

# DISCUSSIONS THAT MAKE A DIFFERENCE

SUPREME COURT JUSTICE STEPHEN BREYER

VIDEO ANALYSIS LESSON PLAN

NATIONAL CONSTITUTION CENTER



Independence Mall • 525 Arch Street • Philadelphia, PA 19106

## DISCUSSIONS THAT MAKE A DIFFERENCE: SUPREME COURT JUSTICE STEPHEN BREYER

### VIDEO ANALYSIS LESSON PLAN

**Grade Levels:** 6th, 8th, 12th

**Number of class periods:** 1 (approximately 55-minutes)

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#### 6TH – 8TH GRADE COMMON CORE STANDARDS

##### KEY IDEAS AND DETAILS

**CCSS.ELA-Literacy.RH.6- 8.1**

Cite specific textual evidence to support analysis of primary and secondary sources.

**CCSS.ELA-Literacy.RH.6-8.2**

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

##### CRAFT AND STRUCTURE

**CCSS.ELA-Literacy.RH.6-8.4**

Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.

**CCSS.ELA-Literacy.RH.6-8.5**

Describe how a text presents information (e.g., sequentially, comparatively, causally).

##### INTEGRATION OF KNOWLEDGE AND IDEAS

**CCSS.ELA-Literacy.RH.6-8.7**

Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.

#### 12TH GRADE COMMON CORE STANDARDS

##### KEY IDEAS AND DETAILS

**CCSS.ELA-Literacy.RH.11-12.1**

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

**CCSS.ELA-Literacy.RH.11-12.2**

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.



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**ESSENTIAL QUESTIONS**

- ★ What is an argument? How do people argue? Why do people argue? How do you make an effective persuasive argument?
  - ★ How does the Supreme Court discuss and decide contentious controversial cases?
  - ★ How do Justices of the Supreme Court resolve their differences and make decisions?
  - ★ What happens behind the closed doors of the Supreme Court?
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**LESSON OBJECTIVES****6TH / 8TH / 12TH GRADE – STUDENTS WILL BE ABLE TO...**

- ★ Understand the steps in a Supreme Court hearing and the process of creating a decision.
  - ★ Develop social emotional skills, basic knowledge and an ability to participate in a civil, polite, and professional discussion.
  - ★ Apply knowledge of the Supreme Court discussion model to hypothetical and real-life scenarios.
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**INQUIRY QUESTIONS: WHAT IS AN ARGUMENT? WHY DO PEOPLE ARGUE? HOW DO PEOPLE ARGUE? HOW CAN YOU MOVE FROM ARGUMENT TO DISCUSSION AND THEN DECISION?**

- ★ How can you make an effective persuasive argument?
  - ★ How does the Supreme Court discuss and decide contentious controversial cases?
  - ★ How do Justices of the Supreme Court resolve their differences and make decisions?
  - ★ What happens behind the closed doors of the Supreme Court?
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**MATERIALS**

- ★ Smart board/Projector
- ★ Supreme Court Spotlight: Justice Stephen Breyer video from the National Constitution Center.
  - ★ Available [here](https://constitutioncenter.org/learn/hall-pass/supreme-court-spotlight-justice-stephen-breyer). The video runtime is four minutes and fourth-two seconds (4:42). It will be played twice in the lesson.  
<https://constitutioncenter.org/learn/hall-pass/supreme-court-spotlight-justice-stephen-breyer>
- ★ Frayer Model Graphic Organizer (*attached*)
- ★ Students will need paper and something with which to write

## INTRODUCTION

When one thinks about arguments within the government and government processes things like Presidential debates, Congressional hearings, and Supreme Court arguments and deliberation may come to mind.

But, a debate can quickly turn into a contest in which the loudest, most dramatic, or even most profane person wins. Or, from another perspective: everyone loses because each side refuses to understand the perspective of their opponent.

However, the Supreme Court can offer a model for how to offer arguments in a constructive, cooperative way so that people with opposing views can meaningfully listen to one another, consider different viewpoints, learn from one another, and possibly change positions or reach a compromise.

How do they do it? How do the Justices, who at times have considerably diverse political and legal ideologies, come together to discuss—and decide on—controversial issues that greatly impact our society? What happens behind the closed doors of the Supreme Court? When the Justices meet to discuss controversial cases, do they shout at each other? Do they say rude things or makes jokes about each other? In a [Supreme Court Spotlight video](#) from the National Constitution Center, Justice Stephen Breyer provides an insider perspective on these exact questions.

