Authentic Intellectual Work:
Using the Internet to Learn about the Supreme Court

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As more social studies classrooms gain access to the Internet each year, teachers are frequently exploring ways to maximize the use of this technology in their respective learning environments. This paper discusses the need to generate – and the subsequent benefits of facilitating – discussion when using the Internet in social studies settings, especially as it relates to learning about the Supreme Court. The author provides examples of how the Supreme Court webpage can be used in the high school Civics classroom; using the authentic intellectual work framework to provide the necessary structure for the lesson and background information on specific Supreme Court cases to help teachers implement the lesson with their students.

Key Words: Supreme Court, Internet, Authentic Intellectual Work, Educational Technology, Social Studies, and Civics

Introduction

Most high school students are unaware of the far-reaching influence of the Supreme Court. Less than one-quarter of high school students, for example, are able to explain how the judicial branch can check the President’s power. In addition, less than one-half know how the Constitution delegates the judicial branch to protect individual rights (National Assessment of Educational Progress [NAEP]. 2006). Yet, the National Standards for Civics and Government (NSCG) states, “Students should be able to evaluate, take, and defend positions on current issues regarding the judicial protection of individual rights (Center for Civic Education, 1994, p. 117).”

The need for high school students to fully comprehend the importance of the judiciary branch in American democracy is critical. Our students, who may be our future leaders, must understand the purpose of the Supreme Court. The Internet is an expansive resource students can leverage to help them understand the purpose of the nation’s highest court.

Students are growing up in a world immersed with technology. As 96% of teenagers use the Internet (Oblinger & Oblinger, 2005) and prefer to conduct research using the Internet first (Prensky, 2001). Teenagers also enjoy the interactivity of the Internet (Oblinger and Oblinger, 2005). The Internet, therefore, has grown to become a promising alternative method for teaching high school social studies students. Having used the Supreme Court Internet webpage with my high school students, I found that the site provided a platform through which students could apply what they had learned from prior lectures and readings on the Supreme Court. However, I
was looking for a more fluent way to use the webpage in my classroom. The authentic intellectual work framework provided the necessary structure to engage my students in higher-level thinking as they investigated the site. The suggestions that follow are based on my first-hand experience of using the web-based resource with my students.

Authentic Intellectual Work: Powerful and Authentic Social Studies

A lesson guided by authentic intellectual work has several key components. These include the following: (1) student construction of knowledge, (2) a disciplined inquiry, and (3) value beyond school (Newman, King, & Carmichael, 2007). Teachers have used the framework across disciplines for many years, yet many have not considered using the structure while designing lessons that incorporate using the Internet. This framework has great potential relative to helping social studies teachers design meaningful and powerful lessons with technology.

According to the National Council for the Social Studies (NCSS), authentic intellectual work features many of the elements needed for powerful social studies instruction. The National Council for the Social Studies believes powerful social studies teaching and learning is: meaningful, integrative, value-based, challenging, and active (Harris & Yocum, 2000). In particular, authentic intellectual work helps students construct knowledge because it presents a challenge. In this type of lesson, “Students learn to listen carefully and respond thoughtfully, citing relevant evidence and arguments” (Harris & Yocum, 2000, p.2). The webpage featured in this article provides a rich opportunity for students to engage in discourse regarding contemporary federal judicial decisions.

Authentic Intellectual Work: Student Construction of Knowledge

The ideas on student construction of knowledge, presented by the authentic intellectual work framework, mirror the way adults learn. Fred M. Newman, M. Bruce King, and Dana L. Carmichael (2007) argue students can learn like adults do in various occupations, writing, “To reach an adequate solution to new problems, the competent adult has to construct knowledge because these problems cannot be solved by routine use of information or skills previously learned” (pp. 3-4). When students, for example, learn about the Supreme Court, they could be asked to memorize information for a test, where they might be asked to recall who the Supreme Court justices are or what type of decisions go all the way to the Supreme Court. It would be more meaningful, however, for students to construct knowledge by applying what they have learned from class lectures and course readings to contemporary decisions made by the Supreme Court. Such a process gives students a great deal of ownership in their learning and can be a motivating experience for them in the classroom (Newman, King, & Carmichael, 2007).

