

Students and the Supreme Court: A Lexicon of Laws

A Lesson created for Leonore Annenberg Institute for Civics
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SUMMARY

Students have rights, but the scope of those rights under the Constitution is a controversial issue and often there are disagreements. When disputes and conflicts over these matters arise in the United States, aggrieved parties may choose to seek peaceful resolution of their differences through legal means by taking their concerns to the federal and state courts established by Article III of the U.S. Constitution.

The judicial Power of the United States shall be vested in one supreme Court and in inferior Courts as the Congress may from time to time ordain and establish.

The Constitution of the United States, Article III, Section I.

As more and more cases involving students are decided in the courts, the body of law (case law) increases and important precedents are established that are used to inform future decisions. Several cases involving students have made their way to the Supreme Court.

In this lesson, students will use primary and secondary sources to analyze Supreme Court opinions for thirteen landmark cases involving students. They will develop case profiles that cover important elements then map the judicial path from problem to conflict resolution through the state and federal courts.

Notes and Considerations

- This lesson presumes that students have been introduced to the judicial process and have a basic understanding of legal vocabulary and concepts.
- Due to the specialized nature of the in-class sessions, materials are provided to help students build essential knowledge and understanding before coming to class so they are best prepared to learn.
- Technology is relied on in this lesson to enhance learning by facilitating information access, information gathering, text analysis, and instruction.
- This is a comprehensive lesson with a variety of resources and activities that can easily be adapted to different teaching styles, length of classes, and levels of students.

Snapshot of Lesson

Grades: Middle School/High School

Subject Focus: Civics/Government

Estimated Time: 2 sessions

Alignment to National Standards for Civics and Government

- Grades 5-8
- Grades 9-12

Materials/Equipment Needed:

- Paper and pencil
- Colored highlighters
- Computer with internet connection and projector for class viewing
- Computer lab (recommended)

Materials and Resources Included:

Resources

- Thirteen Case Summaries: Supreme Court Cases Involving Students
- Article III, U.S. Constitution
- Glossary of Court-Related Terms
- Diagram of U.S. Court System
- Circuit Map
- Where to Obtain Supreme Court Opinions

Student Worksheets

- Class Prep: Assignment Sheet
- Profile a Supreme Court Case
- Diagram It—Conflict Resolution the Legal Way
- Summary Matrix of Supreme Court Cases Involving Students
- Anatomy of a Supreme Court Opinion

Teacher Materials

- Anatomy of a Supreme Court Opinion (Teacher's Guide)
- Supreme Court Opinion (from primary source): *Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al.* (pdf with mark up)
- Rubric for Homework
- Take-Home Quiz

National Standards for Civics and Government

- Standards level detail for grades 5-8, 9-12

TOPICS

- Conflict resolution under the law
- Constitutional authority
- Contemporary constitutional issues
- Court system in the U.S.
- Democratic principles and values
- Judicial process
- Landmark Supreme Court decisions
- Rights and responsibilities of American citizens
- Student rights

NATIONAL STANDARDS

Document: National Standards for Civics and Government (1994) Center for Civic Education
<http://www.civiced.org/index.php?page=stds>

Grades 5-8 Organizing Questions

The national content standards for civics and government are organized under five significant questions. The following outline lists the high-level organizing questions supported by this lesson.

- I. What are civic life, politics, and government?
 - A. What is civic life? What is politics? What is government? Why are government and politics necessary? What purposes should government serve?
 - B. What are the essential characteristics of limited and unlimited government?
 - C. What are the nature and purposes of constitutions?
 - D. What are alternative ways of organizing constitutional governments?

- II. What are the foundations of the American political system?
 - A. What is the American idea of constitutional government?
 - B. What are the distinctive characteristics of American society?
 - C. What is American political culture?
 - D. What values and principles are basic to American constitutional democracy?

- III. How does the government established by the constitution embody the purposes, values, and principles of American democracy?
 - A. How are power and responsibility distributed, shared, and limited in the government established by the United States Constitution.
 - C. How are state and local governments organized and what do they do?
 - E. What is the place of law in the American constitutional system?
 - F. How does the American political system provide for choice and opportunities for participation?

- V. What are the roles of the citizen in American democracy?
 - A. What is citizenship?
 - B. What are the rights of citizens?
 - C. What are the responsibilities of citizens?
 - D. What dispositions or traits of character are important to the preservation and improvement of American constitutional democracy?
 - E. How can citizens take part in civic life?

