



Civic participation begins with civic education

Courtroom to the Classroom Program Facilitator Guide

The Constitution and Bill of Rights: Due Process and California v. Greenwood: A U.S. Supreme Court Case

(Middle School Presentation)

Overview

This PowerPoint lesson contains two presentations: *The Constitution and the Bill of Rights: Due Process* and *California v. Greenwood: A Supreme Court Case*. The lesson begins with *The Constitution and Bill of Rights: Due Process* presentation to introduce and provide background on the concept of due process. Using animated graphics, this presentation provides a visual medium to accompany the presenter's oral narrative. It is designed to provide flexibility for presenters to focus on key concepts most appropriate for their courses and students.

The PowerPoint lesson also includes a moot court activity, *California v. Greenwood: A Supreme Court Case*. In this activity, students apply their knowledge about due process as they prepare for and present a mini-moot court case. The *California v. Greenwood* PowerPoint presentation provides graphics and sound effects. The talking points for this presentation provide teaching teams with procedures for conducting the activity using the slides as cues for the students.

Time Estimations

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|---|------------------|
| Part I: The Constitution and the Bill of Rights: Due Process | 7 -10 minutes |
| Part II: <i>California v. Greenwood</i> PowerPoint introduction | 7 -10 minutes |
| Part III: Moot Court activity | 20 minutes |
| Part IV: Share the Court's decision | <u>5 minutes</u> |
| | 45 minutes |

Suggested Presentation Strategy

1. Preview the two presentations: *The Constitution and the Bill of Rights: Due Process* and *California v. Greenwood: A Supreme Court Case* and review the talking points for each.
2. Prepare to narrate *The Constitution and the Bill of Rights: Due Process*. You may want to provide additional depth on specific topics, depending on what you predict the students will be most interested in. Possible questions and facts you might use with your group are included in the "Talking Points" which are provided in the PowerPoint presentation using the "Notes Page" command in "View."

3. Following the presentation, explain to students that they are going to have a chance to participate as attorneys and justices in a Supreme Court case.
4. Using PowerPoint, guide students through the activity, *California v. Greenwood*. Step-by-step procedures are included in the “Talking Points” which can be viewed using the “Notes Page” command in “View.” Below you will find questions and analyses you might consider **prior** to your visit in preparing to work with the student attorney/justice groups as well as a set of “prompts” you might use **during** your visit to help students begin to develop their arguments and questions.

Tips for Conducting a Moot Court Activity

There are two recommended methods for conducting the moot court activity, “Time-Efficient” and “Participatory.” Before your classroom visit, determine which method you will utilize in the classroom.

Time-Efficient Method

Activity:

1. Divide students into three groups (see role assignments below).
2. Students work with their assigned group to prepare the case and work with any outside resource people available.
3. A few minutes before the moot court is to start, ask representatives from each group to present the case in front of the class.
 - Three attorneys per side
 - Seven justices
4. After the presentation and decision, the teacher asks the other student attorneys what arguments they might have included, and the other justices how they might have decided the case differently.

Role Assignments:

- Students are to be divided into three groups: Justices, Appellants and Respondents
- The quickest and easiest method for assigning roles is to leave the students seated where they are and divide the room into three sections, and assign each section one role.
- Counting off by 3s is another quick method, but the students will have to physically regroup. Once they are in three groups, assign each group a role.

Participatory Method

Activity:

1. Divide the class into groups of seven students and label them Group A, Group B, etc.
2. Within each group of seven, assign the students a role (see role assignments below). After the role assignments you will have two appellants, two respondents and three justices in each group.
3. Ask all the justices from each group to gather on one side of the room, all the appellants in another area of the room and all the respondents in another part of the room.
4. Students work with their assigned group role to prepare the case and work with any outside resource people available.
5. A few minutes before the moot court is to start, the students return to their original groups of seven (e.g. Group A, Group B, etc.) and present their case simultaneously.
6. Each set of justices deliberates and decides its own case. Then each set shares its decision and rationale with the rest of the class. The students who were attorneys discuss the most compelling and weakest arguments they think they made.

Role Assignments: Justices, Appellants and Respondents

- Each moot court has three roles: Justices, Appellants and Respondents.
- Count off by 7 is a quick method to group students.
- Within each group of seven, assign roles (three justices, two appellants and two respondents) by one of the methods below:
 - Hand each student a colored file with the student handout inside (blue for the justices, red for the appellants, and green for the respondents).
 - Hand each student a strip of paper with a role assignment (justice, respondent or appellant).
 - Ask students within their group to decide who will be the three justices, two appellants and two respondents.

Possible Questions to Assist Student Attorney and Justice Groups

California v. Greenwood

I. **Prior** to teaching the lesson consider the following questions and how you might use these analyses to focus discussions among the students in the attorney and justice groups.

- A. There is an expectation that a garbage collector will pick up garbage left for collection. Most people do not know how the garbage is processed afterwards or what specifically happens to it. Therefore, how much weight should the Court give to the fact that Officers Stracner and Rahaeuser asked the neighborhood's regular trash collector to pick up the plastic bags that Greenwood had left on the curb in front of his house and to turn the bags over to them? Should the result in this case turn on this fact? Would it have been just as proper for the officers to pick up the garbage bags themselves?
- B. Greenwood left his garbage bags "on the curb in front of his house." Should the result in this case depend on where the garbage bags were left? For example, if the garbage bags were left on Greenwood's porch, would the officers still be justified in searching and seizing the garbage bags? What about if the bags had been placed off the curb in the street?
- C. Greenwood claims that he had a reasonable expectation that his garbage would not be subject to a search because he placed it in sealed opaque garbage bags so no one could see what was inside. Does this really matter? Is there a greater expectation of privacy in sealed opaque garbage bags as compared to transparent ones? What if the garbage bags broke or tore when they were being picked up and their contents spilled out of the garbage bag, would there still be a reasonable expectation of privacy? What if the officers seized a suitcase that was located "on the curb in front of [Greenwood's] house," not garbage bags, would the result be different in that situation? Is the pivotal point, not the type of container that was used, but the fact that the container was left unattended?

II. **During** the Moot Court activity, you might use the following questions to help the student groups get started:

Greenwood Attorneys:

How could you convince the justices that ...

- people have a right to expect that their trash will not be gone through by anyone, including the police.
- the police had no right to search Greenwood's trash bags.
- even trash bags that are on the curb contain private property.

- people use trash bags you can't see through for a reason.

California Attorneys:

How could you convince the justices that...

- once trash bags are set on the public curb, they are no longer private property.
- the police did have a right to search Greenwood's trash bags.
- even if people use trash bags you can't see through, once they leave your house, you can't expect no one to look inside.

Justices:

What questions might you ask to help you decide...

- if Greenwood should have been able to expect that his trash was private property.
- if Greenwood should NOT have expected that his trash was private property.
- when private property becomes public?