In this lesson, students reflect on their ideas about arguments and then analyze a video clip in which Justice Breyer explains how the Supreme Court Justices deliberate, discuss, and decide arguments for Supreme Court cases. Afterward, students use the Supreme Court as a model for creating their own norms for class discussion.

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## VOCABULARY FOR THE VIDEO CLIP WITH JUSTICE BREYER:

These words include some legal terminology that is specific to the Supreme Court.

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|----------------------------|-------------------|
| 1. Supreme Court           | 6. Relevant       |
| 2. Legal Briefs            | 7. Opinion        |
| 3. Argument                | 8. Dissent        |
| 4. Oral Argument/Procedure | 9. Majority Rules |
| 5. Chief Justice           | 10. Civil         |

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## LESSON OVERVIEW:

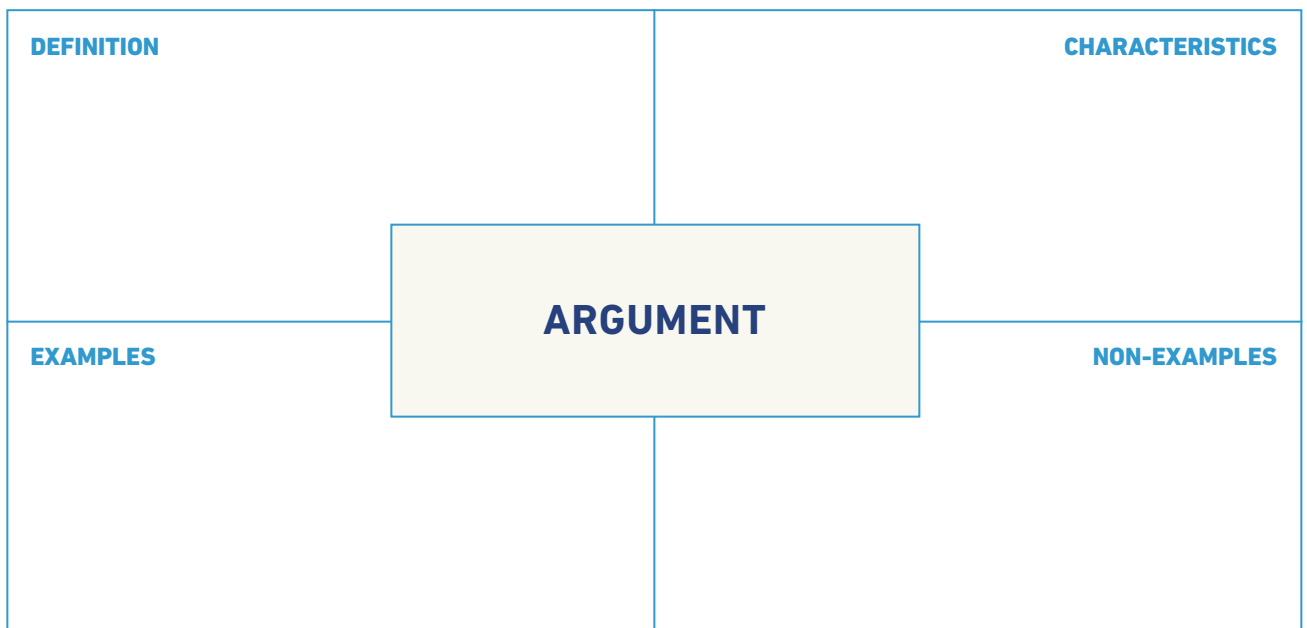
Students access their own experiences with being engaged in arguments. They create a definition of *argument* using a graphic organizer. Next, they will view a 5-minute video clip of Justice Breyer explaining how the Supreme Court resolves arguments through discussion. Finally, students use their reflections on argumentation and the ideas in the video to create rules for civil dialogue and discourse in the classroom.

**PROCEDURE:****1. PREVIEW / HOOK ACTIVITY: Think-Pair-Share (5-8 MINUTES)**

**THINK AND WRITE** about an argument you've had recently. Who was involved? What was the issue? Were you able to come to a resolution? Why? Why not? (Encourage students to write at least 5 lines in 5 minutes) **SHARE** your response with a partner. On their paper, give them some feedback. Tell them what you like about their response (i.e. "I like your response because you provide details that really make the argument come to life.") Be prepared to share your response with the whole class.

