



Doghouse Schools and the Edgewood Kids: The Fight for Educational Opportunity from Plessy to Rodriguez

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Rationale

We live in an era of increasing school segregation and inequality:

"students in poverty and those who are members of racial minority groups are overwhelmingly concentrated in the lowest-achieving schools. For example, in California, black students are six times more likely than white students to attend one of the bottom third of schools in the state, and Latino and poor students are nearly four times as likely as white students to attend one of the worst-performing third of schools (EdTrust West, 2010)."

Our national educational system is plainly separate and unequal. Yet how can this be? Didn't the landmark civil rights Supreme Court case *Brown v. Board of Education* rule once and for all that separate is inherently unequal, and thereby end this chapter of our sordid past? How do we reconcile the jarring dissonance of a country espousing "equality and justice for all" with stunning levels of disparity among its citizens?

School curricula and textbooks end the history of "Civil Rights" with the passing of the Civil Rights Bill, as a kind of final emancipation heralding a "post racial America." But the long and protracted fight for equal educational opportunity in America did not begin with Martin Luther King, and legally sanctioned discrimination in our schools did not end with *Brown vs Board of Ed* .

Objectives

This unit is designed to introduce students to the fight for equal educational opportunity through a fictional moot court case based on the *San Antonio School District v. Rodriguez* Supreme Court case. Two central issues of that case (namely, is public education a "fundamental interest" of the Constitution, and are the poor

a class of people deserving of constitutional protection against discrimination?) will form the essential questions of the unit. More generally, this unit aims to familiarize students with the Constitution as a living document, and the courts as a time-honored arena for the pursuit of justice.

The battle for equal educational opportunity, like so many rights and freedoms in America, is situated in a long historical continuum, and is anything but guaranteed. This narrative argues that the struggle for equal educational opportunity today, and for justice more broadly, can be understood as a battleground which has shifted from a legally sanctioned assault on blacks and minorities to a legislative negligence towards the poor, which by default, includes many blacks and minorities. This can be conceived of as a similar tactic to the old Southern trick of requiring literacy tests for blacks trying to vote. On the surface, it might seem that we have progressed legally beyond a black and white racial divide, but in fact the methods of racial discrimination for those in power have simply become more refined.

A Moot Court is the primary teaching strategy for the unit, whereby students will take the roles of Petitioner and Respondent teams of lawyers arguing before a Supreme Court panel of student justices. In order for the students to successfully argue their case, they will need a well-researched familiarity with legal precedent and the context of educational opportunity in America.

Content Background

Any unit that revolves around Supreme Court cases must begin with the Constitution itself and to disentangle the myths and realities of its function and power. The Constitution of the United States of America is a legendary document. Many believe that the original intent of the founding fathers and drafters of the Constitution represent the height of civilized enlightenment. It enjoys a status as a sacred document with a major Supreme Court judicial philosophy dedicated to interpreting the Constitution according to the original vision of the founding fathers (also known as a "fixed" or "textualist" interpretation).

Thurgood Marshall, in a speech on the bicentennial celebration of the Constitution, provides an alternate view of the Constitution as a living document:

"I do not believe that the meaning of the Constitution was forever "fixed" at the Philadelphia Convention. Nor do I find the wisdom, foresight, and sense of justice exhibited by the Framers particularly profound. To the contrary, the government they devised was defective from the start, requiring several amendments, a civil war, and momentous social transformation to attain the system of constitutional government, and its respect for the individual freedoms and human rights, we hold as fundamental today. When contemporary Americans cite "The Constitution," they invoke a concept that is vastly different from what the Framers barely began to construct two centuries ago" (http://www.thurgoodmarshall.com/speeches/constitutional_speech.htm)

Marshall goes on to explain that the "we" in "We the People" did not include blacks and women. The original Constitution was written with tacit approval of the slave trade and blacks were deemed as "three fifths" human for voting purposes. The great paradox of America mentioned previously, of at once promising equal

rights to all its citizens while being highly discriminatory in regards to those rights, is also the great paradox of the Constitution; the reality of our engineered society is reflective of how our guiding "instructional manual" is interpreted. The 13th, 14th, and 15th amendments to the Constitution were adopted only after the bloody civil war, constitutionally abolishing slavery, granting citizenship to blacks, and guaranteeing their right to vote, respectively.