Grades 9-12 Organizing Questions

The national content standards for civics and government are organized under five significant questions. The following outline lists the high-level organizing questions supported by this lesson.

- I. What are civic life, politics, and government?
 - A. What is civic life? What is politics? What is government? Why are government and politics necessary? What purposes should government serve?
 - B. What are the essential characteristics of limited and unlimited government?
 - C. What are the nature and purposes of constitutions?
 - D. What are alternative ways of organizing constitutional governments?

- II. What are the foundations of the American political system?
 - A. What is the American idea of constitutional government?
 - B. What are the distinctive characteristics of American society?
 - C. What is American political culture?
 - D. What values and principles are basic to American constitutional democracy?

- III. How does the government established by the Constitution embody the purposes, values, and principles of American democracy?
 - A. How are power and responsibility distributed, shared, and limited in the government established by the United States Constitution?
 - B. How is the national government organized and what does it do?
 - C. How are state and local governments organized and what do they do?
 - D. What is the place of law in the American constitutional system?
 - E. How does the American political system provide for choice and opportunities for participation?

- V. What are the roles of the citizen in American democracy?
 - A. What is citizenship?
 - B. What are the rights of citizens?
 - C. What are the responsibilities of citizens?
 - D. What civic dispositions or traits of private and public character are important to the preservation and improvement of American constitutional democracy?
 - E. How can citizens take part in civic life?

Note: A more detailed standards-level alignment related to these questions can be found in the “Standards” section at the end of this lesson plan.

OUTCOMES

Knowledge, skills, and dispositions

Students will . . .

1. Identify and explain the hierarchal structure, relationship, jurisdiction, and limited powers of Article III courts.
2. Cite the constitutional basis for the courts.
3. Explain the role of the judiciary in a constitutional democracy.
4. Identify and explain the knowledge, skills, and dispositions that citizens and public servants need for the judicial process to work effectively in a constitutional democracy.
5. Discuss how the quality of life in the U.S. is affected by Supreme Court decisions.
6. Draw conclusions about student/citizen participation in the judicial process and its effect on the development of laws in the United States.
7. Explain how court decisions are affected by the use of precedent.
8. Gain appreciation for the complexities of the judicial process and the role it has in the peaceful resolution of conflicts in a constitutional democracy.

Integrated Skills

1. Information literacy skills

Students will . . .

- Analyze primary and secondary sources to gather information.
- Organize and analyze information gathered.
- Use skimming and search skills.
- Make informed decisions.
- Use prior and background knowledge as basis for new learning.
- Use technology as a tool to support learning.

2. Media literacy skills

Students will . . .

- Read, view and listen to information delivered via different media formats in order to make inferences and gather meaning.

3. Communication skills

Students will . . .

- Write and speak clearly to contribute ideas, information, and express own point of view.
- Write in response to questions.
- Respect diverse opinions.
- Support personal opinions with facts.
- Collaborate with others to deepen understanding.

4. Study skills

Students will . . .

- Take notes.
- Manage time and materials.

5. Thinking skills

Students will . . .

- Describe and recall information.
- Make connections between concepts and principles.
- Explain ideas or concepts.
- Draw conclusions.
- Analyze and compare opinions.
- Synthesize information.
- Evaluate and judge opinions.
- Use sound reasoning and logic.

6. Problem-solving skills

Students will . . .

- Identify legal process for conflict resolution
- Use sound reasoning as the basis for decisions.
- Ask meaningful questions.
- Explain the interconnections within a process that are needed to achieve resolution.

7. Participation skills

Students will . . .

- Contribute to small and large group discussion.
- Work responsibly both individually and with diverse people.
- Express own beliefs, feelings, and convictions.
- Show initiative and selfdirection.

ASSESSMENT

Evidence of achievement may be gathered from student performance related to the following:

