

The Art of debating

Séquence propose par Pascale Cullens, Lycée Europe Schuman à Cholet

Thématique: Arts et débats d'idées

Problématique:

"Does prejudice always obscure the truth?"

Phase 1 Introduction of the context: The American judiciary system

4-6 Groups (bien distinguer Federal and State laws)

Tâche intermédiaire EO: Each group has a document. They study it. Presentation in front of the class (Pecha Kucha)

Group 1

Watch the video. Explain the name and role of each courtroom player.

Court room players (aux Etats-Unis) document clair :

<https://www.youtube.com/watch?v=zXcaWKUuwcs>

Complete the missing information. Watch this video on the Crown Court (le système en Angleterre) document très clair : https://www.youtube.com/watch?v=tZYvv_s5R-s

Group 2: The 14th Amendment

Read the two documents. Explain the importance of the 14th Amendment

Doc 1 The 14th Amendment

The 14th Amendment to the U.S. Constitution, ratified in 1868, granted citizenship to all persons born or naturalized in the United States—including former slaves—and guaranteed all citizens “equal protection of the laws.” One of three amendments passed during the Reconstruction era to abolish slavery and establish civil and legal rights for black Americans, it would become the basis for many landmark Supreme Court decisions over the years.

In Section 1, the “equal protection clause” (“nor deny to any person within its jurisdiction the equal protection of the laws”) was clearly intended to stop state governments from discriminating against black Americans, and over the years would play a key role in many landmark civil rights cases.

In its later sections, the 14th Amendment authorized the federal government to punish states that violated or abridged their citizens’ right to vote by proportionally reducing the states’ representation in Congress.

In giving Congress power to pass laws to safeguard the sweeping provisions of Section 1, in particular, the 14th Amendment effectively altered the balance of power between the federal and state governments in the United States.

Nearly a century later, Congress would use this authority to pass landmark civil rights legislation, including the [Civil Rights Act of 1964](#) and the [Voting Rights Act of 1965](#).

Doc 2 Separate but equal : Homer Plessy

<https://www.history.com/topics/black-history/plessy-v-ferguson>

(adapted from)

How important is the 14th Amendment in Plessy v. Ferguson?

In [Plessy v. Ferguson](#) (1896), the Supreme Court ruled that racially segregated public facilities did not violate the equal protection clause of the 14th Amendment, a decision that would help establish infamous Jim Crow laws throughout the South for decades to come.

But beginning in the 1920s, the Supreme Court increasingly applied the protections of the 14th Amendment on the state and local level. And in its famous 1954 ruling in [Brown v. Board of Education](#), the Supreme Court overturned the “separate but equal” doctrine established in *Plessy v. Ferguson*, ruling that segregated public schools did in fact violate the equal protection clause of the 14th Amendment.

In other landmark rulings, the Supreme Court has cited the 14th Amendment in cases involving the use of contraception (1965’s *Griswold*

v. *Connecticut*), interracial marriage (1967's *Loving v. Virginia*), abortion (1973's *Roe v. Wade*), a highly contested presidential election (2000's *Bush v. Gore*), gun rights (2010's *McDonald v. Chicago*) and same-sex marriage (2015's *Obergefell v. Hodges*).