The bulwark of authentic intellectual work is the rigorous experiential learning, taking place as students construct their knowledge. During this pedagogical experience, students are involved in “organizing, interpreting, evaluating, or synthesizing prior knowledge to solve new problems” (Newman, King, & Carmichael, 2000, p. 4). Examples are given below of federal judicial decisions and how teachers can use the Supreme Court’s webpage to facilitate this problem-solving technique in a lesson using the authentic intellectual work framework.

Authentic Intellectual Work: Disciplined Inquiry

Authentic intellectual work also is characterized by a meaningful examination of a subject. Rather than covering too many topics in a single class period, lessons using authentic intellectual work feature a narrow focus, believing that “less is more” and in “depth over
breadth”. This philosophy of instruction reinforces the National Council for the Social Studies’ notion that learning should be meaningful, “[Social studies] instruction emphasizes important ideas in depth and helps students see the connection between these ideas and their implications for citizenship” (Harris & Yocum, 2000, p. 2). The Supreme Court lesson featured in this article follows this paradigm.

Elaborated communication is another unique feature of the authentic intellectual work framework (Newman, King, & Carmichael, 2007). In order to follow the recommendations of this model, there should be significant opportunity for students to discuss the subject under investigation. During this type of lesson, students can challenge their peers on the constitutional issues at stake in the federal rulings, and in some instances, share how they may have ruled if they were a Supreme Court justice. Coincidentally, this is frequently how adults learn in the workforce. It is important to note the Justice’s work usually is not done in isolation with colleagues to facilitate peer learning often are required. This process may also involve problem-solving aloud. It is important to note that “accomplished adults in a range of fields rely upon complex forms of communication both to conduct their work and to present its results” (Newman, King, & Carmichael, p. 4). In order to accomplish in the classroom with the Internet, students can dialogue about their finding, which arguably makes learning much more meaningful to them (Newman, King, & Carmichael).

Authentic Intellectual Work: Value Beyond School

Authentic intellectual work exemplifies the NCSS definition of powerful social studies since it has value beyond school for students. This value-based approach enables students to “build an understanding of core democratic values, which they apply to making decisions for the common good” (Harris & Yocum, 2000, p. 2). Of course, the Supreme Court deals with key constitutional issues each year. It is critical, therefore, for students to see how these issues play a pivotal role in democratic process as practice in the USA. Using authentic intellectual work and the Supreme Court’s Internet webpage, students can begin to make these connections to see how this type of lesson can be valuable beyond the academic environment.

It is important to note that lessons relevant to the lives of students can be much more appealing to them. The need to design lessons that enable students to see these connections has been described as, “Intellectual challenges raised in the world beyond the classroom are often more meaningful to students than those contrived only for the purpose of teaching students in school” (Newman, King, & Carmichael, 2007) p. 5). The Supreme Court’s webpage potentially has a great amount of value to students if they use the AIW framework.

Authentic Intellectual Work and the Internet: Meaningful Learning with Technology

The need for students to think critically about the subject matter when they are using the Internet is imperative. David Jonassen, Chad Carr, and Hsiu-Ping Yueh (1998) state, “Rather than using the power of computer technologies to disseminate information, they should be used in all subject domains as tools for engaging learners in reflective, critical thinking about the ideas they are studying” (p. 32). Most lessons today, with or without technology, “rarely call for higher-level thinking, interpretation, or in-depth conceptual understanding” (Newman, King, & Carmichael, 2007, p. 2). Authentic intellectual work helps to move an Internet lesson forward by moving away from the root memorization of information, to a much more engaging lesson for learners involving deeper contextual issues.
Many teachers have had students fill out a worksheet covering items found on an Internet webpage or had students list what they had learned. This procedure fails to force students to think critically about the subject matter they investigated online. Using the authentic intellectual work framework, teachers can develop higher-level thinking discussion questions, as the students follow along step-by-step using the Supreme Court’s webpage. This process makes it more likely students will share what they have learned “in written and oral discourse, by making and repairing things, and in performances for audiences” (Harris & Yocum, 2000, p. 9). This process is much more meaningful to students than memorizing and regurgitating information for a test. Students are forced to reflect on what they learned, to put their thoughts into words, and to be ready to defend their position.

