



*These materials have been adapted, with permission from The Florida Bar Benchmarks Adult Civic Education Program, for use in Louisiana. Principal authors of the Florida Benchmarks Program are Annette Boyd Pitts and Richard Levenstein. For assistance with adaptation in other states, contact [staff@flrea.org](mailto:staff@flrea.org)*

## CASE STUDY: IS IT REASONABLE?

### Topics addressed

- Case progression through federal courts
- Fourth Amendment protections
- Judicial decision-making

**Time needed:** 60 minutes

**Overview:** This activity explores the courts and the Constitution through a case study. Participants will apply the Fourth Amendment to the U.S. Constitution and case precedent to a set of facts to experience judicial decision-making and the function of the federal courts.

**Group size:** 30 or more; with modifications, can work for large assemblies

#### Materials needed:

- Is It Reasonable PowerPoint
- Handout 1: Scott v. Harris Facts of the Case
- Handout 2: Decision Form
- Warm up Handout: Translate It: Fourth Amendment

**Equipment:** Arrange with event coordinator at program site to make sure you have all the equipment you need, such as a computer for PowerPoint, projector, screen and power cords.

#### Preparation:

- Review presenter's guide of " Tips...What to Do and Not to Do"
- Review Tennessee v. Garner case precedent
- Review and become familiar with the PowerPoint and handouts
- Make copies of handouts to distribute
- Scott v. Harris overview:  
[http://www.oyez.org/cases/2000-2009/2006/2006\\_05\\_1631](http://www.oyez.org/cases/2000-2009/2006/2006_05_1631)
- Scott v. Harris opinion:  
<http://supreme.justia.com/cases/federal/us/550/05-1631/>
- Tennessee v. Garner overview:  
<http://www.casebriefsummary.com/tennessee-v-garner/>
- Tennessee v. Garner opinion:  
<http://supreme.justia.com/cases/federal/us/471/1/case.html>

**Getting Started:** Using the PowerPoint, ask: "Is it **reasonable** for law enforcement to stop a fleeing car in a high speed chase by hitting the car off the road?" Poll participants by having them raise their hands. Ask for their reasoning. **Alternate method:** Have participants "vote with their feet" – having individuals who answer "Yes, it is reasonable" go to one side of the room and the individuals who answer "No, it is not reasonable" go to the other side. Use the "human graph" to discuss the question.

#### Warm Up

Leave Warm up handout on tables for people to review and complete as they arrive

**60 minutes** required



#### Needed:

Laptop and projector for PowerPoint



#### Start

#### Power-Point:

Ask: Is it reasonable for police to stop a high speed chase by hitting the fleeing car?



#### Read aloud

Have participants read sections of the 4<sup>th</sup> Amendment

**Read aloud:** Using the slides with the text of the Fourth Amendment, have a different person read aloud each section. The PowerPoint notes have information and questions for discussion. Refer to the optional handout on dissecting the fourth Amendment if you used it as a warm up.

**Distribute Handout 1:** Instruct participants to read the facts of the case individually and circle any important facts. Do not provide the decision of the case. Debrief the facts as a full group. Do not allow opinions at this phase – just the facts.

**Review relevant case law:** As noted in the PowerPoint, presenters will have a copy of the Tennessee v. Garner case. Discuss precedent and its role in judicial decision-making. Review the facts of the Garner case and compare to the facts in Scott v. Harris. Ask the audience for any similarities and differences between the cases.

**Case progression:** Continue through the slides and review how the case progressed through the federal courts. Use the court pyramid in the PowerPoint presentation. Differentiate for the audience between trial and appellate courts and also state and federal courts. Discuss how judges make decisions.

**Anything else to consider:** Ask participants to consider the information they have: facts of the case, Fourth Amendment, case law and the questions before the court. What else should they consider? Remind them that most, if not all, police cars have dash cams to record video of pursuits.

**Video of police chase:** Show the video of the police chase, which the Supreme Court justices also viewed. Use a wireless pointer to keep the audience following the car by pointing to the tail lights. Ask participants what they observe. Highlight specific aspects of the chase including speed, passing in no passing zones, running red lights, being in control of the vehicle and using turn signals, etc. Be neutral and do not provide any personal opinions or commentary. Let the audience provide reaction.

**Coming to a decision:** Next the audience will become Supreme Court justices. Have participants review all of the materials before answering the question before the court individually on their Decision Form (Handout 2). Then, in groups of five (or an odd number), have each group appoint a chief justice. Participants should answer the question, discuss their reasoning within the group (with everyone speaking once before anyone speaks twice) and try to come to a unanimous decision. Each group should write down its decision and reasoning. Call time after approximately 8 to 10 minutes even if the groups cannot come to a unanimous decision. Have each group poll its members. Have each chief justice provide the decision of its “court.” (Note: Remind participants how judges make decisions and how they are different from other elected officials.)

**Debrief:** Review the decision of the U.S. Supreme Court. Listen to audio clips from the oral arguments and decision:  
[http://www.oyez.org/cases/2000-2009/2006/2006\\_05\\_1631](http://www.oyez.org/cases/2000-2009/2006/2006_05_1631)

**Handout 1:**  
Have participants highlight the relevant facts of the case

**Debrief:**  
facts of case with full group and compare to Tennessee v. Garner



**Court case**  
Review progression through the courts. Show pyramid

**Video**  
Show video of the car chase

**Handout 2**  
First individually then in groups have participants come to a decision about the case



Call time after 10 minutes

**Review**  
**Decision of U.S. Supreme Court and listen to audio clips available at [www.oyez.org](http://www.oyez.org)**