MODULE EIGHT

In the content session, members discuss a controversial issue and examine the conflicting values behind it. In the action session, members report on their progress on their action projects.

CONTENT SESSION: VALUES IN CONFLICT

In a democracy, citizens often must choose among conflicting values. In this session, members debate a controversial issue. First, members read about a case that went before the Supreme Court. Then they role play defense attorneys, prosecuting attorneys, and justices in the case.

Facilitator Checklist

- Pens and paper for members
- Copies of Handout 8A for members

Learning Objectives

Members will be able to:

1. Create and evaluate arguments on a controversial issue.
2. Express a reasoned opinion on a controversial issue.
3. Make a presentation to other members.

Notes

HANDOUT 8A

Values in Conflict

Introduction

Conflicts and disagreement are inevitable and even necessary to the democratic process. People argue over what should be done about crime, the environment, education, etc. Conflicts even arise over basic values and citizen rights. In the case of *California v. Greenwood*, a dispute arose over trash bags. The case was appealed all the way to the U.S. Supreme Court.

I. *California v. Greenwood*

In 1984, Billy Greenwood was arrested and convicted in California on felony narcotics charges. The main evidence against Greenwood had been gathered by police from Greenwood's plastic trash bags. Greenwood had left them on the curb in front of his house for the trash collector. The police did not have a search warrant, but they did get permission from the trash collector to look through Greenwood's trash bags.

To conduct a search, police need both "probable cause" that a person has committed a crime *and* a search warrant. Police had neither. But attorneys for the state of California argued that police did not conduct a "search" as defined by law. A search is a governmental intrusion into something in which a person has **a reasonable expectation of privacy**. Greenwood, argued the state's attorneys, had no reasonable expectation of privacy in trash bags left on the curb for the trash collector. Greenwood's lawyers argued that Greenwood did have a reasonable expectation of privacy in these bags and that therefore the police had conducted a search, which they had no right to do.

The California Court of Appeals agreed with Greenwood and so did the California Supreme Court. Finally, the state of California appealed the case to the U.S. Supreme Court.

The court had to decide this question: **Did Greenwood have a reasonable expectation of privacy in trash bags left on the curb for collection?**

II. Activity

In groups of three, debate the question in the *Greenwood* case. Have one person in each group take the role of a defense attorney, another take the role of an attorney for the state, and the third take the role of a Supreme Court justice. Prepare for the role and sharpen your arguments by first meeting with members who are taking the same role. Then meet with your group of three and begin the role play.

III. For Discussion

1. What were the strongest arguments for each side? Why?
2. How do you think the case should have been decided? Explain.
3. Why do you think justices hearing the same arguments in a case come to different conclusions?

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Conducting the Session

1. Ask members: "What things that you throw in the trash would you want no one to look at?" (Love letters, photos, etc.) Continue the brainstorm until it becomes clear that there are a lot of things people throw away that they don't want others to look at.

2. Tell members that today they are going to examine a controversy over trash and the right to privacy. Distribute Handout 8A. Ask members to read the Introduction and Section I: *California v. Greenwood*. When they finish, discuss what the case is about.

3. Divide members into groups of three. Assign each group member one of three roles—justice of the Supreme Court, defense attorney, or attorney for the state.

4. Regroup the members so each role group sits together. Attorneys should think up their best arguments and Supreme Court justices should think of questions to ask each side.

5. Redivide into the groups of three. Tell them that the judge in each group should conduct a hearing on the issue. The justice will allow each side to make its presentation and will ask questions of each side. Inform them how much time they will have to make their presentations. After both sides present, each justice should come to the front of the room and prepare to present a decision on the case.

6. When every justice has come to the front, ask each one to present his or her decision and reasons for it.

7. Finally, hold a discussion using the questions in Section III: For Discussion. (Note: The U.S. Supreme Court ruled in favor of California, reasoning that there could be no expectation of privacy because bags left on the street are commonly opened by "children, scavengers . . . and other members of the public.")

ACTION SESSION: PROGRESS CHECK

In this session, members check on their progress with the action projects. First, members read about checking their progress. Then they discuss among themselves how effective the plan is, how well they are accomplishing their tasks, and how well they are getting along as a team. Finally, they report on their progress to the others.

Facilitator Checklist

- Chalkboard or chart paper
- Pens and paper for members
- Copies of Handout 8B for members

Learning Objectives

Members will be able to:

1. Evaluate the effectiveness of their plan and make revisions if necessary.
2. Monitor their tasks.
3. Reflect on how well they are performing as a team.

Notes

HANDOUT 8B

Progress Check

Introduction

You're in middle of your action project. It's a good idea to revisit your project plan and take stock of your progress. By stopping and thinking about what you are doing and why, you can correct problems, improve planning, and get more out of the experience.

I. Taking Stock

The plan. How effective is your plan? Are you following it? Did you overlook anything when you made it? Does it need to be revised?

The tasks. Does anyone need help in completing a task? Are you accomplishing what you want to? Are you spending too much time on some tasks and not enough on others? Are you keeping track of what you are doing so you can do a final evaluation? Does your task list need to be revised?

The group. Are you getting along as a team? In what ways is your team working well? What could be done to improve how you're working as a team?

Other problems. What other problems have you encountered? What can you do to solve them?

Learning. What have you learned so far? Would you change anything you've done? Why?

II. Activity

Get together in project teams and discuss the questions in each of the areas above. Then prepare a report on your progress for the other teams. Your report should tell what you've been doing and should include information that you think would be helpful to the other teams.

III. For Discussion

1. What has been the most difficult part of the action project so far? Why?
2. What has surprised you the most?
3. What do you look forward to? What do you not look forward to? Explain.
4. Where can you get help if you need it?

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Conducting the Session

1. Ask members: "How are your action projects going?" Hold a brief discussion, and inform them that this session will cover this question in detail.

2. Distribute Handout 8B. Ask members to read the Introduction and Section I: Taking Stock. When they finish, ask if there are any other questions, aside from those mentioned in the reading, that they think the groups should discuss. Write their suggestions on the board and have them incorporate these questions into the activity.

3. Ask them to meet with their project teams. Have them read and do Section II: Activity.

4. Have the teams report and hold a discussion using the questions in Section III: For Discussion.

5. Remind members that their action projects must be finished by the next session. Inform them that they will evaluate their projects at the next session and they need to bring their project plans.

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