Although the Internet is a powerful tool, it has not matured to a point where students can magically learn from it. The full potential of the Internet cannot be harnessed in the social studies classroom unless a level of rigor is applied to the students’ online investigative approaches. Students must be challenged to do some higher level thinking when they use the Internet in the classroom. The authentic intellectual work framework has value when used in conjunction with technology in challenging students. Disciplined inquiry has been described as requiring “thoughtful discourse in full sentences and paragraphs rather than fragmentary recitation in single words or short phrases” (Harris & Yocum, 2000, p. 9). Rather than having students answer lower level recall questions, for example, they should be involved in elaborated communication where they can connect their prior knowledge and demonstrate an in-depth understanding of a specific topic. In this type of lesson, students need to have an in-depth understanding of the constitutional issues that the United States Supreme Court wrestles with each year.

Focus Questions: Providing Structure to Technology-Rich Lessons in Social Studies

Teachers can develop focus questions to help foster a formative discussion when students use the Internet in the social studies classroom. Focus questions ask each student to offer an opinion based on logic and factual evidence, as they tend to concentrate on key concepts or powerful ideas (Harris & Yocum, 2000).

Focus questions for lessons using the Internet in social studies can be guided by the six thematic standards put forth by Powerful and Authentic Social Studies (PASS), a professional development program sponsored by NCSS. These standards include the following: (1) higher order thinking, (2) deep knowledge, (3) substantive conversation, (4) connections to the world beyond the classroom, (5) ethical valuing, and (6) integration. As the context framed by these themes implies, a substantial point of emphasis is to move social studies lessons toward a more engaging and challenging structure for students. This can include lessons that incorporate Internet usage to combat the uneven nature of traditional learning environments, as highlighted by Harris and Yocum (2000):

During lessons with little or no substantive conversation, teacher-student interaction typically consists of a lecture with recitation, where the teacher deviates very little from delivering a preplanned body of information and set of questions. Students give very short answers. Because the teacher’s questions are motivated principally by a preplanned checklist of questions, facts, and concepts, the discourse is frequently choppy, rather than coherent; there is often little or no follow-up of students’ responses. Such discourse is the oral equivalent of fill-in-the-blank or short-answer study questions. Student-to-student interaction can also reflect these qualities (p. 35).
In today’s technology-rich classroom, as teachers are looking for meaningful ways to integrate the Internet successfully into their instruction, the ideas presented by Harris and Yocum collectively serve as a salient reminder regarding what educators should keep in mind when designing social studies lessons that utilize educational technology.

During the lesson, there should be sustained conversation about the topic, including teacher-to-student interaction and student-to-student interaction, which leads to a more complete understanding of the topic under study (Harris & Yocum, 2000). In the course of the lesson, it is critical for the teacher to connect the subject matter to the lives of the students beyond the classroom itself. For example, there are several opportunities to relate decisions made by the nation’s highest court to ethical valuing. By doing so, students must consider “what is right or wrong, fair or unfair, just or unjust” (Harris & Yocum, 2000, p. 36). Additionally, teachers can explore ways to make an Internet lesson in social studies integrative. Interpreting the material from an integration perspective will help students view the discipline as powerful and authentic, as they will be encouraged to make the connections that will lead to a more meaningful learning experience for them (Harris & Yocum, 2000).

