

**Moot Court: The Black 14  
and the University of Wyoming**

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# **Instructor's Guide**

## **Introduction**

This lesson is intended to help students further their understanding of the rights found in the First Amendment. They will investigate the historical circumstances surrounding the dismissal of 14 black student athletes from the University of Wyoming football team in 1969 using documents included in the Black 14 collection at the American Heritage Center at the University of Wyoming. The case never reached the United States Supreme Court but in this lesson the students will be given the opportunity to role play several individuals who may have been involved had the case been appealed to the nation's highest court.

## **Objectives**

Upon completion of this lesson students should be able to:

- Demonstrate an understanding of the First Amendment right to free speech.
- Demonstrate an understanding of the establishment clause in the First Amendment right to freedom of religion.
- Appropriately apply the rights of free speech and freedom of religion to the case involving the dismissal of the Black 14 at the University of Wyoming.
- Analyze and synthesize information contained in historical documents.

## **Overview of Instructional Activities**

- Participating in class discussion
- Analyzing a document
- Researching and synthesizing primary and secondary sources
- Role playing a U.S. Supreme Court case
- Reflecting on the role playing experience

## **Correlations to Wyoming State Standards**

This lesson addresses standards and benchmarks from the Wyoming Social Studies Content and Performance Standards. A list of the applicable standards and benchmarks is provided in Appendix D.

## **Notes to the Instructor**

There are numerous primary and secondary sources available that will provide students with the background information needed to complete this lesson. A list of these sources can be found in Appendix A. You may wish to share some or all of these items with the students as they prepare for the moot court. The items located at the American Heritage Center can be found on this DVD. The other items are available through interlibrary loan, in law libraries, and newspaper archives. This lesson is most appropriate for grades 8-12 but with some modifications it could be used with younger students as well.

## **Terms to Know**

- Civil Liberty
- Civil Right
- First Amendment
- Freedom of Speech
- Freedom of Religion
- Establishment Clause
- Oral Argument
- U.S. Supreme Court
- Defendant
- Plaintiff
- Petitioner
- Respondent
- Black 14

## **Materials Needed**

- Instructor's Guide
- Primary Source Documents on this DVD
- Student Handouts in Appendix B
- Scoring Guides for Assessments in Appendix C

## **Estimated Time to Complete**

180 to 240 minutes to complete all activities plus some time outside of class

## **Assessment Tools:**

Scoring guides for assessing student performance are located in Appendix C

## **Introducing the Lesson**

Begin this lesson by asking the students the following questions or others of your own choosing that will enable you to gauge the students' background knowledge of the issues and events surrounding the Black 14 Incident.

- What are civil liberties?
- What are some examples of civil liberties?
- What are civil rights?
- What was happening in the United States in regard to civil rights during the 1950's and the 1960's?
- What was happening in the State of Wyoming in regard to civil rights during the 1950's and 1960's?
- What was the Black 14 Incident?

It is important that the students have a clear understanding of what is meant by the terms civil liberties and civil rights. Also, be sure the students have a general knowledge of the major developments in the civil rights movement during the 1950's and 1960's. For example, they should know about the landmark Supreme Court case, *Brown v. Board of Education* and major pieces of federal legislation including the Civil Rights Acts of 1964 and 1968 and the Voting Rights Act of 1965. It would be advantageous for them to be aware of the work of some of the more prominent civil rights organizations that were working to establish racial equality in employment, education, and housing and to eliminate other injustices African-Americans faced.

## **Transitional Exercise**

In order to insure that the students have sufficient background on the event known as the Black 14 Incident, give them the handout "The University of Wyoming and the Black 14 Incident" which can be found in Appendix B. If possible show them the film "The Black 14" produced by Mike McElreath and Niyi Coker, University of Wyoming Television, 1997. It is available through the Wyoming interlibrary loan system or can be purchased at UWTV Dubbing and Distribution, Dept 3106, 1000 E. University Ave., Laramie, WY 82071. The cost is \$24.95 plus tax and \$3.00 s/h.

When the students have completed reading the handout and watching the video check for understanding and clarify any facts about the incident. The students should be able to identify and/or explain each of the following terms: The Black 14, Lloyd Eaton, William D. Carlson, The Black Student Alliance, the policy of The Church of Jesus Christ of Latter-day Saints at the time, the protest of the black football players, and the action taken by Coach Eaton.