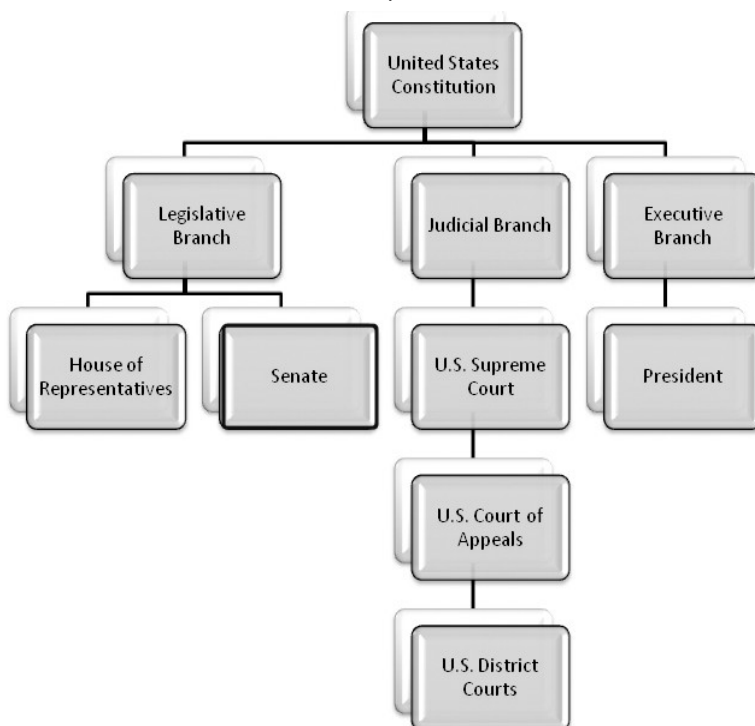
Group 3

Understanding the judicial system in the United States

Explain how the justice system works in the USA Be ready to explain it briefly to the other students

1/It is first important to note that the United States constitution created a system of separate powers

Legislative, executive, and judicial powers are exercised by separate branches of the government, but each branch is able to check the powers of the other branches in certain ways.



The federal legislative body is the United States Congress which consists of the Senate and the House of Representatives. There are two senators from each state, elected for six-year terms. The House of Representatives has 435 members, elected for two-year terms. The number of representatives from each state is based on the population of that state, though every state has at least one representative.

Executive power is exercised by, or under the authority of, the President. Executive power extends both to domestic and to foreign affairs. Subject to certain constraints the President approves legislation, negotiates and signs treaties, appoints federal judges, appoints cabinet officers and other senior officers of the government, and is commander-in-chief of the armed forces. The President is elected for a term of four years, and is limited to two terms. The presidency was established by Article II of the Constitution.

At the time of the adoption of the United States Constitution in 1789, each of the original thirteen states had a fully functioning judicial system. These state courts handled all judicial matters, such as criminal cases, private civil disputes, and family

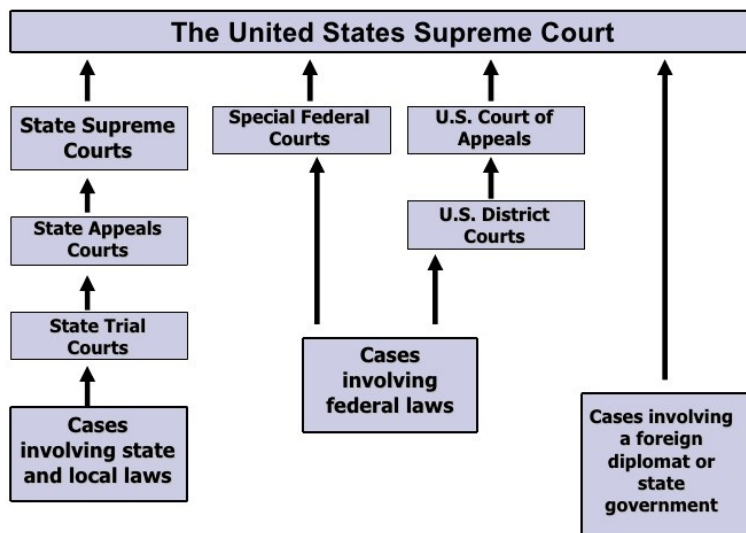
law matters such as divorce and adoption, etc. The framers of the Constitution agreed, however, that a national judiciary was also necessary, at the very least a Supreme Court, which could be the final arbiter on matters of federal law. Therefore, Article III of the Constitution provides for a Supreme Court and gives Congress the power to establish other, lower courts.

Where the Executive and Legislative branches are elected by the people, members of the Judicial Branch are appointed by the President and confirmed by the Senate. That is why it is so important to vote in the USA.

2/How does the judicial system work?

The United States has a system of both federal and state courts. The jurisdiction over cases varies according to the type of court, with trial courts generally having original jurisdiction and appellate courts hearing cases on appeal.

In the United States, the judiciary is a dual court system. This means legal cases involving federal law are heard in federal courts and cases involving state law are heard in state courts..

