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SUPREME COURT HISTORY


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Lesson Plans

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 Glossary

The Power and Importance of Precedent in the Decisions of the Supreme Court

by Lena Morreale Scott, Street Law, Inc.

Overview | Procedures for Teachers | Organizers for Students

OVERVIEW

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INTRODUCTION

Grade Levels: 9-12

Time Allotment: 135 minutes (three 45-minute classes), additional time may be necessary for further exploration

Overview: What is precedent and why do courts think it is so important? In this lesson, students will examine the role of precedent in Supreme Court decisions -- why precedents are usually followed and what justices take into consideration when they overturn precedents. Students will analyze the case of Dickerson v. United States (2000), which most Court watchers predicted Chief Justice William Rehnquist would use to overturn the precedents established in Miranda v. Arizona (1966). Finally, students will trace the Miranda decision to Yarborough v. Alvarado (2004), a case that answered the question of whether juveniles are entitled to special procedures for Miranda warnings.

Subject Matter:

• Government

• United States History

• Practical Law

• English / Language Arts

LEARNING OBJECTIVES

http://www.pbs.org/wnet/supremecourt/educators/lp4.html[6/19/2012 2:00:18 PM]

Students will be able to:

- Define the terms "precedent" and "stare decisis" and explain why they are important in the work of the Supreme Court of the United States;
- Explain reasons it is important to uphold precedents and why it may sometimes be necessary to overturn precedents;
- Analyze two recent Supreme Court cases in light of precedent and stare decisis: *Miranda v. Arizona* (1966) and *Dickerson v. United States* (2000);
- Summarize the Supreme Court decision in *Yarborough, Warden v. Alvarado* (2004), a case that examined whether juveniles are entitled to special procedures for Miranda warnings.

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STANDARDS

National Standards for History in Schools

Available online at http://nchs.ucla.edu/standards/thinking5-12_toc.html.

Standard 2: Historical Comprehension

- A. Identify the author or source of the historical document or narrative and assess its credibility.
- B. Reconstruct the literal meaning of a historical passage.
- C. Identify the central question(s) the historical narrative addresses.
- D. Differentiate between historical facts and historical interpretations.
- E. Read historical narratives imaginatively.
- F. Appreciate historical perspectives.
- G. Draw upon data in historical maps.
- H. Utilize visual, mathematical, and quantitative data.

National Standards for Civics and Government

Available online at www.civiced.org/912toc.htm.

V. What Are the Roles of the Citizen in American Democracy?

- A. What is citizenship?
- B. What are the rights of citizens?
- C. What are the responsibilities of citizens?
- D. What civic dispositions or traits of private and public character are important to the preservation and improvement of American constitutional democracy?
- E. How can citizens take part in civic life?

Standards for the English Language Arts

Available online at <http://www.ncte.org/about/over/standards/110846.htm>.

- 3. Students apply a wide range of strategies to comprehend, interpret, evaluate, and appreciate texts. They draw on their prior experience, their interactions with other readers and writers, their knowledge of word meaning and of other texts, their word identification strategies, and their understanding of textual features (e.g., sound-letter correspondence, sentence structure, context, graphics).
- 4. Students adjust their use of spoken, written, and visual language (e.g., conventions, style, vocabulary) to communicate effectively with a variety of audiences and for different purposes.
- 7. Students conduct research on issues and interests by generating ideas and questions, and by posing problems. They gather, evaluate, and synthesize data from a variety of sources (e.g., print and nonprint texts, artifacts, people) to communicate their discoveries in ways that suit their purpose and audience.
- 8. Students use a variety of technological and information resources (e.g., libraries, databases, computer networks, video) to gather and synthesize information and to create and communicate knowledge.

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MEDIA COMPONENTS

Video

PBS Series The Supreme Court -- Episode #4, "The Rehnquist Revolution"



Segment #1: Nixon's Election
Nixon's election and search for conservative justices for the Supreme Court. (4:34)

▶ VIDEO



Segment #2: Rehnquist's Views on the Miranda Decision.
Rehnquist's views on the Miranda decision, background of the Dickerson case, and Chief Justice Roberts views on precedent. (1:32)

▶ VIDEO



Segment #3: The Dickerson Case
What did the court decide to do in the case of Dickerson? (1:37)

▶ VIDEO

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MATERIALS

- THE SUPREME COURT -- Episode #4, "The Rehnquist Revolution"
- DVD player
- LCD player/television
- overhead or blackboard
- handouts and transparencies
 - **Handout #1:** What the Justices Think About Precedent and Stare Decisis -- [Download](#)
 - **Handout #2:** Guided Questions for Watching "The Rehnquist Revolution" -- [Download](#)
 - **Transparency #1:** The Fifth and Sixth Amendments to the United States Constitution -- [Download](#)
 - **Handout #3:** Miranda v. Arizona (1966) and Related Precedent Cases -- [Download](#)
 - **Handout #4A:** Applying Miranda to Dickerson v. United States (2000) -- [Download](#)
 - **Handout #4B:** Applying Miranda to Yarborough, Warden v. Alvarado (2004) -- [Download](#)
 - **Handout #5A:** Classifying Arguments in the Dickerson Case -- [Download](#)
 - **Handout #5B:** Classifying Arguments in the Alvarado Case -- [Download](#)
 - **Transparency #2:** You Be the Judge: Tally Sheet -- [Download](#)

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PREP FOR TEACHERS

1. Collect and prepare the necessary materials, including student handouts, which are found above. If possible, copy each of the handouts onto a different color of paper. This will help you and your students keep track of which handout they should be working with at a given time.
2. Download the video segments used in the lesson, or cue the film to the beginning of Episode Four after the funding credits when you hear protestors singing, "Revolution has come ...time to pick up the gun."
3. Write the terms "precedent" and "stare decisis" on the board or a transparency. Write down the definitions too, but cover them up. (The definitions appear in the lesson plan in steps two and four.)
4. This lesson can be improved if students have some very basic knowledge of the activities of the Warren Court, particularly some of the key cases that protected individual rights such as Brown v. Board of Education, Gideon v. Wainwright, and Miranda v. Arizona. Refer students to the [Supreme Court timeline](#) for further information on

key developments during the Warren Court.

Decide in advance how to provide this basic knowledge to students. An excellent way to do it is to show episode three of THE SUPREME COURT series, "A Nation of Liberties." If your time is limited, you may also consider simply writing a brief summary of each case. Resources to help you do so can be found at <http://www.pbs.org/wnet/supremecourt/> and www.landmarkcases.org.

5. Optional: You may consider bringing in a copy of a Miranda warning card to distribute during the lesson. If your community includes a significant number of people who speak languages other than English, you may also want to bring cards showing those warnings translated into other languages. Contact your police department for help obtaining sample cards. A copy of the Miranda warning card text can be found at <http://publicdefender.cjis20.org/miranda.htm>.
6. Consider inviting a police officer, prosecuting attorney, defense attorney, or judge to help you teach this lesson.

Like most law-related education lessons, this lesson can be enhanced by inviting a resource person from the community to help you teach. Involving resource people is an element of "best practices" in law-related education. They can make the lessons more interesting and provide personal knowledge of the topic. Research also indicates that adult-student bonding (with resource people) is key for helping some young people overcome risk factors.

To be most effective, community resource people should be well prepared and integrated into interactive class activities. They should not simply lecture. To that end, be sure to send a lesson plan to your resource people in advance and discuss how you will co-teach the lesson.

Next: **[Procedures for Teachers](#)**

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