## Critical Thinking Exercise

Explain to the students that the case involving the Black 14, officially known as Williams v. Eaton, was decided in the United States District Court for the district of Wyoming in Cheyenne. In that hearing District Judge Ewing T. Kerr found in favor of the defendants, the state of Wyoming, the University of Wyoming, the President of the University of Wyoming William D. Carlson, coach Lloyd Eaton, members of the Board of Trustees of the University, and the Director of Athletics Glen J. “Red” Jacoby. They were represented by James E. Barrett who was serving his third year as Wyoming Attorney General. The plaintiffs, 14 black athletes, were represented by William Waterman, an NAACP attorney, Charles E. Graves, J.R. Smyth, and Weston W. Reeves who were attorneys in Cheyenne, WY. As a result of Judge Kerr’s decision the plaintiffs filed an appeal with the U.S. Circuit Court of Appeals, Tenth Circuit. The Tenth Circuit Court affirmed the district court’s findings. In the end the Black 14 did not appeal to the United States Supreme Court but one may wonder what might have been the outcome if the plaintiffs had chosen to do so and if the highest court in the land had agreed to hear the case.

At this point inform the students that they are going to participate in a simulated U.S. Supreme Court hearing to further explore the issues involved in the case of Williams v. Eaton.

The following format for this activity is suggested:

- Divide the class into three groups; the plaintiffs (the Black 14) and their counsel, the defendants (the state of Wyoming, the University of Wyoming, the President of the University of Wyoming, the Board of Trustees of the University, coach Lloyd Eaton, and the Athletic Director Red Jacoby) and their counsel, and the United States Supreme Court (the nine justices). One student should be designated as the Chief Justice. The number of students in each group will depend upon the size of the class and the teacher’s discretion.
- Once the roles have been assigned, give the members of each group their role sheets found in Appendix B. It is suggested that the students use the primary documents on this DVD along with other resources available on the internet, in textbooks, and from the list of resources found in Appendix A to prepare for the hearing. Time for conducting the research can be provided during class and/or students can conduct this research as a homework assignment. Regardless of where and when the research is done, each group will need some class time to confer and develop their presentations.
- The third step is to conduct the moot court hearing. An excellent resource for learning about the U.S. Supreme Court can be found at [www.supremecourtus.gov](http://www.supremecourtus.gov). It is recommended that the teacher read and share with the students the information contained in the “Visitor’s Guide to Oral Argument” and the relevant parts of Section II of “The Guide for Counsel in Cases to be Argued.” These two documents can be located by clicking on “About the Court” found in the menu on the home page. Next, click on “Oral Arguments”. On the next screen scroll down until you find the two items mentioned above. Unlike a hearing before the U.S. Supreme Court, it is recommended that the petitioner and the respondent

each be given 10 minutes rather than 30 to present their case. The questions from those playing the role of a justice are to be asked and answered within this same 10 minute time frame.

- It is recommended that the students playing the role of justices ask their questions at the end of the petitioner's presentation and at the end of the respondent's presentation rather than interrupting as the justices on the Supreme Court are inclined to do.
- At the teacher's discretion, more than one student may present the case for each side. However, it is suggested that all students who participate in preparing the case be allowed to respond to questions asked by those who are playing the part of the justices. If the teacher wishes, all students representing each side may be required to participate either by presenting a portion of the prepared arguments or responding to questions.
- The petitioner always presents their case first with the respondent presenting last.
- If the petitioner wishes to reserve any portion of their 10 minutes for rebuttal, this should be stated at the time they finish presenting arguments. The petitioner shall only be allowed whatever time is left from the original 10 minute allotment.
- Neither the petitioner nor the respondent must use the entire 10 minutes but it is hoped that they will utilize the majority of this time to present a comprehensive argument.
- When both sides have presented their arguments, including rebuttal if any, the court should then take the case under advisement and begin their deliberations. They may ask each side for written copies of their remarks to assist them. The teacher may wish to require this to be done. These students will need some class time to discuss the case and reach a decision. The teacher may wish to have each student on the court write their own decision.
- Finally, the students playing the role justices of the Supreme Court should render a decision along with an opinion. Just as with the U.S. Supreme Court, the students do not have to reach a unanimous decision. They may be split. If this is the case a majority opinion and a minority opinion should be provided by these students. All opinions should not only say what was decided but should give an explanation for the decision.
- When the students have reached their decision ask one of them to read it to the class. If there is a minority opinion, ask that it also be read. The teacher may want to make copies of the opinion/s to give to all students to use in the concluding exercise.
- Scoring guides for evaluating each group's work are included in Appendix C.