Separate But Equal

White Supremacy had lost the battle, but they were not over fighting the war. In 1890 the first of the "Jim Crow" laws separating blacks and whites were enacted in Louisiana in 1890 as a backlash against rising black prominence after reconstruction. Six years later, the infamous Supreme Court decision in *Plessy v. Ferguson* ruled that segregated facilities were constitutionally justified under the 14th amendment in the doctrine of "separate but equal," thereby giving federal sanction to Jim Crow laws.

The ruling is significant for many reasons, including its *de jure* equality of educational opportunity when applied to schools, but devastatingly *de facto* educational inequality. In other words, on the books and in theory, full respect was given to the 14th amendment guaranteeing equal protection under the law, but the reality in Jim Crow was completely the opposite. Black schools were known as "doghouse" schools, and often not much more than wooden buildings with a single room, like larger versions of their namesake. Thurgood later recounted, when on an evidence hunt through the Southern school system, that one black child, given an orange from two strangely dressed Northern Negroes, bit into it grind and all, being so poor as to have never witnessed such fruit. (Williams 98).

The anecdote is informative because it is a reminder that black, or segregated education, was by its nature economically unequal. Blacks were the poor and vice versa, but the emphasis on race obscures the fact that it *has* always been the powerless and the penniless to suffer from disparate opportunity. Unequal education ensured the lower and colored classes remained poor and "in their place," and being poor ensured unequal education - a self reinforcing cycle which persists to this day.

The Federal legal sanction of educational oppression continued in *Cumming v. Richmond Country Board of Education*, wherein the Supreme Court allowed a state to tax both black and white citizens but use those tax funds to pay only for an all white school. This intersection of racial and economic discrimination will rear its head in the culminating unit case of *San Antonio v. Rodriguez*, and can be researched by students as they prepare their final arguments.

Brown v. Board of Education

The doctrine of Separate and Equal dominated the educational system of America for the next fifty years until it was overruled as unconstitutional in the landmark *Brown v. Board of Education* case, which "many commentators have called... the most important Court decision of the twentieth century, perhaps the most important ever" (Klarman 344).

One way of understanding the importance of *Brown* is through its chief litigant, Thurgood Marshall. Marshall started his extraordinary career battling educational inequality by actually suing schools on the grounds that they were in fact not separate and equal, and thus should be ruled unconstitutional according to the segregationist precedent set forth in *Plessy*. It was a brilliant legal tactic to turn a weaponized law against itself, and Marshall, working with funding from the NAACP, successfully won a number of cases before the Supreme Court on this ground. These included *University of Maryland v. Murray* and *Gaines v. Canada*,

wherein both Universities were forced to enroll their first black students on the grounds that there were no black law schools in the state, let alone ones with "equal" facilities. All during this time Marshall was helping collect evidence on the great disparities of segregated public schools to fashion an argument that would prove the notion of "separate and equal" as inherently contradictory and therefore, unconstitutional.

In 1952 Thurgood Marshall once again appeared before the Supreme Court to deliver his argument in *Brown v. Board of Education*. In that most famous ruling of the Supreme Court, *Plessy* was unanimously overturned and segregated schools declared inherently unequal, officially ending the federal legal blessing on Jim Crow.

No other court case has been analyzed, celebrated, or criticized as much as *Brown v. Board of Education*. On the one hand commentators argue that "the success of the Brown case sparked the 1960s civil rights movement, led to the increased number of black high school and college graduates and the incredible rise of the black middle-class in both numbers and political power in the second half of the century" (Williams 2). It certainly retains a central place in the public imagination as a wonderful event in our collective American self-image, and as a canonical event in social studies and history classes everywhere.

On the other hand, as Klarman points out, the role of *Brown* in the progress of civil rights may be overestimated (233). School integration in parts of the North was already well underway before the decision, while the court order incensed many Southern States, increasing resistance and violence towards blacks and desegregation. Because of the regrettable clause in the court order to integrate schools "with all deliberate speed," and the difficulty in enforcing such a decision with a reluctant executive branch, many states effectively barred integration from occurring.

What is not debated or discussed outside law schools however, is the systematic overturning of decisions in *Brown v. Board of Education* and other progressive judgements of the Warren Court. The decisions of the post-Warren Supreme Court has helped keep the long running legacy of segregation alive and well, albeit in different form. As pointed out by Cheryl Harris, "Modern political and racial discourse marks progress by its presumed distance from *Plessy*. The deep irony may be that while the terms of the debate have evolved, that distance is in fact more imagined than real" (Harris 5).