**Supreme Court Jurisdiction: Building Background Knowledge for the Internet Investigation**

Before using the Supreme Court’s webpage in the classroom, spend time in prior class periods discussing how the Supreme Court determines which types of cases to hear. Ultimately, students will be better suited to apply and relate what they have learned during these discussions to subsequent dialogue centered on the webpage. It is important to begin by mentioning that the nation’s courts are divided into a state and federal court system (Saffell, 1998). The United States Supreme Court is a part of the federal court system. Before a case goes to the Supreme Court, it begins in a federal district court. There are ninety-four district courts covering each region of the country. Each district court is a part of one of 11 circuit courts (Hardy, 1990). After a case is decided in a federal district court, the decision can be challenged in a federal court of appeals. About 95% of cases heard by the Supreme Court previously were heard by an appellate court. Following a decision in the federal court of appeals, the case can be challenged in the United States Supreme Court (McClenaghan, 2001). Only a small percentage of cases in the federal court system are actually heard by the Supreme Court. About 10 million cases are tried each year, and about 5,000 cases are appealed to the nation’s highest court. Of those presented for its consideration, the Supreme Court picks less than 100 cases to hear each year (McClenaghan).

The Supreme Court does not hear every type of case. Cases involving a significant constitutional issue are most frequently heard by the Supreme Court, specifically those that involve issues pertaining to the civil liberties defined in the Bill of Rights. There are, however, other types of cases heard in the Supreme Court: disputes between two states, legal issues involving a treaty, maritime issues, issues involving foreign ambassadors, issues pertaining to diplomats, and disputes between the federal and state governments are also heard by the Supreme Court (Hardy, 1990; Saffell, 1998).

**Supreme Court Decisions: Application of Knowledge Using the Internet**

Once students have a firm understanding of the type of cases heard in the Supreme Court, they should be ready to apply what they have learned from prior lectures and readings. The Supreme Court’s webpage enables students to see recent decisions. Students can click on the
segment titled “Opinions” to see a rich database documenting Supreme Court decisions since 2006. This segment of the webpage enables teachers to facilitate meaningful discussions with students to see if they can identify why the Supreme Court heard each case. This opportunity allows students to explain which constitutional issue is at stake in each of the cases or if there was another reason the case was heard by the Supreme Court, such as a dispute between two states. This process can also challenge students to think critically about the Supreme Court using authentic intellectual work and the Internet, instead of recalling simple facts about the judicial branch. Most importantly, this feature of the webpage allows students to see recent Supreme Court decisions that would otherwise be difficult to attain without access to the Internet.

During this developmental part of the lesson, students are asked to engage in conversations about the webpage rather than haphazardly browse the online resource. This is a critical feature of the lesson. Otherwise, students will fail to apply what they have been learning in a meaningful way. In particular, it is key for students to participate in higher level thinking in the social studies classroom which involves “making distinctions, applying ideas, forming generalizations, or raising questions; not just the reporting of experiences, facts, definitions, or procedures” (Harris & Yocum, 2000, p. 35). The discussion that takes place in the classroom will build on the ideas of the participants to enable a collective understanding of the theme or topic (Harris & Yocum). Accordingly, student participants will analyze the Supreme Court decisions in order to both develop a richer understanding of the key constitutional issues and be able to engage in meaningful interchanges with their peers regarding these topics.

Panetti v. Quarterman: Student Construction of Knowledge

In 2006, the Supreme Court heard many cases that involved a wide range of constitutional issues. Panetti v. Quarterman, Director of the Texas Department of Criminal Justice, is an example. Students can view details of the case by clicking on the “2006 Term Opinions of the Court”. To help students become familiar with the material, a recommended action is to have them read the first couple of pages of the introductory portion of the opinion titled “Syllabus” to get a sense of the constitutional issue at stake. In the case Panetti vs. Quarterman, Scott Louis Panetti was convicted of murder and sentenced to death. However, the defendant had a history of mental illness. There was an issue of whether the defendant could be executed due to his medical condition. In particular, there was evidence the defendant did not understand why he was sentenced to death (Supreme Court, 2008). At this point in the lesson, pausing and interjecting a question such as “Explain which constitutional issue applies in this particular case” could be an effective way to generate conversation among the students. Hopefully, students will conclude it is an Eighth Amendment issue. Amendment Eight states, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted (Saffell, 1998).” Of course, the phrase “cruel and unusual punishment” is the issue which pertains to the case of Panetti vs. Quarterman since the defendant was mentally ill.

