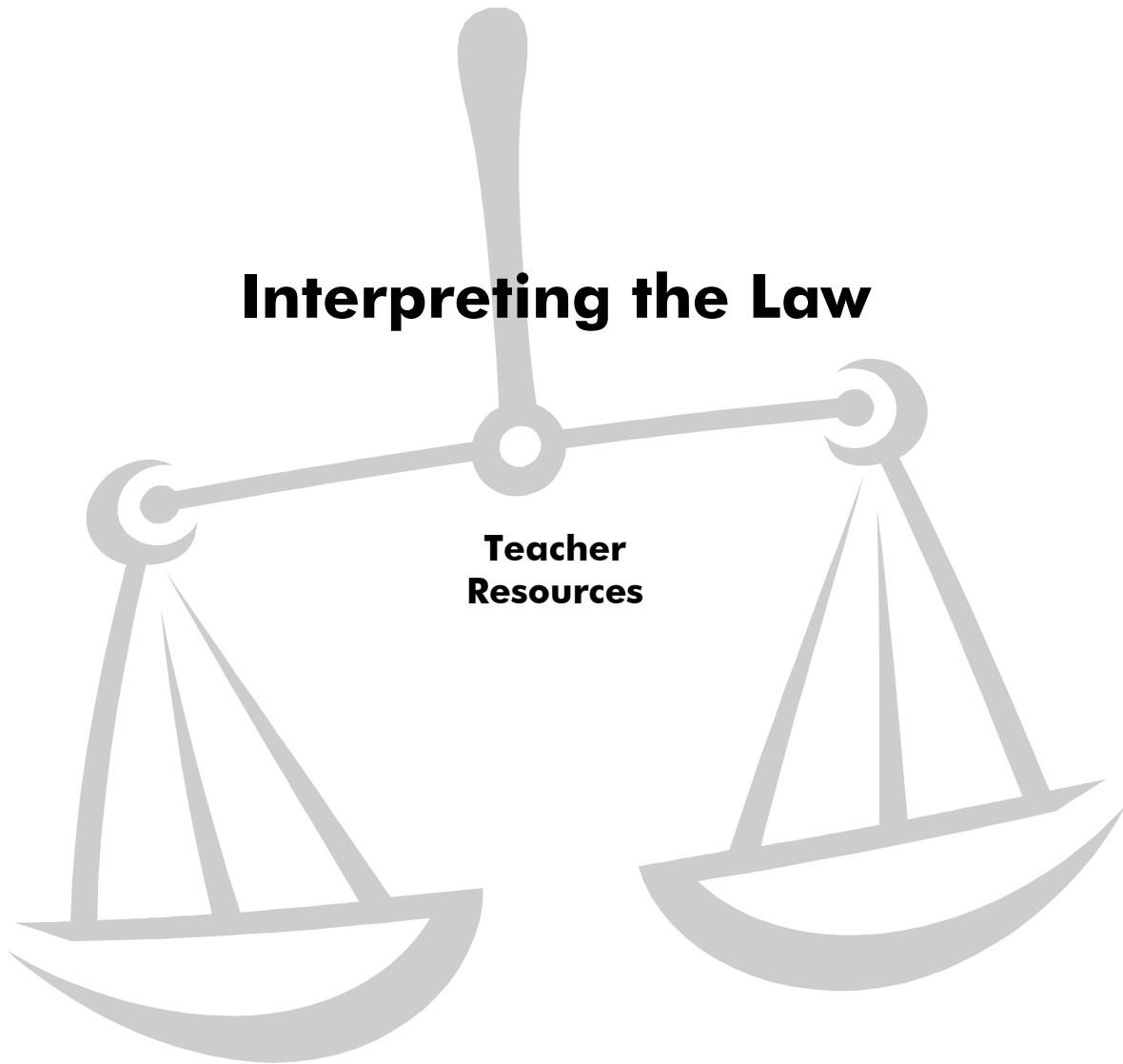


Interpreting the Law



**Teacher
Resources**



Michigan Supreme Court Learning Center

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Level

With preparation, the lesson is adaptable for later elementary, middle, and high school.