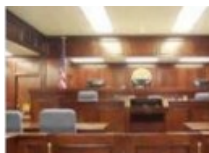


a/The federal Court System

The federal court system is made up of the Supreme Court, courts of appeals, and district, or trial, courts. Most federal cases begin in the district courts. Results can be appealed upward to a court of appeals and then to the Supreme Court. District courts and courts of appeals are organized geographically.



A **district court** is a federal court where a criminal or civil case most likely begins. A district judge hears the case, and a jury usually decides it. There is at least one district court in each state and one each in the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands. The trials are either civil or criminal in nature. People who win their civil case usually are awarded money to compensate for their damage whereas people found guilty in criminal cases usually go to prison.



The next level up in the federal court system is the U.S. circuit courts, which are appellate courts or **courts of appeals**. An **appellate court** is a federal or state court that hears challenges to decisions made by a lower court and rules on whether that court applied the law fairly to reach those decisions. There are 13 courts divided into circuits with each circuit consisting in several states.



The third and highest level of the federal court system is **the U.S. Supreme Court**. Its purview is clearly stated in the Constitution in Article 3, Section 2: The Supreme Court mainly hears cases on appeal from the lower courts, although it does have original jurisdiction in cases involving ambassadors and public officials, as well as in cases in which a state is one of the litigants. **The nine justices(judges)** choose which appeals to hear. A decision by the Supreme Court on a federal constitutional issue is considered the final word on that issue.

b/The State Court System

The state courts are organized similarly to the federal courts but deal with state laws and constitutions. When the jurisdictions of state and federal courts overlap, the plaintiff (a person asking for justice) can choose which court system to bring suit. (a State or a Federal Court)

State trial courts vary both in structure and jurisdiction. There are traffic courts, small claims courts, and family courts, as well as a wide range of courts dealing with issues such as drug possession, crimes committed by homeless persons, personal injury, inheritance claims,

contract disputes, and several other types of civil and criminal lawsuits. Depending on the type of court and the state, a judge or a jury may decide a case.

c/How judges are chosen.

Another main difference between state and federal courts is how judges are chosen. Federal judges are nominated by the president, confirmed by the Senate, and appointed for life. Judges and justices serve no fixed term — they serve until their death, retirement, or conviction by the Senate. By design, this insulates them from the temporary passions of the public, and allows them to apply the law with only justice in mind, and not electoral or political concerns. State judges are granted their position in a variety of ways, depending on the state. In some states, judges are elected by the people or the state legislature for set terms. In others, judges are appointed, either for life or a set number of years, by the governor or a nominating commission.

Group 4

Text: Justices clear the way for eighth federal executions this year

Explain the context ,and the role of the Supreme Court

Katie Bart Deputy Manager Fri, November 20th, 2020 *Supreme court of the United States blog*

Justices clear the way for eighth federal execution this year

The Supreme Court on Thursday night allowed the government to proceed with the execution of Orlando Hall, who became the eighth federal inmate to be put to death since the Trump administration resumed federal executions in July. Hall was sentenced to death for his role in the kidnapping, rape and murder of 16-year-old Lisa René in 1994.

In a [one-sentence order](#), the Supreme Court lifted a district judge's last-minute injunction that had temporarily blocked Hall's execution. Justices Stephen Breyer, Sonia Sotomayor and Elena Kagan dissented and would have left the injunction in place.

The court also rejected three separate emergency requests filed over the past two days in which Hall asked the justices to postpone his execution. Hall was put to death at the federal prison in Indiana.

Hall's case reached the Supreme Court after a flurry of litigation in the lower courts over the execution, which the government had scheduled for Thursday at 6 p.m. On Thursday afternoon, Judge Tanya Chutkan of the U.S. District Court for the District of Columbia issued an injunction blocking the execution. The injunction was based on an earlier finding from Chutkan that the government's method of execution violates the Federal Food, Drug, and Cosmetic Act because the government uses a lethal dose of sodium pentobarbital without obtaining a prescription for that drug.

