

# 2018 Constitution Day: More Than Words

## Presenters Guide

**Objective:** To examine the United States Constitution and explore the role of the judicial branch in our Constitutional structure.

**Time:** 1 hour

**Materials:**

- More Than Words 2018 PowerPoint
- Projector
- Computer

**Preparation:**

- Print and review all materials
- Print PowerPoint in “Notes” view for notes accompanying PowerPoint presentation

### Presentation Guide

**Introductions and Icebreaker** Introduce yourself and welcome attendees to the presentation. Highlight Informed Voters, Fair Judges as a project of the National Association of Women Judges and deliver the presentation objectives.

- **Audience Engagement:** Using the PowerPoint, have audience members read excerpts from a constitution and guess where the excerpts are from (Russia and North Korea).

**The United States Constitution** The presentation will provide a definition of a constitution, an overview of the structure of the U.S. Constitution, examine the roles of the three branches of government, and emphasize the need for separation of powers and checks and balances. The PowerPoint will also provide a visual of the hierarchy of law, emphasizing the U.S. Constitution as the Supreme Law of the Land.

**Historical Considerations** The PowerPoint will provide some historical context for judicial selection, focusing on issues prior to the American Revolution. At this time, courts were instruments of oppression where juries could be locked up until the “right” decision was made and where judges were seen as puppets of the king. These complaints were addressed in the Declaration of Independence and, subsequently, in the U.S. Constitution.

**The Role of the Courts** The PowerPoint will give an overview of the role of the courts, focusing on the following four roles: resolving disputes through a legal process; interpreting and apply the law; determining if a law is unconstitutional; protect the rights of the people.

**What’s the Difference? Distinguishing the Judicial Branch** Using the PowerPoint, show how the legislative and executive branches are influenced by outside factors including public opinion, political parties, lobbyists, special interests, personal opinion, and other factors. Next, focus on the unique role of the judicial branch and how it was designed to be insulated from these outside pressures. Decisions made by the judicial branch should be based on the facts and the law. Emphasize that the judicial branch was not designed to be a representative or political branch of government.

**Judicial Decision-Making** The presentation will go on to explore the sources of law judges use in making decisions. Emphasize that the appellate function serves as a means of keeping the judicial branch accountable. The comic strip included will address the role of the judicial branch in interpreting and applying the law, demonstrating how even the smallest of words or even punctuation can make a big difference in interpretation. The following slides will demonstrate this more in depth. Involve the audience in exploring these questions.

**Cases and the Courts** The presentation will go on to explore the sources of law judges use in making decisions. Emphasize that the appellate function serves as a means of keeping the judicial branch accountable. Explain that judges must make difficult, sometimes unpopular, decisions in accordance with the law. Emphasize that cases come through the courts through a legal process – judges do not reach down and select cases to hear. The presentation will provide examples of controversial cases including *Brown v. Board*, *Loving v. Virginia*, and *Texas v. Johnson*.

- **Audience Engagement Question:** What may happen if judges decided cases solely on what the public, special interest groups, or politicians wanted? Discuss responses.

### **The Judicial Branch: Examining the Issues Threatening Fair and Impartial Courts Today**

- **Audience Engagement Activity:** Write down three positive and three negative labels you have heard used to describe judges or judicial decisions.

Discuss audience responses, using the chart provided in the PowerPoint to show the dangers of labeling judges. The PowerPoint will provide a short video compilation of campaigns ads against judges. Instruct the audience to listen for and identify labels used throughout. Discuss the observations.

- **Audience Engagement Question:** How does the use of labels influence public perception of the courts?

**Issues Impacting the Courts** Using the PowerPoint, discuss the quotes, news articles, pictures, and international examples provided to demonstrate issues impact the courts and political attempts to weaken judicial power.

**Conclude by asking the audience about important characteristics and considerations in selecting judges.** Create a list of characteristics and attributes the audience provides. Remind the audience to remember that the courts were not designed to be a political or representative branch of government.

Highlight the resources provided on the Informed Voters, Fair Judges website and provide contact information.