## **Concluding the Lesson**

Once the decision/s has/have been read ask the students for their reactions. You may wish to begin by asking the students why they think the plaintiffs in *Williams v. Eaton* did not appeal the case to the United States Supreme Court. A handout with questions for this exercise can be found in Appendix B. These questions or others of the teacher's own making can be used to check for understanding.

## **Supplemental /Additional Activities**

1. This lesson can be used as a segue into lessons on the role of the U.S. Supreme Court, a history of the Civil Rights Movement, the incorporation of the equal protection clause of the 14<sup>th</sup> Amendment, and/or the history of the 1960's.
2. Ask students to research and write a biographical sketch of any of the individuals in the case of Williams v. Eaton including members of the Black 14, Lloyd Eaton, Glen J. "Red" Jacoby, William D. Carlson, James E. Barrett, Willie Black, or Charles Graves.
3. Ask students to write an essay in answer to the following question: "When two provisions of the U.S. Constitution, including the Bill of Rights, come into conflict with one another which provision should take precedence and why?"

## **Appendices**

### **❖ Appendix A – Resource List**

### **❖ Appendix B – Student Handouts**

1. "The University of Wyoming and the Black 14 Incident" (2 pages)
2. Role Sheet for the Plaintiff/Petitioner
3. Role Sheet for the Defendant/Respondent
4. Role Sheet for a Supreme Court Justice
5. "Checking for Understanding"

### **❖ Appendix C – Scoring Guides**

1. Scoring Guide for Petitioner or Respondent
2. Scoring Guide for Justice of the Supreme Court

### **❖ Appendix D – Correlations to State Social Studies Standards**

**Primary Sources:**

Barrett, James E. "The Black 14: Williams v Easton, A Personal Recollection," *Readings in Wyoming History*. Laramie, WY: Skyline West Press, 2000. Pp.196-205.

Black 14 amateur film, 1969, Accession #10963, American Heritage Center, University of Wyoming.

Putnam, Pat. "No defeats, Loads of Trouble." *Sports Illustrated*, November 3, 1969, Vol. 31, No. 19, Pp 26-27.

Schubert, Irene Kettunen. Black 14 Collection, 1969-1970, Accession #10405, American Heritage Center, University of Wyoming.

University of Wyoming Archives-President, Accession #510000, American Heritage Center, University of Wyoming.

University of Wyoming Philip White Papers, Accession #12568, American Heritage Center, University of Wyoming.

Williams v. Eaton: Transcript of Proceedings, District Court for the District of Wyoming. Cheyenne, WY: District Court for the District of Wyoming, 1969.

**Secondary Sources:**

Bullock, Clifford A. "Fired by Conscience: The Black 14 Incident at the University of Wyoming and Black Protest in the Western Athletic Conference, 1968-1970," *Wyoming History Journal*, Vol. 68, No. 1, Pp. 4-13.

Bullock, Clifford A. *Racism, Mormonism and Black Protest: Wyoming and the Western Athletic Conference, 1968-1970*. Laramie: Thesis (M.A.) - University of Wyoming, 1992.

Elreath, Mike and Niyi Coker. *The Black 14* [video recording]. Laramie, WY: University of Wyoming Television, 1997.

Hardy, Deborah. *Wyoming University: The First 100 Years*. Laramie, WY: University of Wyoming, 1986. Pp 212-222.

"Armbands Against Wyoming," *Life*, November 14, 1969, pg 27.

## Appendix B

## The University of Wyoming and the Black 14 Incident

In an era of civil and political unrest, Wyoming in the 1960's seemed largely immune from the protests confronting the rest of the country. During the same decade the University of Wyoming football team, not political or social unrest, garnered most of the state's attention. By 1969 the football team had produced three Western Athletic Conference (WAC) championships and a close loss to Louisiana State University in the 1968 Sugar Bowl. In October of 1969, while the rest of the nation was taken up with protests against the Vietnam War, citizens of Wyoming were instead taken up with chants of "Powder River let'er buck. As the 4-0 University of Wyoming football team led the nation in rushing defense and was quickly moving up in the national rankings.