The government immediately appealed and argued that the prescription requirement does not apply to lethal-injection drugs. The Supreme Court sided with the government. The majority did not explain its reasoning, and none of the three justices who noted their dissent wrote an opinion explaining why.

At the same time, the court denied Hall's three emergency applications, each of which presented separate legal arguments for a postponement of his execution.

In one of his applications, Hall sought a stay of execution so that the court could take up Hall's claim that his conviction was tainted by racial discrimination. Hall, a Black man, was convicted by an all-white jury. Lower courts rejected Hall's initial appeals based on racial discrimination, but Hall argued to the Supreme Court on Thursday that he has never had the chance to present new evidence of discrimination that emerged after those appeals were exhausted.

In a separate application, Hall asked the justices to grant a stay of execution so that they could review the merits of Hall's claim that the government violated his rights by failing to provide him with sufficient notice of his execution date. On Sept. 30, the Department of Justice scheduled Hall's execution to occur on Nov. 19 – providing him with 50 days' notice. A longstanding federal policy had previously guaranteed inmates at least 90 days' notice of an execution date, but the Department of Justice shortened the notice period earlier this year.

Hall's case was the first case involving a pending execution in which Justice Amy Coney Barrett participated since she joined the bench in October. Barrett, a devout Catholic, co-wrote a 1998 article on the moral and legal dilemma that Catholic judges face in capital cases due to the church's opposition to capital punishment. Barrett cited her full participation in capital cases as a law clerk for Justice Antonin Scalia and as a judge on the U.S. Court of Appeals for the 7th Circuit.

Hall's execution is the eighth since the government resumed carrying out the death penalty this summer after a 17-year hiatus on federal executions. According to the Death Penalty Information Center, it is the first time since 1889 that the federal government has carried out an execution during the lame-duck period between a presidential election and the inauguration of a new president. The government has scheduled two other federal executions before the end of the year: Lisa Montgomery on Dec. 8 and Bernard on Dec. 10.

Note: Amy Coney Barrett (a republican) was chosen by president Trump to replace Ruth Bader Ginsburg who died on the 18 September 2020. (a democrat who fought for the rights of LGBTQ community, women (abortion law), African Americans, immigrants, and inmates on death row. This means that out of the 9 justices at the Supreme Court, at least 5 would support more republican ideas.

Un document en français est également possible pour faciliter la compréhension des élèves plus faibles.

Group 5

Text: the “Public Charge” Income Test Threatens to Scare Millions Away from Health, Housing and Nutrition Assistance

Explain what decision was accepted by the supreme court and its impact on federal laws.

Advocates Say the “Public Charge” Income Test Threatens to Scare Millions Away from Health, Housing and Nutrition Assistance

Website "*one America with justice for all*" January 2020

SEATTLE, Washington — On Monday, January 27, the U.S. Supreme Court cleared the way for the Trump administration to make it more difficult for low-income immigrants seeking to come to or trying to remain legally in the United States. The Protecting Immigrant Families – Washington coalition condemns the so-called “public charge” rule, which would effectively impose an income test on family-based immigration and scare millions away from health, housing and nutrition assistance.



Up until now, several court injunctions (orders) had prevented the rule from going into effect since it was announced in Fall 2019. In a 5-4 decision, the US Supreme Court lifted the last nationwide injunction. The Trump Administration has not announced when the rule will officially go into effect.

“This regulation says that, if you’re not white and you’re not wealthy, you’re not welcome in America — that’s an attack on the ideals that made our country great, and whatever a judge says, it’s wrong,” said OneAmerica’s Executive Director Rich Stolz.

Use of public benefits will not automatically make someone a public charge. Immigration officials must look at all your circumstances, including age, health, income, assets, education and family size, in determining whether you are likely to become a public charge in the future. Positive factors, like having a job or health insurance, can be weighed against negative factors.

The rule would also effectively impose an income test on immigration, making it harder for families who earn less than 250% of the federal poverty line to stay together in the U.S. permanently – a bar that a third of the entire U.S. population wouldn't be able to clear. The income-based factor in the proposed rule means that immigration officials could deny individuals who work in important but low-paid jobs — such as home health workers and custodians — the ability to remain in the United States or rejoin families here.