1. Class prep assignments
2. In-class work
3. Homework Assignment (Rubric Included)
4. Lesson Quiz (Take-home)

VOCABULARY (see glossary included with this lesson)

acquittal	felony	procedural justice
affirmed	file	prosecute
appeal	grand jury	public defender
appeals court	habeas corpus	record
appellate court	hearsay	remand
arraignment	held	respondent
Article I courts	in forma pauperis	reverse
bench trial	indictment	rule of law
brief	injunction	sentence
case	judge	sequester
certiorari	judgment	settlement
chief judge	judiciary	state court
circuit	jurisdiction	statue
circuit court	jury	subpoena
complaint	justice	Supreme Court of the United States
conviction	law	tort
court	magistrate judge	trial
damages	majority opinion	trial court
default judgment	misdemeanor	trial jury (petit jury)
defendant	mistrial	U.S. Attorney
deposition	motion	U.S. Bankruptcy court
discovery	nolo contendere	U.S. court of appeals
dissenting opinion	opinion of the court	U.S. Court of Appeals for the U.S. Court of Federal Claims
district court	oral argument	U.S. district court
diversity jurisdiction	order	uphold
docket	panel	verdict
en banc	party	warrant
equitable	petitioner	witness
evidence	plaintiff	writ
Federal Circuit	plea	
federal courts	pleadings	
federal-question	precedent	
jurisdiction	pro se	

Resources for Definitions

Annenberg Classroom Glossary

<http://www.annenbergclassroom.org/terms>

FactCheckED—Dictionary

<http://factchecked.org/factchecked-dictionary/>

Federal Judicial Center: Inside the Federal Courts -- Definitions

<http://www.fjc.gov/federal/courts.nsf>

Oyez—Glossary of Legal Terms

<http://www.oyez.org/glossary/>

USA.gov- Definitions

<http://www.usa.gov/Agencies/Federal/Judicial.shtml>

FindLaw—Law Dictionary

<http://dictionary.lp.findlaw.com/>

LESSON OVERVIEW

Class Prep for Students: Study and Work Before Class

This lesson recommends that students spend time reviewing and studying specific print and Internet resources to build background knowledge and understanding so they are best prepared for class. Therefore, a class prep assignment sheet is provided with the lesson.

During preparation time, students will read and analyze the summary of one of the thirteen Supreme Court cases included in this lesson.

Ideally, a single folder with the print resources and worksheets for before-class preparation should be loaded and made available to the students so they have at least one night to prepare and complete two worksheets before the class lesson.

DAY 1: Anatomy of a Supreme Court Opinion

Guided by the teacher, the class will analyze and dissect the official version (from *United States Reports*) of the Supreme Court case reviewed for class prep to develop a more complete profile of the case. After guided instruction, the other 11 cases will be divided among the students for analysis and study as homework. Students may work independently or with a partner to complete the work.

DAY 2: More Cases, More Help Solving Problems

In jigsaw fashion, students complete a summary matrix for all 13 Supreme Court decisions based on the information other students share about their specific case studies. The matrix of cases is then analyzed to make observations, draw conclusions, and gain insight into the role of the judiciary, the nature of the judicial process, the limits of judicial powers, conflict resolution in a constitutional democracy, and the rights of students.

Note to Teachers:

Throughout the lesson, help students recognize the values and principles that are working behind the scenes to make the judicial process work in the United States.

Courts may help with problem-solving in a constitutional democracy, but the extent of their success, and the success of democracy itself, depends on all Americans exercising certain dispositions or traits of character, adhering to democratic principles and values, and understanding and exercising personal and civic responsibilities.

Civic Dispositions/Traits of Character	Civic Responsibilities	Personal Responsibilities
<ul style="list-style-type: none"> • individual responsibility • self discipline/self governance • civility • courage • respect for the rights of other individuals • honesty • open mindedness • critical mindedness • negotiation and compromise • persistence • civic mindedness • compassion • patriotism 	<ul style="list-style-type: none"> • obeying the law • respecting the rights of others • being informed and attentive to public issues • monitoring political leaders and governmental agencies and taking appropriate action if their adherence to constitutional principles is lacking • performing public service • serving as a juror 	<ul style="list-style-type: none"> • taking care of one's self • accepting responsibility for the consequences of one's actions • adhering to moral principles • considering the rights and interests of others • behaving in a civil manner <p style="font-size: small; margin-top: 10px;">Source: National Standards for Civics and Government (1994)</p>

Supreme Court Cases for this Lesson

1. *Engel v. Vitale* (1962)

Issue: The state authorized a short voluntary prayer at the beginning of each school day.

2. *Tinker v. Des Moines Independent Community School District* (1969)

Issue: Students protested the Vietnam War by wearing armbands at school.

3. *Goss v. Lopez* (1975)

Issue: School suspensions were given to students before holding a hearing.

4. *Board of Education v. Pico* (1982)

Issue: A board of education ordered that offensive books be removed from school library.

5. *New Jersey v. T.L.O.* (1985)

Issue: The purse of a student accused of smoking was searched and cigarettes and marijuana paraphernalia were found.

