in school.

More advanced students could play the role of Senate staff, putting together questions for Senators to ask a nominee. Mark Finchum, who has taught seventh- and eighth-grade social studies, suggests having kids survey other students, parents, or teachers on what criteria should be used, or on other questions relating to the nomination process. Developing the questions and processing the data requires them to concentrate on, and think critically about, key issues, and gives them a sense of disparate views.

Explore Case Studies

Kids gravitate toward studying the Supreme Court, “because all the issues come in the context of stories, which are really cases,” says Arbetman. Case studies let students delve into actual, rather than abstract, arguments, and help them connect real life to laws.

Go to www.landmarkcases.org, a site run by Street Law and the Supreme Court Historical Society, for teaching materials on the fifteen cases taught most often around the country. The site provides reading materials at three different levels—5th, 8th, and 11th grades—as well as synopses, excerpts of decisions, role-playing activities, and discussion questions. Have students argue cases in mock trials, and

BONUS!

Supreme Court CyberHunt

Invite students to learn more about the Supreme Court online. Direct them to www.scholastic.com/cyberhuntkids, where they'll find a fun interactive puzzle all about the highest law of the land! Then check out our other favorite Supreme Court Web sites for teachers and students:

■ **LEGAL TERMS DEFINED:**
<http://library.thinkquest.org>

■ **ALL ABOUT THE COURTS:**
www.congressforkids.net

■ **SUPREME COURT JUSTICE GAME:**
<http://baseball.oyez.org>

■ **A GUIDE TO THE JUSTICES:**
<http://bensguide.gpo.gov>

■ **SUPREME COURT VIRTUAL TOUR:**
www.oyez.org/oyez/tour/

afterward have them compare their decision to those of the Justices who originally decided the case.

Keep Tabs on the News

Press coverage of the nomination and hearings can be ferocious, so help your students understand and learn from it. Compare different newspapers' coverage and look at news reports from around the world. Have your students research and discuss different countries' own judicial systems and how their relationships with the United States affect their coverage of the Supreme Court nomination. “Why does one country applaud what we do and another seem to think it's a strange process?” Susan Adler suggests asking.

What Younger Kids Can Do

Arbetman says that mock fairy-tale trials can help elementary students think about how courts work. You could have students prosecute the three bears for breaking and entering Goldilocks' house, or the wolf for eating Little Red Riding Hood's grandmother. “It's not a Supreme Court issue, but it begins to get at the issue of legal process and how we deal with people who do things that aren't right.” □

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