Trump's proposal also outlines other negative factors that could make it easier for immigrants to be deemed "public charges," such as not having a college education, speaking English with limited proficiency, or simply being under age 18 or over age 62.

Publicity surrounding the rule will reverberate in all immigrant communities – not just those who are applying for their green cards. Even if the rule doesn't apply to them, many more immigrants will be more likely to avoid services because of concern about compromising their immigration status.

"We are deeply disappointed by today's Supreme Court's decision that allows the Trump Administration to implement its 'public charge' rule while the legal cases against the rule continue in the federal courts. This rule will place unfair barriers in the way of immigrant community members seeking to become lawful permanent residents or obtain certain other immigration statuses," said Jorge L. Barón, Executive Director of the Northwest Immigrant Rights Project.

Coalition members are advising immigrants who are fearful to get legal advice before refusing food, health, or any other type of assistance they are receiving. Many immigrants are NOT subject to public charge at all.

"Using Medicaid, SNAP, and other benefits can help people become healthier, stronger, and more financially stable in the future. Today's Supreme Court ruling is a deeply disappointing setback. said Janet Varon, Executive Director of Northwest Health Law Advocates, a coalition member that advocates for access to health care for Washington residents.

Group 6

Text: Trump Selects Amy Coney Barrett to Fill Ginsburg

Explain The importance of the choice of justices and how they can have an impact on federal laws

Trump Selects Amy Coney Barrett to Fill Ginsburg's Seat on the Supreme Court

The New York Times Oct. 15, 2020



Ruth Bader Ginsburgh

-
- *The president's nomination of Judge Barrett, a favorite of conservatives, to replace Justice Ruth Bader Ginsburg, will kick off a furious and unprecedented scramble to confirm her in the Senate before Election Day.*



Amy Coney Barett

WASHINGTON — President Trump has selected [Judge Amy Coney Barrett](#), the favorite candidate of conservatives, to succeed [Justice Ruth Bader Ginsburg](#) and will try to force Senate confirmation before Election Day in a move that would significantly alter the ideological makeup of the Supreme Court for years.

Mr. Trump plans to announce on Saturday that she is his choice...But he is not known to have interviewed any other candidates and came away from two days of meetings with Judge Barrett this week impressed with a jurist he was told would be a female Antonin Scalia, referring to the justice she once clerked for.

The president's political advisers hope the selection will energize his conservative political base in the thick of an election campaign in which he has for months been trailing former Vice President Joseph R. Biden Jr., his Democratic challenger. But it could also rouse liberal voters afraid that her confirmation could spell the end of *Roe v. Wade*, the decision legalizing abortion, as well as other rulings popular with the political left and center.

The nomination will kick off an extraordinary scramble by Senate Republicans to confirm her for the court in the 38 days before the election on Nov. 3, a scenario unlike any in American history. While other justices have been approved in presidential election years, none has been voted on after July. Four years ago, Senate Republicans refused to even consider President Barack Obama's nomination to replace Justice Scalia with Judge Merrick B. Garland, announced 237 days before Election Day, on the grounds that it should be left to whoever was chosen as the next president.

In picking Judge Barrett, a conservative and a hero to the anti-abortion movement, Mr. Trump could hardly have found a more polar opposite to Justice Ginsburg, a pioneering champion of women's rights and leader of the liberal wing of the court. The appointment would shift the center of gravity on the bench considerably to the right, giving conservatives six of the nine seats and potentially insulating them even against defections by Chief Justice John G. Roberts Jr., who on a handful of occasions has sided with liberal justices.

Mr. Trump made clear this week that he wanted to rush his nominee through the Senate by Election Day to ensure that he would have a decisive fifth justice on his side in case any disputes from the vote reached the high court, as he expected to happen. The president has repeatedly made baseless claims that the Democrats are trying to steal the election and appears poised to challenge any result of the balloting that does not declare him the winner.

Note: Antonia Scalia was one the 9 justices at the Supreme Court ,Amy Coney Barret was her clerk)

Phase 2 The film "12 Angry Men"

Tâche intermédiaire EO : : the debating line

"Does prejudice always obscure the truth?"