At this point of the Internet investigation, each student should be challenged to construct their knowledge of the nation’s highest court. The challenge will place each student in a position to “construct or produce, rather than merely reproduce, meaning or knowledge by interpreting, evaluating, analyzing, synthesizing, or organizing information” (Harris & Yocum, 2000, p. 16) to make an informed conclusion on the Panetti vs. Quarterman judicial opinion. Teachers also may want to ask another question such as “In your opinion, is the death penalty an example of cruel and unusual punishment in this case?” A variety of opinions should be
expected, but, at this juncture, students should be allowed to see how the court ruled in the case by viewing the last portion of the “Syllabus.” As a point of note, the court ruled in a 5-4 decision the defendant could not be executed (Supreme Court, 2008).

By scrolling down the webpage, students can view the text of the majority and minority opinions in the case. The opinions are written explanations detailing the legal arguments for justices on each side of a case (Saffell, 1998). Each opinion goes into great detail describing all of the circumstances involved in the case and a justification for their opinion. Most students will find the opinions to be an interesting read but, the opinions are lengthy. Due to time constraints, students should be instructed to only read the first few pages of the majority and minority opinions to get a sense for the legal arguments outlined by the justices on both sides. In Panetti vs. Quarterman, Justice Kennedy wrote the majority opinion. He described, in the first section of his opinion, how Scott Louis Panetti murdered his wife’s mother and father in 1992 while dressed in camouflage. Afterwards, he took his wife and daughter hostage for one evening before surrendering to police. The defendant wanted to represent himself in court. Following a psychiatric evaluation, the defendant was found to suffer from delusions, hallucinations, and a fragmented personality. The defendant also had been hospitalized numerous times and was taking a considerable amount of medication (Supreme Court, 2008). This case demonstrates how complicated Supreme Court decisions can be. Without Internet access in the classroom, it would be very difficult for students to become familiar with this case and cases of similar complexity. It would also be difficult for students to connect what they learned via traditional teaching methods to the case. Specifically, working with material on the website enables students to construct their knowledge by identifying which constitutional issue applied to Panetti v. Quarterman, and support their positions with logic and evidence.

Morse v. Frederick: Disciplined Inquiry

Another case heard by the Supreme Court heard in 2006 was Morse v. Frederick, a case that can also be accessed by clicking on the link “2006 Term Opinions of the Court”. Morse v. Frederick is a case that should captivate the interest of most students since it involves an incident that took place at a high school in Juneau, Alaska. The case involves a student named Joseph Frederick versus a Principal named Deborah Morse. In January 2002, students at the school were allowed to participate in an event to see the Olympic torch as it passed through Juneau, Alaska on its way to Salt Lake City, Utah for the upcoming winter games. Joseph Frederick, a senior at the high school, attended the event and unveiled a fourteen-foot banner which read “Bong Hits 4 Jesus” which could be easily read across the street. The Principal, Deborah Morse, immediately took the banner and suspended Joseph Frederick for ten days due to his violation of a Juneau School Board policy. The student was in violation of a rule, that stated students cannot publicly advocate for the use of substances which are illegal to minors (Supreme Court, 2008).