Time Required

1–2 class periods

Objectives

Students will:

- Discuss why laws need to be interpreted. (Social Studies: 3 – C3.0.3, 3 – C3.0.4, 3 – C3.0.5; HS – C1.3.3.4, HS – 3.3.7)
- Study and discuss laws/constitutional provisions to clarify their meaning and write a response. (English Language Arts: R.CM.04–08.02, R.CM.04–08.04, CE.1.1.2, CE.1.1.3, CE.1.3.7, CE.1.3.8, CE.2.1.3, CE.2.1.7, CE.2.1.11, CE.2.3.4)
- Present their findings to the class. (English Language Arts: S.CN.04–08.01, S.CN.04–08.03, S.DS.04–08.04, L.CN.04–08.02, CE1.3.9)

Instructional Resources

Overheads/handouts of laws/constitutional provisions, oath of office

Pencils, pens

Paper

Dictionaries and other reference materials

Sequence of Activities

1. Before the lesson, select relevant excerpts from the Michigan Compiled Laws (MCL) or the Michigan Constitution and prepare overheads or handouts. Printed volumes are available through public libraries. The Michigan Legislature also provides online versions at <http://www.legislature.mi.gov/>.

Example Laws

257.658	Riding on seat of bicycle, motorcycle or moped; number of persons
257.710e	Safety belt required
380.1284b	School in session before Labor Day
380.1272b	School lunches
409.104	Work permits for minors
750.143a	Video game rating system

Example Constitutional Provisions

Art. I, § 1	Political power
Art. I, § 2	Equal protection; discrimination
Art. I, § 5	Freedom of speech and of press
Art. I, § 11	Searches and seizures

2. Discuss the meaning of the word “interpret” (to explain or tell the meaning of). Then talk about why laws have to be interpreted.
 - Laws cannot be written to anticipate every situation, and judges often have to decide whether a law fits a particular case. For example, does a law about telephones also apply to cell phones?
 - Laws often include indefinite words, so they can be applied to a variety of situations. For example, in applying a law that includes the word “reasonable,” a judge must decide what that means in a particular instance.
 - More than one law or constitutional principle may apply. In terms of core democratic values, classic examples involve balancing “common good” with “pursuit of happiness.”
 - Laws cannot violate constitutional law, which is the supreme law.

3. For younger students, discuss the law(s) as a class. (See example discussion of MCL 257.658(2).) For older students, divide the class into groups of three. Discuss the meaning and write a paragraph-long “opinion of the court,” clarifying the intent of the laws. Then, use the written opinion to:
 - Develop a hypothetical situation that fits within the law.
 - Develop a hypothetical situation that does not fit within the law.
 - Report findings to the class (older students).

4. As a class, debrief the discussions.
 - Was it difficult for the group to agree on the meaning of the law? Why?
 - Did they think the law was fair? If not, were they tempted to change the meaning? Judges must interpret and apply laws whether they like them or not.
 - Was it easier to create a situation that fit within the law or one that did not fit within the law? Why?
 - How did their discussion change their idea of the meaning of “interpreting the law?”

**Example Discussion
of MCL 257.658(2)**

Michigan Vehicle Code (Excerpt)

A bicycle or motorcycle shall not be used to carry more persons at 1 time than the number for which it was designed and equipped.

- A. Introduce the idea that students are reading part of an actual law that was made by the legislative branch and is enforced by the executive branch. They will decide what the law means, using dictionaries and reference materials as necessary.
- B. Read the section of the law aloud.
- C. Discuss the meaning of "Michigan Vehicle Code," the state law (code) about cars, trucks, motorcycles, autocycles, bicycles, etc. The vehicle code includes many sections and topics. This is only one subsection of the code.
- D. Arrive at definitions for "bicycle" and "motorcycle." To stimulate ideas, "assemble" bicycles and motorcycles from photos or drawings of parts (wheels, handlebars, chains, etc.) The legislature wrote the following definitions:
 - "'Bicycle' means a device propelled by human power upon which a person may ride, having either 2 or 3 wheels in a tandem or tricycle arrangement, all of which are over 14 inches in diameter." (MCL 257.4)
 - "'Motorcycle' means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground but excluding a tractor." (MCL 257.31)
- E. Discuss what "shall not" means. Compare the use of "may" (allowed) and "shall" (must), two common words used in laws.
- F. Returning to the definitions of "bicycle" and "motorcycle," decide what "carry more persons at 1 time" and "designed and equipped" mean.
- G. Check for student understanding of the full statement.
- H. Ask if students think the law allows more than one person to ride a bicycle at one time. Introduce the idea that a bicycle can be designed with two or more seats. Should their interpretation allow user-added seats, such as after-market baby seats? What about homemade seats?
- I. Write the "opinion of the court" as a class. The opinion could include a restatement of the law, definitions of words, or even a test for other judges to use in similar cases, such as: "The number of riders is within the law if (1) each person has a seat and other necessary equipment and (2) the bicycle or motorcycle can be operated safely."
- J. Test the opinion by brainstorming situations that comply/do not comply with the interpretation.
- K. Debrief the exercise as outlined in step 5.