Pousser les tables ou à faire en salle théâtre. Mettre un scotch noir au milieu

If your answer is yes go to the left, if it is no to the right

If you are determined go to the extreme left or right

Prendre la photo

Justify why you are here

Reposer la question une deuxième et voir qui change de place. Demander de justifier.

Prendre une nouvelle photo

Watch the film : What did you understand? What did you like?

Director : Sidney Lumet Production Reginald Rose , Henry Fonda Date : 1957

Genre / ʒɒnrə / : A court room drama film

1/The historical context:

Tâche intermédiaire EO: Each group finds information on the following subjects. Share with other groups.

- Movement for civil rights: 1st November 1955 MLK / Rosa Parks
- Start of the American presence in Vietnam
- HUAC trials: accusing without proper evidence House Un-American Activities Committee; McCarthyism
- 1964: Civil rights
- 1965 : right of vote for black Americans

2/Habits and socio political identities

Behind closed doors : it forces the spectator to watch details , words , intonation

Group work

Watch the film

Tâche intermédiaire EO : A partir des photos des différents personnages, on demande aux groupes de relever les informations importantes (un thème par groupe) puis de faire un compte rendu à la classe. Le powerpoint sous forme de trombinoscope présente les personnages un par un.

What does it reveal about American society?

- Social and political portrait of the American society at the time.
- The poverty of the defendant makes him guilty
- Juror n°3: image of the self-made man

Thème n°1: Explain how they are dressed. Who has a hat , a tie , open collar etc.

What does it reveal about their social background? (prejudices) The way they dress reflects each character's identity

Theme n°2: The jurors 's jobs, social background and ideals

Theme n°3: Quality of their English (accent, politeness)

3/The plot/timeline

Create a timeline. Veiller à ce que tous les éléments ci-dessous soient bien repérés et compris.

-The case; the deliberation; the first vote; the knife; the El train; the apartment; the alibi; the glasses; the photo, the last vote; the verdict; the ending

Travailler le film extrait par extrait et faire un bref compte rendu à l'écrit de l'importance du passage par rapport à l'ensemble du film.

4/Film analysis

a/Atmosphere

The room: behind closed doors, with just an access to the toilets, high temperature, humidity help build tension

b/Ways of framing, angles and shots (Give them the angles and shots)

<https://view.genial.ly/5f3d90465512100da378d419/interactive-content-12-angry-men>

Opening scene /final scene : outside

Opening credits : no capital letters ,we are all equal

Opening scene: low angle shot :importance of the judicial system puis high angle shot (la vue des personnages qui rentrent dans le Palais de Justice)

Final scene :Wide angle-shot ;We breathe again; Jury 8 and 9 give their names ;Return to normal life

c/ Film in 3 parts

*Dramatic tension; everything is filmed above high level

High angle -shot, wide angle

*2/3 of the film at eye level: feeling of confinement, imprisonment reinforced by suffocating heat

*The last part is shot below eye level; tension grows

We can see the ceiling: claustrophobic feeling /emergency /threat

Tone of the voices; shouting /anger

The spectator feels what the character lives

The camera follows a character when he stands up, moves, get closer ,when he speaks

The end: the one who never sweats starts sweating

Juror 3 :touching moment ,we can't see his face /humanity

Analysis of some scenes

d/ Tâche intermédiaire EO : : the debating line once again.

"Does prejudice always obscure the truth?"_Prendre la photo et comparer avec la photo de début de sequence._What did you learn from the film?

Autres tâches intermédiaires possibles

EO :

- Refaire le film en 15 mn /Se répartir les rôles

-Faire jouer une scène du film (travailler l'accent). L'élève s'enregistre (voice over) on coupe le son

-Faire semblant d'être un des acteurs qui raconte ce qui s'est passé sur le film

-Imaginer un interview avec le réalisateur. En quoi le film défend le système judiciaire

- Le soir le personnage rentre chez lui. Que va-t-il dire?

EE: What are the questions raised by the film? Write 500 words on one of these themes.