The head football coach of the Cowboys at the time, Lloyd Eaton, was by all accounts a disciplinarian who demanded that his players follow strict rules. One of his rules was that the student-athletes were not allowed to participate in the political and social protests of that era. While there had been growing number of demonstrations at colleges around the country in protest to the United States involvement in the Vietnam conflict, schools in the WAC had begun to protest the racial policies of the Church of Jesus Christ of Latter-Day Saints (LDS) which controlled Brigham Young University (BYU). The source of contention between black students in the WAC and the LDS church was the church's policy which denied priesthood to black men. As protests against the racial policies of the LDS church spread throughout the WAC, the newly formed "Black Student Alliance (BSA) at the University of Wyoming, in anticipation of Wyoming's upcoming game against BYU, delivered a letter encouraging students and student-athletes to protest the racial policies of the LDS church. The letter stated that the practices of the LDS church in regard to blacks joining the priesthood, were "clearly racist" and the BSA demanded that officials at the University of Wyoming not use University facilities or money to play BYU and thereby "sanction" the practices of the LDS church. It also called on "all people of good will" to wear black armbands to protest the racial policies of the LDS church during the game against BYU.

Following the delivery of the BSA letter, Coach Eaton reminded players of his policy banning players' participation in protests and demonstrations. That night 14 black members of the Wyoming football team met and decided that they would seek Eaton's permission to participate in the protest against the LDS church by wearing armbands during the upcoming game. At approximately 9:30 a.m. on October 17, 14 black members of the football team, all wearing black armbands, went to the field house on the University of Wyoming campus to talk to Coach Eaton. According to witnesses at the field house, Coach Eaton took the group into the stands at the field house and quickly told them that he would "save them a lot of time" because they were all off the team for violating team rules. Coach Eaton then called the group "rebel rousers," told them to go back on "negro relief" or to traditional black colleges like Grambling or Morgan State, and repeatedly told them to "shut up" when they tried to state their side. Upon review of the players' dismissal the University took the side of Coach Eaton and upheld the removal of the black players from the football team.

## Appendix B

## The University of Wyoming...cont'd

The next day about 200 protesters picketed against the policies of the LDS church at the game with BYU. The members of the Black 14 sat quietly in the student sections and watched the now all-white Cowboy team play. Many Wyoming football fans demonstrated strong support for Coach Eaton and for his dismissal of the players. By Sunday October 19, newspapers around the country were running articles about what was happening in Laramie. In the next month the dismissal of the players received national attention from magazines such as Sports Illustrated, Time, and LIFE, as well as television media. Coach Eaton called the actions of the Black 14 a "plant job" instigated by groups such as the Black Panthers. They Wyoming National Guard had been hidden under the bleachers at the game against BYU in fear that busloads of Black Panthers from Denver were on their way to reek havoc. And at a press conference the University of Wyoming's President was forced to admit that at the University of Wyoming football was more important than civil rights. As pressure grew from all sides, Coach Eaton withdrew his ban prohibiting players from participating in protests and demonstrations but not until the following season. The decision by Coach Eaton not to reinstate the players led to a battle in the courts.

The case was unique because it pitted two sections of the First Amendment to the United States Constitution against one another; freedom of speech and freedom of religion. The issue involved the questions of whether or not student-athletes have a constitutional right to wear armbands during a football game as part of a protest and does wearing armbands by individuals on a state supported team in protest of a religious policy violate the establishment clause of the First Amendment. The players took the position that they did have a constitutional right to protest by wearing armbands based on the Supreme Court's decision in *Tinker v. Des Moines Independent School District* (1969), a case in which high school student's right to wear black armbands to school to protest the Vietnam Conflict was upheld. The University of Wyoming and the other defendants argued that if they had allowed members of the football team to wear black armbands in protest of the racial policies of the LDS church, the State of Wyoming would be in violation of the establishment clause. The U.S. Court of Appeals, Tenth Circuit, on two occasions, upheld the actions of Coach Eaton, the University of Wyoming, and the Board of Trustees. The plaintiffs, the Black 14, did not appeal the decision to the United States Supreme Court.

Following the Black 14 Incident the University of Wyoming had trouble recruiting black student-athletes. The once prominent football team went on to have many dismal seasons over the next decade on the gridiron, and Coach Eaton left his head coaching position to become a pro-scout. In 1978 the LDS church remedied its policies towards blacks by allowing access to the priesthood to all men without reference to race or color. However the question remains, what would the U.S. Supreme Court have ruled had heard the case *Williams v Eaton*?