San Antonio Independent School District v. Rodriguez

We assume that with distance comes progress, but as the opening quote of this essay shows, rampant school segregation and inequality still plague our nation. And the disease is all the more insidious because society does not recognize its source. As Harris points out, the terms have changed; a colorblind economic discrimination that affects minorities disproportionately has replaced official segregation, at once making it harder to diagnose and combat, and psychologically easier for those benefitting to excuse and justify the results as having nothing to do with race.

A key to understanding the current trends in unequal educational opportunity lies in the 1973 Supreme Court case, *San Antonio Independent School District v. Rodriguez*, which, on the surface at least, deals with the issue of district equality in public school financing. The parents of children being educated in the Edgewood district, a low-income, mostly Mexican school system in Texas, sued the school system claiming that the district finances, derived in large part from property taxes, disproportionately privileged wealthier districts, and thus was in violation of the Equal Protection Clause of the Constitution.

Rodriguez earned a victory in the state Supreme Court, which the school system appealed to the Supreme Court. In a 5-4 majority vote the lower court decision was reversed, setting an important and altogether too

little-noticed precedent. The majority opinion, delivered by Justice Powell, ruled that the "poor" residing in certain districts did not constitute a discernible "suspect class" and thus, were not subject to heightened scrutiny of the Court. In addition, education was considered not to be a "fundamental right" anywhere stated or implied in the federal Constitution. While the court did suggest that financing inequality for schools was regrettable and should be dealt with at the local level, they made no allowance for federal judicial intervention in the issue.

Rodriguez was more than a simple school financing argument, for it ultimately involved wealth and race equally. While the Edgewood City district was majority Mexican American, and the nearby wealthy Alamo school district was a majority white, the district was sued not on the basis of racial segregation but on economic disparity grounds. Why the appellees did not use a racial argument in their case is unclear, but Michael Heise, a Cornell Law Professor, suggests it may have been because the districts were nominally integrated, and the *Rodriguez* litigants felt the economic discrimination a more solid argument (4).

Brown and *Rodriguez* are rarely discussed together as involving similar issues beyond the overarching theme of education; the first is clearly about racial segregation in schools, and the second, about technical state school financing between districts. This is a mistake, however, for the root issue in *Brown*, as well as *Rodriguez*, is of unequal opportunity and quality of education for a poor *and* racial minority. The semantics of the arguments put forth centered foremost around racial terms (in *Brown*), and on economic values (in *Rodriguez*), but both cannot be understood on those principles alone, revolving as they do equally around a Gordian knot of wealth, race, and historical oppression.

America has always relied on a caste system of some sort, and now personal wealth has become the legally sanctioned method of racial discrimination in an officially colorblind society. Just as when blacks were given voting rights and yet elaborate and "legal" methods of keeping them from actually voting (such as literacy tests) sprouted up everywhere, now that intentional segregation is outlawed, district wealth is one method of ensuring disparate and supremacist-minded opportunity for those in control. And control of educational inequality, as we see everywhere around us today, is one of, if not the most effective, methods of determining the entire destiny of any human being in our modern world.

Thurgood Marshall's dissent in *Rodriguez* was unusually passionate for a judicial opinion, and unequivocal in its denunciation of the majority decision. He remarked that the decision heralded an ominous change in federal jurisprudence, "a retreat from our historic commitment to equality of educational opportunity." He compared the plight of the Edgewood children to the early cases challenging the doctrine of separate but equal, cases he himself argued many years ago before the Supreme Court. Marshall was aware that the decision of *Rodriguez* sanctioned an entirely new form of economic segregation while also allowing the continuance of racial segregation: "the District Court found that in Texas the poor and minority group members tend to live in property-poor districts, suggesting discrimination on the basis of both personal wealth and race."

The residents of Edgewood continued to try and fight for equal funding at the state level, but it was an uphill battle since the state's typical reaction was evasive as they cited the *Rodriguez* decision. Sixteen years later, a judge noted the rising inequality in those same districts: "the wealthiest district has over \$14,000,000 of property wealth per student, while the poorest has approximately \$20,000; this disparity reflects a 700 to 1 ratio" (Soltero 125).

Conclusion

Charles Houston taught a fundamental principle to his students at Howard University: that the rights of the Constitution should apply to all citizens of the United States. As self-evident as this seems, our history has borne out a long struggle to grant those rights to various groups- blacks, women, other minorities, and the poor.