Once students have had an opportunity to view the opinions, consider asking a couple of different questions to help focus the disciplined inquiry. First, “Categorize which constitutional issue applies to the case?” Most students will recognize the case involves the First Amendment and whether the student’s right to freedom of speech was violated. Second, “Suppose you were on the Supreme Court, how would you have ruled on the issue?” Opinions will differ greatly among students. Yet, students will see how each Supreme Court case is different and has many variables to consider. In this specified disciplined inquiry, each student should be encouraged to use his or her prior knowledge in order to comprehend and communicate personal conclusions aloud in class in regard to this complex Supreme Court decision (Harris & Yocum, 2000).
case was so difficult the Supreme Court ruled in a narrow 5-4 decision in favor of the Principal affirming schools can limit students’ freedom of speech on matters such as promoting illegal drug use (Supreme Court, 2008).

Brendlin v. California: Value Beyond School

In general, using Supreme Court cases that involve multiple constitutional issues gives students a sense of the wide-ranging issues facing the justices. The Supreme Court case *Brendlin v. California* provides a good example of this. Students can find the case in the link labeled “2006 Term Opinions of the Court.” By reading about the case, students will discover many interesting details. Chief among these details is that they cannot be replicated in a textbook. Most textbooks provide general descriptions about the Supreme Court, but lack the interesting information and evidence found in a primary source. Specifically, in *Brendlin v. California*, Bruce Brendlin was a passenger in a car that was pulled over by a police officer. The driver of the car had a temporary permit and the officer wanted to check on the validity of the permit. When the officer approached the vehicle, he recognized the passenger, Bruce Brendlin, and recalled he had dropped out of parole supervision. Upon further investigation, the officer discovered Mr. Brendlin had possession of methamphetamine paraphernalia. The police officer promptly arrested him (Supreme Court, 2008).

As soon as the students finish viewing the opinions, consider asking them to “Determine which constitutional issue applied to the case and support it with evidence. The case deals specifically with the Fourth Amendment which reads “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized (Saffell, 1998).” It is critical to point out to students the key issue at stake in the case is whether probable cause applies to the passenger. Remember, the police officer pulled over the car due to probable cause related to the driver’s temporary permit.

Students will find that the Supreme Court ruled 9-0 in favor of Brendlin since he was a passenger in the car. In the majority opinion, written by Justice Souter, he affirmed Brendlin’s constitutional rights were violated, specifically relating to the Fourth Amendment (Supreme Court, 2008). Another question to build on the momentum of the discussion could be to ask students to offer their thoughts on the decision, “Do you agree or disagree with the majority opinion? Why or why not?” In my opinion, this case is a very useful opportunity for students to see how the fourth amendment was applied in a real life scenario. Consequently, each student can see more easily how the lesson has value beyond school. Harris and Yocum (2000) concur noting the need for these types of engaging lessons, since they have a “practical impact apart from documenting the competence of the learner” (p. 16).

Summary

The Internet, when used appropriately with the authentic intellectual work framework, offers a promising opportunity for high school students to learn about the Supreme Court. The Supreme Court’s Internet webpage enables students to see first-hand decisions recently made by the justices. In the past, it would have been very difficult for students to access the opinions of the justices. Arguably, the biggest advantage of viewing the opinions online is for students to see how interesting and unique each Supreme Court case is. In this article, three Supreme Court
decisions were used as examples. It is important, however, to note that teachers can pick from a wide variety of judicial decisions on the Supreme Court webpage.

Students can access webpages on a variety of topics related to the social studies curriculum. Teachers need to spend time planning how to implement the Internet in a meaningful way. The authentic intellectual work framework can guide a teacher as lessons are planned to move students from simple “web surfing” to engagement higher cognitive skills. Many high school students will enjoy the increased rigor and expectations when using the Internet in the classroom with this approach.

The opportunity for students to apply what they have learned from prior lectures and readings is a critical component in the lesson plan presented. My experiences with the Internet in the classroom have shown that the Internet is used most effectively when students are given the opportunity to activate their prior knowledge and see how it applies to the information accessed on the Internet. In this lesson, students are challenged to reflect on their prior knowledge of the Supreme Court and connect it to what they are viewing on the Internet to make learning more meaningful to them. This process can arguably make it more likely that students will see the value of the lesson to their personal lives, which is a goal of authentic intellectual work.

References


Web Based References


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