**Plaintiff/Petitioner**

**Summary:** Williams v. Eaton pitted two sections of the First Amendment to the United States Constitution against one another, freedom of speech vs. the establishment clause found in the freedom of religion clause. The questions in this case were as follows: Did student-athletes have a constitutional right to wear armbands during a football game as part of a protest and did wearing the armbands by individuals on a state supported team in protest of a religious policy violate the establishment clause of the First Amendment?

**Role:** As a group your role is to take and defend the position that a student-athlete has a constitutionally protected right to wear an armband to protest a religious policy of a church that controls an opposing school whose team you are playing against.

**Tasks:** Your group needs to: Compose a written legal brief outlining the arguments for your position, prepare a statement to make before the justices that is no more than 10 minutes in length based on your position, prepare to answer questions from the justices that they may ask about the case. Points to consider are: Are student athletes protected by the first amendment right to free speech? Is wearing an armband protected speech? Does accepting a scholarship from a state institution make one an agent of the State? Does protesting a church’s policy violate the establishment clause of the First Amendment? Does a coach have the authority to establish rules that apply only to members of his/her team? When two clauses of the Bill of Rights come into conflict which clause shall take precedence? How shall this be determined?

**Resources:** The following is a list of sources to consult as you develop your position. You are not limited to these sources, but these should provide you with the information you need to accomplish your task.

- ❖ Epperson v. Arkansas, 393 U.S. 97 (1968).
- ❖ Engel v. Vitale, 370 U.S. 421 (1962).
- ❖ Hjorth Royalty Co. v. Trustees of University of Wyoming, 222 P.9 (Wyo.1924).
- ❖ Abington School District v. Schempp, 374 U.S. 203 (1963).
- ❖ Everson v. Board of Education, 330 U.S. 1 (1947).
- ❖ Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969).
- ❖ Williams v. Eaton, 3443 F.2d 422 (10<sup>th</sup> Circuit 1971).

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➤ ah034069	ah034070	ah034071	ah034072
➤ ah034073	ah034076	ah034077	ah034085
➤ ah034086	ah034094	ah034095	ah034098
➤ ah034099	ah034100	ah034107	ah034108
➤ ah034109	ah034110	ah034111	ah034114
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## Defendant/Respondent

**Summary:** Williams v. Eaton pitted two sections of the First Amendment to the United States Constitution against one another, freedom of speech vs. the establishment clause found in the freedom of religion clause. The questions in this case were as follows: Did student-athletes have a constitutional right to wear armbands during a football game as part of a protest and did wearing the armbands by individuals on a state supported team in protest of a religious policy violate the establishment clause of the First Amendment?

**Role:** As a group your role is to take and defend the position that the University of Wyoming officials would be in violation of the establishment clause of the First Amendment and the Western Athletic Conference Code if they allowed student athletes to protest against a church's policy or religious beliefs by the wearing of arm bands.

**Tasks:** Your group needs to: Compose a written legal brief outlining the arguments for your position, prepare a statement to make before the justices that is no more than 10 minutes in length based on your position, prepare to answer questions from the justices that they may ask about the case. Points to consider are: Is the right to free speech subservient, in this case, to the principle of complete neutrality in matters of religious freedom? How shall this be determined? Does accepting a scholarship from a state institution make one an agent of the State? Is a State university an agency of the State? Does protesting a church's policy violate the establishment clause of the First Amendment? Does a coach have the authority to establish rules that apply only to members of his/her team?

**Resources:** The following is a list of sources to consult as you develop your position. You are not limited to these sources, but these should provide you with the information you need to accomplish your task.

- ❖ Epperson v. Arkansas, 393 U.S. 97 (1968).
- ❖ Engel v. Vitale, 370 U.S. 421 (1962).
- ❖ Hjorth Royalty Co. v. Trustees of University of Wyoming, 222 P.9 (Wyo.1924).
- ❖ Abington School District v. Schempp, 374 U.S. 203 (1963).
- ❖ Everson v. Board of Education, 330 U.S. 1 (1947).
- ❖ Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969).
- ❖ Williams v. Eaton, 3443 F.2d 422 (10<sup>th</sup> Circuit 1971).

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## Supreme Court Justice

**Summary:** Williams v. Eaton pitted two sections of the First Amendment to the United States Constitution against one another, freedom of speech vs. the establishment clause found in the freedom of religion clause. The questions in this case were as follows: Did student-athletes have a constitutional right to wear armbands during a football game as part of a protest and did wearing the armbands by individuals on a state supported team in protest of a religious policy violate the establishment clause of the First Amendment?