When the Supreme Court sanctioned the "separate but equal" *Plessy* doctrine for public education many years ago, it was at least a *de jure* mandate for equal public education, and offered lawyers like Marshall a chance to fight unequal segregation on that standard. The *Rodriguez* decision however, in one fell swoop, actually sanctioned "separate and unequal" public education via property wealth, with the dual effect of maintaining *de facto* racial segregation, since minorities still make up a large percentage of this nation's poor.

The entire notion of civil rights needs to change to accommodate the shifting focus of discrimination. No longer can the modern era's civil rights front be construed purely in racial terms (although racial discrimination is as present as ever), but a realization of all the complex and sophisticated economic machinery whose entire function is to discriminate against the poor.

Supreme Court decisions, especially such momentous ones as *Brown* or *Rodriguez* tempt us into viewing the Justices as heroes or villains, depending on our personal ideologies. And yet the opinions of the highest Court are really mere reflections of our society as a whole: "because constitutional law is generally quite indeterminate, constitutional interpretation almost inevitably reflects the broader social and political context of the times" (Klarman 5).

This idea is in stark contrast to the one that the Law is set in stone for all time, and the word of the Supreme Court absolute, rendering a finality to all things and the status quo. But this is not the case. Law and society change when society as a whole wishes to change, and this is brought about from the bottom up, from grassroots efforts that engage and empower masses of citizens to alter the context and reality of their times. In this light the "success" of the *Brown* decision was due not to the bench, but from men like Marshall who struggled and fought their way to the Supreme Court, changing public perception with each hard won victory along the way (one could argue that Marshall was far more effective as a grassroots lawyer than a Supreme Justice who offered more dissents than majority opinions). Finally, it is imperative for students to understand that our laws are our own creation and subject to change, and that justice is never guaranteed, but an ideal towards which we must forever strive.

Teaching Strategy

Mock trials and moot courts are fantastic teaching methods. They have historically been used to great effect in law schools and high schools around the country. They allow for a deep analysis of texts and information, immersion into professional roles, opportunities for public speaking with an authentic audience, and invested writing tasks. Moreover, in my personal experience moot courts and mock trials are *fun*, having the combined advantages of a role playing game combined with rigorous learning, and give every student the opportunity to contribute meaningfully.

While *Rodriguez* is the actual model for the moot court, the names and some of the data of that case has been

changed for several reasons. First, enterprising students will look up the specifics of case and may borrow too heavily from it in preparing their own arguments. While such research is generally laudable, in this case it would go against the learning goals of the unit. Secondly, in an effort to modernize the case and give it a sense of urgency, the case is fictionalized to occur in the present day. To this end, the original discrepancies of student spending found in 1973 are adjusted for inflation, but otherwise remain accurate to the original disparities.

There are several reasons for using *Rodriguez* as the culminating Moot Court instead of *Brown* or another segregation case. The first is while students and the public would overwhelmingly argue against formal segregation of the Jim Crow system (even though it was hotly contested at the time), the *Rodriguez* case is recent enough to offer more variation in opinion. Another reason is that the constitutional issues raised by *Rodriguez*, namely economic discrimination in education, are more directly related to the lives of the students and it is hoped that they can connect the case to contemporary opportunities for change. It is very important that students be allowed to form their own opinions of the issues at stake. As a teacher I at once wish to be very upfront with my personal views and ideology, while allowing students to come to their own conclusions.

An element essential for any successful moot court in the classroom is preparation. Indeed the level of success correlates directly to the amount of preparation by the teacher prior to student learning. The activities that follow are not complete. They must be personalized by the teacher for his or her students. Depending on student current ability levels much may have to be added to and worked on numerous times for construction of the the requisite skills and knowledge base required. This should not be viewed as an impediment, but rather an invitation to high level teaching and learning, and I can attest from personal experience that 7th graders (one sixth of which labeled special ed and well over half being English Language Learners) can learn to perform the tasks of a court of law. Through the gradual release of responsibility and well scaffolded opportunities, students perform marvelously as a cohesive unit in the classroom to the point that the "teacher" disappears from the room and watches all of his or her students take over the learning process.

What follows is some, but not all, of the lessons pertaining to the preparation of the culminating moot court event. One way of further preparing students for the final case is to begin with a scripted case using actual court transcriptions, with students reading their given roles. This serves to familiarize students with the court process and to develop their public speaking. As for the final moot court, having outside help, such as law students, actual lawyers, or judges, come in and help students prepare different aspects of the case, such as oral argument, writing a legal brief, etc, can be extremely beneficial and is highly recommended. Finally, having the actual moot court be held in a public school space, with parents and other students in the audience, is a great way to elevate the learning activity.