**2. SMALL GROUP ACTIVITY (6-8 MINUTES)**

Students will work in small groups to create a graphic organizer using the Frayer Model for the word "argument".



In this activity, the goal is to get students to really think about the word *argument*. Many of them will think of it in negative terms such as, "People yell and say mean things when they have an *argument*." Ideally, the students will offer many different interpretations of the word argument. Ask each group to share their graphic organizer with the class. Identify any similarities and differences. The teacher can post these on the board.

**3. VIDEO CLIP ANALYSIS: 3 -2- 1 NOTES (10 MINUTES)**

As students watch the [video](#), they will complete 3-2-1 Notes. In their notebooks they should record:

**3** Interesting Facts about the Supreme Court presented in the clip.

**2** Rules for discussion in the Supreme Court.

**1** Word that is repeated by Justice Breyer.

Have students view the clip a second time. As they watch, they can add information to their 3-2-1 notes.



**HERE IS A SUMMARY OF THE IDEAS PRESENTED IN THE VIDEO CLIP:**

How do Supreme Court Justices resolve their arguments/disagreements?

**Step 1.** It is almost all done in writing—briefs—on the legal issue(s) being considered developed by the different sides involved in the case.

**Step 2. ORAL ARGUMENTS:** Each side gets 30 minutes to present their arguments and the Supreme Court Justices ask questions.

**Step 3. CONFERENCE ROOM:** The Justices sit around the table to discuss the case.

- ★ The Chief Justice begins the discussion: “The issue in this case is... and this is how I feel about it....”
- ★ Justices take turns speaking by following an order of most tenured to newest justice.
- ★ Justices each have a book and write down what the other Justices say—whether they agree or not.
- ★ There is back and forth discussion—“I listened to what you said...and I try to see if I have relevant to what you are talking about.”
- ★ On the basis of that discussion, the Justices work out a decision for the case. The case is assigned to Justices to write majority and dissenting opinions—essays explaining what the Court decided and why other Justices do not agree with the ruling.

**Step 4. A JUSTICE WRITES AN ESSAY: THIS IS THE OPINION.** 5 or more Justices agree with the essay and that essay is the opinion of the work. If someone disagrees, they may write a dissent.

**ARGUMENT:** Justice Breyer asks, “Do we shout at each other?” He, then, explains what works best if you are in an argument with someone else. He says that you must try to deal with what the other person is saying – they are thinking about what they are saying, not what you are saying.

**THE RULES IN THE CONFERENCE ROOM OF THE SUPREME COURT:**

1. Don’t speak twice until everybody has spoken once—everybody is treated fairly.
2. Stay calm.
3. Listen.
4. Respond to what the other person/people says.

**4. 3-2-1 NOTES: SMALL GROUP DISCUSSION (5 MINUTES)**

After viewing the video clip, students can share their 3-2-1 notes in their small group. Ask students to circle any ideas that are shared by more than one person. Have each group choose a representative to share-out with the whole class. The teacher may choose to have different groups give their responses for only one aspect of the 3-2-1 notes. However, ask each group to share the one word that was repeated. This is powerful because the same word may be repeated many times signifying its importance. Encourage this because some students will be upset that another group already said their answer.



## 5. CREATING NORMS FOR SMALL GROUPS (5-7 MINUTES)

Now ask the small groups to create and follow through with ground rules for small group discussion based on what they learned from Justice Breyer. They should keep their list of norms to no more than three. Remind them that the Supreme Court only has a few rules.

Some important ideas you may suggest are:

- ★ Listen patiently – never interrupting, never have your hand up when someone is speaking.
- ★ Listen actively – take notes on what other students say and cite each other based on what they said (As the teacher, give enthusiastic praise for students who cite each other as scholars).
- ★ Police your voice – many of us like to talk a lot – be aware of how long you are speaking. If you say, “police your voice,” to someone you are citing the skill not making a judgment like the message of *be quiet*.

## 6. SHARE-OUT/CLOSURE/EXIT TICKET (5 MINUTES)

Ask a representative from each group to share-out with the whole class their small group discussion norms. The class can vote on which norms they want to adopt. Post these norms in the classroom for future discussions.

Then, ask students a final question: How can you make sure that you follow the norms we developed as a class so that your contributions to class discussions make a difference? Collect student responses as they leave class.