**Role:** Your role as a member of the U.S. Supreme Court is to listen to the oral arguments from the petitioners and the respondents, ask questions to clarify the issues, and then render a decision in favor of one of the parties to this case.

**Tasks:** You need to prepare to hear this case by familiarizing yourself with the arguments found in the resources listed below. After doing so, develop some questions that you want to ask the petitioners and the respondents. During oral argument listen attentively and be ready to ask appropriate questions. When both sides have presented their arguments deliberate with your fellow justices and reach a decision. Contribute to the writing of either the majority's opinion or the minority's opinion by sharing your reasoned thoughts. Be prepared to explain your thinking during the debriefing portion of the lesson.

**Resources:** The following is a list of resources you may consult in order to prepare yourself to hear this case. As you examine these items it is important that you keep an open mind. Remember, your job is to decide the case based on the facts, your reading of the U.S. Constitution, and precedents set by earlier Court decisions.

- ❖ Epperson v. Arkansas, 393 U.S. 97 (1968).
- ❖ Engel v. Vitale, 370 U.S. 421 (1962).
- ❖ Hjorth Royalty Co. v. Trustees of University of Wyoming, 222 P.9 (Wyo.1924).
- ❖ Abington School District v. Schempp, 374 U.S. 203 (1963).
- ❖ Everson v. Board of Education, 330 U.S. 1 (1947).
- ❖ Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969).
- ❖ Williams v. Eaton, 3443 F.2d 422 (10<sup>th</sup> Circuit 1971).

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- ✓ The United States Constitution

## Appendix B

## Check for Understanding

**Directions:** At the conclusion of the moot court proceedings answer the following questions. Use additional pages as needed in order to give complete answers.

1. What was the decision in this case?
  
  
  
  
  
  
  
  
  
  
2. What do you think were the strongest arguments in the majority's opinion?
  
  
  
  
  
  
  
  
  
  
3. If there was a minority opinion, what do you think were the strongest argument in their opinion?
  
  
  
  
  
  
  
  
  
  
4. How effective was this activity as a tool for learning? Explain your answer.
  
  
  
  
  
  
  
  
  
  
5. Using the following scale rate each group's performance in this activity:
  - 4) The members of the group demonstrated a clear understanding of the basic issues involved and provided strong and accurate support for their position with sound reasoning. Participation by everyone in the group was nearly equal.
  
  - 3) The members of the group demonstrated average understanding of the issues involved and provided accurate support for their position with sound reasoning for most of it. Participation by a majority of group members was nearly equal.
  
  - 2) The members of the group demonstrated fair understanding of the issues involved and provided some support for their position with some reasoning. Less than half of the group members participated and the participation was unequal.
  
  - 1) The members of the group demonstrated little understanding of the issues involved and provided little or no support for their position. They used only opinions, beliefs, or guesses to explain their position. Only one or two persons participated.

Plaintiffs/Petitioners

Defendants/Respondents

U.S. Supreme Court

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\_\_\_\_\_

Students Names \_\_\_\_\_

Category	4 Advanced	3 Proficient	2 Basic	1 Below Basic	Score
Content	Identified and thoroughly addressed the issues in the case and articulated them well. Very well prepared.	Adequately addressed most of the issues in the case and articulated them. Prepared.	Addressed some of the issues in the case and articulated those. Preparation was lacking.	Failed to address many of the issues in the case and/or did not articulate issues very well. Little or no preparation.	
Understanding	Demonstrated an in-depth understanding of the key issues in the case, described their significance, and acknowledged opposing points of view.	Demonstrated a good understanding of key issues in the case and described their significance.	Demonstrated a fair understanding of key issues in the case but failed to describe their significance.	Showed little understanding of key issues and/or inaccurately explained these issues.	
Reasoning	Provided strong and accurate support with sound reasoning for position taken using logical inferences.	Supported position taken with accurate and sound reasoning.	Supported position taken to a limited extent with some sound reasoning.	Provided little support for position taken or used only opinions, beliefs, and guesses to support the position taken.	
Responsiveness	Provided full and accurate responses to all questions.	Provided full and accurate responses to some questions and partial responses to others.	Provided accurate but incomplete responses to some questions.	Failed to provide accurate responses to some questions and did not respond to others.	
Participation	Balanced participation by all members of the group.	Balanced participation by most members of the group.	Participation was fairly unbalanced with little participation by some.	Unbalanced participation with no participation by some.	
Total					