-Justice /equality in front of justice

-individual responsibility

- to err is human /Humans can make mistakes

-We have rights and duties

- you can twist the facts

The importance of having a leader who keeps his calm in a debate

Phase 3 (veiller à ne pas faire une séquence trop longue)

The art of convincing

1/Making a speech

Analyse the videos of famous people making a speech: Jacinda Ardern, Barack Obama etc:

- Analyse the body language

- Read the speeches : How are they built?

-Listen to the speeches : How do they make their speech efficient (pause , stressed words)?

Tâche intermédiaire EO :

Dire le discours de la pire façon possible sur le plan physique /ou l'imiter le mieux possible

Tout ce qu'il ne faut pas faire. Concours du discours le plus raté

Tâche finale : the debate

Donner des sujets de débats à préparer.

Les documents joints proviennent du webinaire du 15 février 2018 sur le développement de l'expression orale. Merci à Mme Gendrin pour les supports ci-dessous.



Time's up!

5 min



Team 1 + 2 => conclude the debate
To conclude,...



Assessors => Fill the assessment grid.




Judges => fill the assessment grid.
Choose the best team. Justify your choice.

2. Conclude

Circle the appropriate letter for each item:


A ++ E --

	AGAINST 
1. Every team member spoke equally	A B C D E
2. Everybody was polite	A B C D E
3. The team made efforts to understand the other team's arguments	A B C D E
4. The arguments were varied and convincing	A B C D E
5. the team used counter-arguments	A B C D E
6. The team made efforts to exchange points of view	A B C D E
7. The team's looks, attitudes, tones were convincing	A B C D E
8. The quality of spoken English was good	A B C D E
The winner is	

You are an assessor.

Your job is to check if one team succeeds in debating.

1 - Listen and write down the arguments:

Name	AGAINST 



Videogames can make you smarter

Jury's

worksheet

You are **a member of the jury.**



Your job is to moderate the debate and to choose the best team.

1 - Listen and speak

Use the expressions below:

<i>The title of the debate is...</i>	<i>Use examples!</i>	<i>The debate is over!</i>
<i>Let's start</i>	<i>Listen to each other!</i>	<i>Time's up!</i>
<i>Team 1 ...</i>	<i>I am sorry, you have to repeat.</i>	
<i>Team 2...</i>	<i>Can you explain?</i>	
<i>Do you agree with ... ?</i>	<i>Do you think that.... ?</i>	
<i>Why do you disagree ... ?</i>		

2 - Conclude

	A ++	E--	Team FOR 	Team AGAINST 
1. Every team member spoke equally	A	B	C E	D
2. Everybody was polite	A	B	C E	D
3. The team made efforts to understand the other team's arguments	A	B	C E	D
4. The arguments were varied and convincing	A	B	C E	D
5. the team used counter-arguments	A	B	C E	D
6. The team made efforts to exchange points of view	A	B	C E	D
7. The team's looks, attitudes, tones were convincing	A	B	C E	D
8. The quality of spoken English was good	A	B	C E	D
<i>The best team is ... because...</i>				

Agreeing	Disagreeing	Personal Opinion	General phrases
Good idea! Exactly! Obviously!	I disagree with you because... I strongly disagree with you... I don't agree with you	Personally, I think... I guess... I suppose so	I am not sure I understand what you mean I am sorry, what did you say?
I totally agree with you You're absolutely right It is certainly true that...	I don't agree with you on that point I don't fully agree with you	The way I see it is... As far as I'm concerned... It seems to me that...	Can you repeat please? I am terribly sorry but I haven't understood the question
I support your idea because...	I don't really think so because... I'm afraid you're wrong	In my opinion... To my mind...	What I mean is that... In other words... Let me say it differently...
I think it is possible because... / but ...	I have mixed feelings about...	I'm convinced that... I'm pretty sure that...	To be brief... / To sum up...
Besides Moreover Furthermore	I am totally against ...	I just want to point out that...	On the one hand... , On the other hand...
Partial Agreement			Considering this, we should...
That's true, but...			That's the reason why ...
You're right up to a point...			I would like to make another point Use an example!