6. *Bethel School District #403 v. Fraser* (1986)

Issue: A student made an obscene speech at a school assembly.

7. *Hazelwood School District v. Kuhlmeier* (1988)

Issue: An administrator edited articles intended for a school newspaper because they were inappropriate.

8. *Santa Fe Independent School District v. Doe* (2000)

Issue: A student used a school's loudspeaker system to offer student-led, student-initiated prayer.

9. *Board of Education v. Earls* (2002)

Issue: A school district's policy required random drug tests of students involved in extracurricular activities

10. *Zelman v. Simmons-Harris* (2002)

Issue: State vouchers were used for religious schools.

11. *Grutter v. Bollinger* (2003)

Issue: A university considered race as a factor for admission because of its interest in achieving diversity.

12. *Roper v. Simmons* (2005)

Issue: A 17-year old was sentenced to death.

13. *Morse v. Frederick* (2005)

Issue: A student held up a banner at a school-sponsored event that said "Bong Hits 4Jesus."

Materials and Equipment for this Lesson

Materials and Equipment Needed

- Paper and pencil
- Colored highlighters per student
- Computer with Internet access and projector for class viewing
- Software program that reads pdfs with mark ups
- Computer lab (recommended)

Lesson Materials Included

- Article III, U.S. Constitution
- Glossary of Court-Related Terms
- Diagram of U.S. Court System
- Circuit Map
- Student worksheets
 - Class Prep: Assignment Sheet
 - Profile a Supreme Court Case
 - Diagram It—Conflict Resolution the Legal Way
 - Summary Matrix of Supreme Court Cases Involving Students
 - Anatomy of a Supreme Court Opinion
- Teacher materials
 - Anatomy of a Supreme Court Opinion (Teacher’s Guide)
 - Supreme Court Opinion from official source: *Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al.* (pdf with mark up)
- Thirteen Case Summaries: Supreme Court Cases Involving Students
- Rubric for Homework
- Take-Home Quiz

Annenberg Resources Needed

Videos and Video Clips

- Video clips from “Our Constitution: A Conversation” (30 min)
 - How does the Constitution help solve problems? (1 min 44 s)
 - Should the court change the way it decides cases? (2 min 30 s)

<http://www.annenbergclassroom.org/page/supreme-court-qa-2005-our-constitution-a-conversation>

- Video clips from the collection “The Constitution in Context”
<http://www.annenbergclassroom.org/page/the-constitution-in-context>

Watch 2 back-to-back clips by selecting “View the question and commentary” for each of the following questions:

- Question 3: “Why is it necessary to deliver an opinion?” (4.5 min)
- Question 6: “How did you prepare to argue before the Supreme Court?” (3.75 min.)

About Annenberg Video Resources in the Lesson

Note to Teacher: The following videos or video collections are incorporated in this lesson either in full or in part. Because teaching time and needs vary, complete descriptions are provided below should you wish to expand the lesson with additional viewing.

1. Our Constitution: A Conversation (30 min)

<http://www.annenbergclassroom.org/page/our-constitution-a-conversation>

Description: In the summer of 1787, delegates to the Constitutional Convention gathered in Philadelphia to create a document that would establish the government of the United States. On September 17, that landmark document – our Constitution – was signed into law. This conversation on the Constitution, featuring Supreme Court Justices Sandra Day O’Connor and Stephen Breyer in a dialogue with Pennsylvania high school students at the Supreme Court in 2005, is the first in a series produced by the Annenberg Foundation Trust at Sunnylands for use in classrooms on Constitution Day.

- The collection of clips from this video can also be accessed from this page: Supreme Court Q & A – 2005

<http://www.annenbergclassroom.org/page/supreme-court-qa-2005-our-constitution-a-conversation>

2. The Constitution in Context (a collection of video clips)

<http://www.annenbergclassroom.org/page/the-constitution-in-context>

Description: The Constitution Project assembled a panel of constitutional scholars and legal experts to discuss issues raised by the Justices in our videos. Here, presented, are a number of excerpts from Justice Ruth Bader Ginsburg and Chief Justice John G. Roberts, each followed by an analysis and commentary from the panel. You can also choose to view just the commentary.