Comments \_\_\_\_\_

**Appendix C**

**Scoring Guide for Defendants/Respondents**

**Students Names** \_\_\_\_\_

<b>Category</b>	<b>4 Advanced</b>	<b>3 Proficient</b>	<b>2 Basic</b>	<b>1 Below Basic</b>	<b>Score</b>
<b>Content</b>	Identified and thoroughly addressed the issues in the case and articulated them well. Very well prepared.	Adequately addressed most of the issues in the case and articulated them. Prepared.	Addressed some of the issues in the case and articulated those. Preparation was lacking.	Failed to address many of the issues in the case and/or did not articulate issues very well. Little or no preparation.	
<b>Understanding</b>	Demonstrated an in-depth understanding of the key issues in the case, described their significance, and acknowledged opposing points of view.	Demonstrated a good understanding of key issues in the case and described their significance.	Demonstrated a fair understanding of key issues in the case but failed to describe their significance.	Showed little understanding of key issues and/or inaccurately explained these issues.	
<b>Reasoning</b>	Provided strong and accurate support with sound reasoning for position taken using logical inferences.	Supported position taken with accurate and sound reasoning.	Supported position taken to a limited extent with some sound reasoning.	Provided little support for position taken or used only opinions, beliefs, and guesses to support the position taken.	
<b>Responsiveness</b>	Provided full and accurate responses to all questions.	Provided full and accurate responses to some questions and partial responses to others.	Provided accurate responses to some questions.	Failed to provide accurate responses to some questions and did not respond to others.	
<b>Participation</b>	Balanced participation by all members of the group.	Balanced participation by most members of the group.	Participation was fairly unbalanced with little participation by some.	Unbalanced participation with no participation by some.	
<b>Total</b>					

**Comments** \_\_\_\_\_

Appendix C

Scoring Guide for Supreme Court Justices

Students Names \_\_\_\_\_

Category	4 Advanced	3 Proficient	2 Basic	1 Below Basic	Score
<b>Content</b>	Identified and addressed all of the issues through the questions asked and the opinion delivered.	Adequately addressed most of the issues through the questions asked and the opinion delivered.	Addressed some of the issues through either the questions asked or the opinion delivered.	Failed to address several key issues either through questioning or in the opinion delivered.	
<b>Understanding</b>	Demonstrated an in-depth understanding of the key issues in the case, identified their significance, and accurately acknowledged opposing points of view.	Demonstrated a good understanding of key issues in the case by identifying their significance.	Demonstrated a fair understanding of key issues in the case but failed to describe their significance.	Showed little understanding of key issues and failed to describe their significance.	
<b>Reasoning</b>	Provided strong and accurate support with sound reasoning for position taken using logical inferences.	Supported position taken with accurate and sound reasoning.	Supported position taken to a limited extent with some sound reasoning.	Provided little support for position taken or used only opinions, beliefs, and guesses for support.	
<b>Participation</b>	Balanced participation by all members of the group.	Balanced participation by most members of the group.	Participation was fairly unbalanced with little participation by some.	Unbalanced participation with no participation by some.	
<b>Total</b>					

Comments \_\_\_\_\_

**Social Studies Content Standards and Benchmarks**

- ✚ Grade Span 9 – 12
  - Standard 1 Citizenship/Government/Democracy
    - Benchmark Grade 11: #1, #2, and #4
  - Standard 2 Culture/Cultural Diversity
    - Benchmark Grade 11: #1 and #2
  - Standard 4 Time, Continuity, and Change
    - Benchmark Grade 11: #1 and #4
  - Standard 6 Social Studies Processes and Skills
    - Benchmark Grade 11: #1-9
  
- ✚ Grade Span 5 – 8
  - Standard 1 Citizenship/Government/Democracy
    - Benchmark Grade 8: #1 and #6
  - Standard 2 Culture/Cultural Diversity
    - Benchmark Grade 8: #1 and #2
  - Standard 4 Time, Continuity, and Change
    - Benchmark Grade 8: #1 and #4
  - Standard 6 Social Studies Processes and Skills
    - Benchmark Grade 8: #1 – 8
  - Standard 7 Technology
    - Benchmark Grade 8: #1