

CONSTITUTIONAL RIGHTS FOUNDATION  
Courtroom to the Classroom  
Facilitator Guide  
*The Constitution and Bill of Rights*  
*Chicago v. Morales*

(For Senior High School Presentation)

**Overview**

This PowerPoint lesson begins with *The Constitution and Bill of Right* presentation to introduce and provide background on the judicial system and the Constitution. Using 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, *Chicago v. Morales: A Supreme Court Case*. In this activity, students apply their knowledge about the Constitution and Bill of Rights as they prepare for and present a modified moot court case.

**Time Estimations**

Part I: The Constitution and the Bill of Rights	7 -10 minutes
Part II: <i>Chicago v. Morales</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 PowerPoint slides and summary U.S. Supreme Court decision before the visit.
2. Prepare to narrate PowerPoint presentation. You may want to provide additional depth on specific topics, depending on what you predict the students will be most interested in.
3. Following the introductory 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, *Chicago v. Morales*. 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**

The quickest and easiest method for assigning roles is to leave the students seated where they are and divide the room into three sections, with the students sitting in each section taking one of the roles: justices, attorneys for the appellant, attorneys for the respondent.

Counting off by 3s is another quick method, but the students will have to physically regroup.

Students work with others within their attorney/justice groups to prepare for the case. A few minutes before the moot court is to start, each group is asked to select a team of attorneys and justices to present the case in front of the class. After the presentation and decision, the facilitator asks the other student attorneys what arguments they might have included, and the other justices how they might have decided the case differently.

### **Possible Questions to Assist Student Attorney and Justice Groups**

#### ***Chicago v. Morales***

- 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.
- In the United States, there is an expectation that citizens can move about freely and congregate with whomever one chooses. However, most people do not know that the Constitution does not recognize a generalized right of social association.
  - In the Chicago case, the ordinance prohibits criminal street gang members from loitering. To be valid, the ordinance cannot be vague or overbroad in its application. How much weight should the Court give to the fact that Officers were given absolute discretion to determine what activities constitute loitering? Is there a Constitutional right to loiter? Can a person standing on a street corner be there for innocent purposes? Can a person standing on a street corner be there for the purpose of criminal activity?
  - The police officers enforcing the Chicago ordinance were trained professionals in gang activity and had special skills in identifying gang members. Should this matter? Is it possible that the ordinance may be enforced against non-gang members? Should it matter that non-gang members could also be charged with violating the ordinance?
  - The term “gang” can mean different things to different people. A group of students from the same sports team may be labeled a gang, or a group of graffiti artists may also be called a gang. Is it reasonable for persons of common intelligence to differ in their interpretation and application of the term “street gang member”?

- Criminal gang activity can be a serious problem in many communities. The Chicago ordinance was enacted to address this activity and protect citizens from dangerous criminal endeavors. Should residents give up certain freedoms to ensure safety in their community?

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

**Attorneys representing Morales:**

How could you convince the justices that ...

- The freedom to loiter for innocent purposes is protected by the due process clause of the 14th Amendment.
- The way the ordinance defines “loitering” is too vague. There are good reasons why a person might be standing on the street.
- The police should not have the authority to decide who is “loitering” and who has an apparent purpose for standing on the street.
- If the loitering is in fact harmless and innocent, the dispersal order itself is an unjustified impairment of liberty.

**Attorneys representing Chicago:**

How could you convince the justices that...

- The ordinance is necessary to protect Chicago from criminal street gangs. Criminal street gangs congregate in public places, deal drugs, and terrorize neighborhoods.
- There is nothing "vague" about this ordinance. When a police officer asks people to disperse and remove themselves from the area, people of ordinary intelligence will know what that means and understand exactly how to comply.
- The law is constitutional because it protects the rights of citizens against threats and criminal activities. “Loitering” is not a constitutional right.
- The ordinance does nothing more than allow the police to maintain the public peace, and, when necessary, to disperse groups of individuals who threaten it.
- The Gang Congregation Ordinance is not arbitrarily enforced. Police officers enforcing the ordinance have special skills and training in identifying known criminal street gang members.

**Justices:**

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

- if the way the ordinance defines “loitering” is too vague.
- if under the ordinance, the police have too much discretion in determining who is “loitering” and who is a member of a “criminal street gang.”
- if the ordinance violates the protections of the due process clause of the 14th Amendment.

Syllabus:

<http://supct.law.cornell.edu/supct/html/97-1121.ZS.html>