

Teacher Guide

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

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 teacher’s oral narrative. It is designed to provide flexibility for teachers 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 teachers with procedures for conducting the activity using the slides as cues for the students.

Time Estimations

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: Lesson Reflection	5 minutes
Part V: Share Supreme Court’s decision	<u>5 minutes</u> 50 minutes

Part I and II—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 in helping students begin to develop their arguments and questions.

Part III—Conducting the Moot Court Activity

1. Tell the students they are now at the Supreme Court of the United States. Distribute “Student Handout” and read through the “To Prepare for the Case” and “Rules for the Oral Arguments” from the Student Handout with them. Make sure students understand the rules.

2. Form them into groups of seven. Each group is its own court. You can assign roles or the students can select their role. Each member of each group will have one of the following roles:
 - Two will be attorneys for the State of California (appellant)
 - Two will be attorneys for Greenwood (respondent)
 - Three will be Supreme Court Justices (the three justices are a “triad”)
3. Give courts enough time, probably 15 minutes, to prepare according to the Student Handout.
4. When all groups are ready, attorneys for the State of California will speak first. Attorneys for Greenwood will speak second.
5. Remind students that the justices may ask questions at any time.
6. Attorneys for the State of California take turns giving a one-minute summary of their arguments.
7. Attorneys for Greenwood take turns giving a one-minute summary of their arguments.
8. Justices should spend a few minutes asking questions of each side.
9. After hearing both sides, justices in each group deliberate out loud. Attorneys listen but do not interrupt the justices.
 - Justices deliberate by discussing the arguments they heard. Justices share with each other the most persuasive and least persuasive arguments they heard.
 - Justices provide reasons why they thought arguments were most persuasive or least persuasive.
 - After justices deliberate, each triad votes whether they will rule in favor of the State of California or Greenwood.
10. After justices deliberate, take a poll of the triads in the classroom. How many triads voted for the State of California? How many for Greenwood? How many triads were unanimous in their decision? How many had a dissenting justice (voting differently than the other two)?
11. Alternatively, have the judge triads come to the front of the room to deliberate in a fishbowl activity.

Part IV—Lesson Reflection

Debrief the activity with the students. Ask these questions in a whole-class discussion:

- What was the most persuasive argument you heard?
- Which side in the case do you think had the stronger arguments? Why?
- What facts of the case do you think were the most important for the State of California?
- What facts of the case do you think were most important for Greenwood?
- How do you think the real Supreme Court decided this case? What makes you think the court decided the case that way?

Part V—Share the Supreme Court’s decision from the PowerPoint

Reveal the Supreme Court’s ruling. How was it similar or different than the student justices ruling?

Teacher Tips

During the prep for the moot court activity, you might use the following prompts to help the student groups get started:

State of California

How could you convince the justices that...

1. Once trash bags are set on the public curb, they are no longer private property.
2. The police did have a right to search Greenwood's trash bags.
3. 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.

Greenwood:

How could you convince the justices that...

1. People have a right to expect that their trash will not be gone through by anyone, including the police.
2. The police had no right to search Greenwood's trash bags.
3. Even trash bags that are on the curb contain private property.
4. People use trash bags you can't see through for a reason.

Justices:

What questions could you ask that might help you understand...

1. Why should Greenwood expect that his trash is private property?
2. Why shouldn't Greenwood expect that his trash is private property?
3. When does private property become public?
4. 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 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?
5. 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?
6. 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?

The Questions Before the U.S. Supreme Court:

Did the police conduct a search when they looked through Greenwood's trash? Did Greenwood have a reasonable expectation that his trash would remain private?

To Prepare for the Case...

Attorneys for California: Create arguments that Greenwood had no reasonable expectation of privacy. The trash bags could be searched legally.

Attorneys for Greenwood: Create arguments to convince the justices that Greenwood had a reasonable expectation of privacy. The trash bags should not have been searched.

Justices of the U.S. Supreme Court: Create at least three questions to ask each side to help you determine whether California violated Greenwood's Fourth Amendment right to be free of unreasonable search and seizures.

Rules for the Oral Argument

1. Attorneys representing the state of California appealed the case to the Supreme Court, they are *appellants*. They will present first.
2. Attorneys representing Greenwood are responding to the appeal, they are *respondents*. They will present second.
3. Justices will ask questions of both sides during the arguments.
4. After hearing both sides, justices deliberate out loud. Attorneys listen but do not interrupt.
 - Justices, deliberate by discussing the arguments you heard. Share with each other the most persuasive and least persuasive arguments you heard.
 - Justices, provide reasons why you thought arguments were most persuasive or least persuasive.
 - After deliberating, vote whether your court rules in favor of the State of California or Greenwood.

The Arguments of the State of California (Appellant)

Attorneys representing the State of California argued the state did not violate Greenwood's rights under the Fourth Amendment. To support their position they argued:

1. Police did not conduct a "search" as defined by law. A search is a governmental intrusion into something in which a person has **a reasonable expectation of privacy**.
2. Greenwood had thrown away the evidence. He had no reasonable expectation of privacy in trash bags left on the curb for the trash collector.
3. Therefore the police did not conduct a search.

The Arguments of Greenwood (Respondent):

Attorneys representing Greenwood argued the State of California did violate Greenwood's rights under the Fourth Amendment. To support his position he argued:

1. People have a right to expect that their trash will not be gone through by anyone, including the police.
2. Even trash bags left at the curb contain private property.
3. The trash was left specifically for the trash collector to mix the trash with other trash.
4. The trash was in an opaque trash bag, not in a clear trash bag that anyone could see inside.
5. Therefore the police did conduct a search, which they had no right to do.