- The questions for the Justices in this collection come from the following full videos:
 - “A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court”
<http://www.annenbergclassroom.org/page/a-conversation-on-the-origin-nature-and-importance-of-the-supreme-court>
 - o “A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment”
<http://www.annenbergclassroom.org/page/conversation-14th-amendment>
 - o Questions for video clips in this collection:

Question 1: What does due process mean? (6 min. for “question and commentary”)

(From “A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- o What is procedural due process?
- o What is substantive due process?
- o How did the 14th amendment expand due process?

Question 2: How do cases get to the Supreme Court? (3 min. for “question and commentary”)
(From video “A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- o What is standing?
- o What is the Supreme Court’s jurisdiction?
- o What is a *writ of certiorari*?

Question 3: Why is it necessary to deliver an opinion? (4.5 min. for “question and commentary”)
(From “A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- o What role do decisions serve for the Justices?
- o What does it mean when decisions are affirmed?
- o What does it mean with a decision is reversed?

Question 4: Why do we have 9 Supreme Court justices? (2.75 min. for “question and commentary”)
(From “A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- o Why have there always been nine Supreme Court Justices?
- o Why would a Justice recuse him/herself from hearing a case?
- o What happens when there is a tied decision?

Question 5: Who was the greatest Supreme Court justice? (5.25 min. for “question and commentary”)
(From “A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- o What principle did *Marbury v. Madison* help establish?
- o What is judicial review?
- o How did John Marshall strengthen the federal government?

Question 6: How did you prepare to argue before the Supreme Court? (3.75 min. for “question and commentary”)
(From “A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- o How do justices prepare for oral arguments?
- o What purposes do oral arguments serve for the justices?
- o How must a lawyer structure his/her oral argument?

Question 7: What gave Gideon the right to petition the Court? (4 min. for “question and commentary”)
(From “A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- o What did the Florida judge refuse to grant Clarence Earl Gideon during his first robbery trial?
- o What right did Clarence Earl Gideon assert in his petition to the Supreme Court?
- o What are in forma pauperis cases?

Question 8: What would we lose without the 14th Amendment? (6.30 min. for “question and commentary”)
(From “A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- o What two ideas did the 14th amendment introduce to the Constitution?
- o How did the 14th amendment transform our country?

Question 9: Is the 14th Amendment interpreted differently over time? (6 min. for “question and commentary”)
(From “A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- o How did the court initially interpret the 14th amendment?
- o What did the court claim the due process clause protected in *Lochner v. New York* (1905)?
- o When did the Court begin to interpret the 14th amendment as a protector of personal liberties?

Question 10: Do we need an equal rights amendment? (5.5 min. for “question and commentary”)
(From “A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- o Does the constitution guarantee equal rights to men and women?
- o What was the equal rights amendment?
- o Was the equal rights amendment ratified?

3. A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court (37 min)

<http://www.annenbergclassroom.org/page/a-conversation-on-the-origin-nature-and-importance-of-the-supreme-court>

Description: The establishment of a federal judiciary was a top priority for this nation’s founding fathers. In December 2006, Chief Justice of the United States John G. Roberts, Jr. and a group of high school students participated in a conversation about the high court – from its history and evolution to the methods Justices use in selecting and hearing cases to the role of an independent judiciary and other issues crucial to a healthy democracy today.

Questions covered in this video:

- Why is it important to have courts? (Start time 00:51; Stop time 02:20)
- Why does the Constitution devote less space to the courts than to the Congress and the Presidency? (Start time 02:21; Stop time 03:45)
- How do cases get to the Supreme Court? (Start time 03:46; Stop time 05:08)
- What gave Gideon the right to petition the Court directly? Start time 05:09; Stop time 06:19)
- Does it matter whether a case comes from the Federal or State Court? (Start time 06:20; Stop time 08:17)
- How does the court decide which cases to hear? (Start time 08:18; Stop time 09:52)
- How did you prepare to argue before the Supreme Court? (Start time 09:53; Stop time 11:37)
- How are cases decided? (Start time 11:38; Stop time)
- Do justices ever change their minds while deciding a case? (Start time 18:24; Stop time 19:55)
- Why do justices write opinions? (Start time 19:56; Stop time 22:10)
- Which Chief Justice was the greatest? (Start time 22:11; Stop time 25:33)
- What are the special responsibilities of the Chief Justice? (Start time 25:34; Stop time 27:31)
- Why do we have nine Supreme Court Justices on the Court? (Start time 27:32; Stop time 28:22)
- How do the courts apply the Constitution to contemporary issues? (Start time 28:23; Stop time 31:35)
- Is it difficult to look at the claim of a convicted murderer? (Start time 31:36; Stop time 35:37)
- Misconceptions about the courts. (Start time 33:31; Stop time 35:38)

4. Key Constitutional Concepts (62 min)

<http://www.annenbergclassroom.org/page/key-constitutional-concepts>

Description: These three 20-minute video segments examine key constitutional concepts. The first explains why the nation’s framers created the Constitution. The second describes the protection of individual rights by highlighting the Supreme Court case of *Gideon v. Wainwright*, affirming the right to an attorney. The last explores the separation of powers using the Supreme Court case of *Youngstown v. Sawyer*, a challenge to President Truman’s decision to take over steel mills during the Korean War.