Classroom Activities

1. Class reading and debate using a case brief

Objective: Students will be able to debate the issues of law through a preliminary reading and argument by using a case brief (a model case brief is included in the Appendix)

Procedure:

1. Students will be divided into groups of three or four.
2. Hand a case brief to each student
3. Have students read the case facts out loud. Summarize the case.
4. Question the facts of the case. Who is the petitioner? Respondent?
5. What are the issues of law?
6. Read the arguments for both sides of the case. What are the "best" arguments for the petitioner? For the respondent?
7. How do you think the US Supreme Court should decide the case? Back up your decision with applicable laws.

2. Moot Court Preparation

Objective: Students will be able to research, write, and deliver arguments in front of an audience.

Procedure:

- a. Read, review, and clarify the facts of the case in groups
- b. Team preparation. Students need to be divided into teams of litigants and judges (as well as reporters if more roles are required). One way of doing this is to divide students based on teacher intuition, or have students write short preliminary arguments to the case and use them as "applications" for various roles.
 - i. Each legal team needs to prepare written and oral arguments for the case. When preparing arguments, students should consider the following:
 1. What does each side want?
 2. What are the most persuasive arguments for and against their side? Why?
 3. How can you best counter the opposing arguments?
 4. How do the legal precedents influence this case? Which precedents should you make use of ?
 5. What are possible consequences of each decision to society? Include this in your argument's conclusion.
 - ii. Judge Preparation. The justices need to be very familiar with the case facts, issues, the constitution,

applicable laws, arguments, and precedents relating to the case. Each justice should prepare at least six questions (three for each side) that they need answered in order to reach a decision. The justices can select a chief justice, who will preside over the hearing, ensure proper procedure is followed, and recognize other justices to speak during or after the oral arguments.

iii. Moot Court Procedure

1. Initial Oral Argument - petitioner (5 min)
2. Initial oral argument - respondent (5 min)
3. Rebuttal - petitioner (2 min)
4. Rebuttal - respondent (2 min)
5. Remaining questions from justices.

iv. Deliberation

1. After the hearing, the justices can organize into a fish-bowl circle, with the other students and the audience silently observing. With their notes, the justices will deliberate and question the case to come to a decision. It is to be stressed that they do not have to come to a consensus. All of the arguments presented should be discussed, as well as evidence used on their behalf. Each justice should give reasons for their decisions.

2. The chief justice will tally the votes and announce the majority decision of the court and the most compelling arguments for that decision. Those justices who dissent will explain the reasoning for their dissent.

3. Debriefing. This is a very important learning activity for the unit, and at least one class should be devoted to it after the Supreme Court decision. The actual court case decision as rendered in Rodriguez should be given, with excerpts of both the majority and dissenting opinions read and discussed. Explain that the Rodriguez decision is still the "law of the land." Have students evaluate the reasoning of the original court, and discuss the following:

1. If the decisions were different, how did they differ?
2. What effect might the decision have had on society? Do we see evidence of the decision today? In our own school? Does it matter?
3. Discuss the issue of race in the case - how central was race in the case? How central is it now?

4. Bring students up to speed on the current debate:

A. Some say educational "inputs" like funding are not correlated with educational "outputs" like test results. Use our own school as an example: we get less funding than other New Haven schools but consistently outperform the district average.

B. Discuss the current educational financing litigation in Connecticut.

Case Brief: Texas Board of Education v. Gonzalez

Many parents in the Edgewood City School District are worried about the education their children are receiving. Edgewood is a mostly Hispanic, low income district. Because Texas allows districts to fund public education through property taxes, students in Edgewood receive less money for education than the children in the nearby, wealthy, mostly white Alamo Heights Neighborhood.

The parents, led by Mr. Juan Gonzalez, feel that this is fundamentally unfair, racist, and unconstitutional. They hired a team of lawyers to sue the Board of Education, claiming a violation of the Fourteenth Amendment of the Constitution, which offers equal protection of the laws to US Citizens. The Texas Board of Education, arguing against the parents, claim that if the Alamo Heights District wants to use more of their money for education, that is their right- it is their money after all, and that the case has nothing to do with race.

The parents won their case in the State Supreme Court, and the Texas Board of Education appealed to the United States Supreme Court, where you will have to decide the case.

Issues:

1. Should Public Education be considered a "fundamental" Constitutional interest?
2. Is the State of Texas systematically discriminating against poor people?

Applicable Law:

The 14th Amendment to the Constitution (section 1) states:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Legal Arguments

Arguments for Petitioner (Texas Board of Education)	Arguments for Respondent (Gonzalez)
<ul style="list-style-type: none"> The tax system for public education in Texas is obviously unequal towards a distinct group. 	<ul style="list-style-type: none"> State and local governments should have control over their public education.
<ul style="list-style-type: none"> Education, like voting, is essential to citizen rights and is a “fundamental interest.” 	<ul style="list-style-type: none"> Education is not a “fundamental interest” mentioned or implied in the Constitution
<ul style="list-style-type: none"> The Supreme Court historically has stood up for equality in education. 	<ul style="list-style-type: none"> The “poor” of a school district are not a definable class of people (unlike “black”)
<ul style="list-style-type: none"> In providing public education for all citizens, States need to provide them all with an equal education. 	<ul style="list-style-type: none"> Financial and tax issues have usually been left to the States to decide, not the Supreme Court
<ul style="list-style-type: none"> Unequal school funding by district also discriminates by race 	<ul style="list-style-type: none"> Children in poor neighborhoods can still excel in school and become successful

Data and Evidence:

Note: The following data has been inflated to reflect current monetary values (as of 2014).

2014 values	Edgewood District	Alamo Heights District
Property value per student	\$32,000	\$262,500
Property Tax Rate	1%	0.85%
Tax-based money per student	\$140	\$1785
Total money per student after state subsidy	\$1,907	\$3,182
# of students	22,862	5,432
Schools	25	6

Dr. Jose Cardenas, Superintendent of Schools in Edgewood, testified to the following information in an

affidavit:

Edgewood is a poor district with a low tax base. As a result, its [actual] revenue falls far short of the monies available in other Bexar County school districts. With this inequitable financing of its schools, Edgewood cannot hire sufficient qualified personnel, nor provide the physical facilities, library books, equipment and supplies afforded by other Bexar County Districts. (Sracic 47)

Cardenas also cited a study, "A Tale of Two Districts" that makes the following comparisons between Edgewood and the nearby North East Independent School District:

- Classroom space: North East had 70.36 square feet (6.537 m²) per student; Edgewood had 50.4 square feet (4.68 m²) per student
- Library books: North East had 9.42 books per student; Edgewood had 3.9 books per student
- Teacher/Pupil Ratio: North East's ratio was 1/19; Edgewood's was 1/28
- Counselor/Pupil Ratio: North East's was 1/1,553 children; Edgewood's was 1/5,672 (the nearby Alamo Heights district had a 1/1,319 ratio)
- Dropout rate, secondary students: North East's rate was 8%; Edgewood's was 32% (Sracic 53)

Appendix A: CCSS Alignment (8th Grade)

Among the language arts, the national Common Core State Standards place great emphasis on deconstruction of texts and use of formal argument founded on evidence. Nowhere are these two skills more put to use in the courtroom, which makes a moot court such a rich source of practice and application of these standards. What follows is a brief annotation of some of the standards covered and how.

Reading Informational Text

Various data tables, laws, prior cases, and the Constitution itself are sources of evidence students must navigate, close read, annotate, and use as evidence to either defend or attack claims put forth in a court of law.

RI.8.1 Cite textual evidence that most strongly supports an analysis of what the text says explicitly as well as inferences drawn from the text.

RI.8.4 Delineate and evaluate the argument and specific claims in a text, assessing whether the reasoning is sound and the evidence is relevant and sufficient; recognize when irrelevant evidence is introduced.

Writing

Students will be writing shorter formal legal briefs outlining their claims and evidence, as well as engaging in a longer essay or "opinion paper" after the moot court case is complete.

W.8.1 Write arguments to support claims with clear reasons and relevant evidence.

Speaking and Listening

Much of the bulk of a moot court is oral argument. Lawyers not only have to verbally present prepared statements, but must cogently answer any judges question at any time, while Judges must listen carefully to ask pertinent questions and make reasoned decisions.

SL8.3 Delineate a speaker's argument and specific claims, evaluating the soundness of the reasoning and relevance and sufficiency of the evidence and identifying when irrelevant evidence is introduced.

SL8.6 Adapt speech to a variety of contexts and tasks, demonstrating command of formal English when indicated or appropriate.

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