Segment 1: Creating a Constitution (Start: 00:00)

Segment 2: One Man Changes the Constitution (Start time: 23:02)

Segment 3: Check and Balances (Start time 41:52)

5. The Constitution Project: An Independent Judiciary (34 min)

<http://www.annenbergclassroom.org/page/an-independent-judiciary>

Description: This film chronicles two key moments that defined our understanding of the role of the judiciary: the Cherokee Nation’s struggles before the Supreme Court in the 1830s to preserve its homeland, and *Cooper v. Aaron*, the 1958 Supreme Court case that affirmed that states were bound to follow the Court’s order to integrate their schools. An Independent Judiciary features Supreme Court Justice Stephen Breyer and some of the nation’s leading Constitutional scholars.

6. A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment (42 min.)

<http://www.annenbergclassroom.org/page/conversation-14th-amendment>

Description: Incorporating three integral constitutional tenets – due process, equal protection and privileges and immunities – the Fourteenth Amendment to the United States Constitution was originally intended to secure rights for former slaves, but over the years it has been expanded to protect all persons. In December 2006, Justice Ruth Bader Ginsburg and a group of students gathered at the Supreme Court to discuss the importance of the Fourteenth Amendment and how it came to embody and protect the principle of “We the People.”

Segments in this video:

- The meaning of the key clauses in the fourteenth amendment
- To whom did the fourteenth amendment originally apply and to whom does it apply now?
- The fourteenth amendment and women
- How has the courts approach to gender discrimination changed over time?
- Changes in the interpretation of the fourteenth amendment
- How has the Court's approach to racial discrimination changed?
- Do we need an equal rights amendment to the Constitution?

7. A Conversation on the Constitution: Judicial Independence (32 min)

<http://www.annenbergclassroom.org/page/conversation-judicial-independence>

Description: Judicial independence is a cornerstone of democracy, guaranteed by the Constitution and enshrined in our system of government. In a conversation with students from California and Pennsylvania, three Supreme Court Justices – Sandra Day O'Connor, Stephen Breyer and Anthony Kennedy – discuss the Constitution and the role of judges who are sworn to uphold the laws of this nation and to protect the rights of all citizens.

- The collection of clips from this video can also be accessed from these pages:
Supreme Court Q & A – 2006
<http://www.annenbergclassroom.org/page/Supreme-court-qa-2006>

TEACHING ACTIVITIES

CLASS PREP for STUDENTS: (See Student Assignment Sheet)

Materials and Resources Needed

Print resources (included with this lesson)

- Article III, U.S. Constitution
- Glossary of Court-Related Terms
- Diagram of U.S. Court System
- Circuit Map
- Case Summary for *Board of Education v. Earls*
(Case 9 from the “Thirteen Case Summaries” included with this lesson.)

Internet Resources from Annenberg and its Affiliates

- U.S. Constitution, Article III
<http://www.annenbergclassroom.org/page/a-guide-to-the-united-states-constitution>
- Video clips:
 - How does the Constitution help solve problems? (1 min 44 s)
 - Should the court change the way it decides cases? (2 min 30 s)

<http://www.annenbergclassroom.org/page/supreme-court-qa-2005-our-constitution-a-conversation>

Note: The above questions come from this full video: “Our Constitution: A Conversation”

<http://www.annenbergclassroom.org/page/our-constitution-a-conversation>

Worksheets (included with this lesson)

- Class Prep: Assignment Sheet (1 copy per student)
- Profile a Supreme Court Case (1 copy per student)
- Diagram It—Conflict Resolution the Legal Way (1 copy per student)

Several days before class, load the print resources and worksheets that students will need to study and complete before class. Review the Class-Prep: Assignment Sheet with the students and give them at least one night to do the work before the lesson in class.

During preparation time, students will read and analyze the summary of one of the thirteen Supreme Court cases included in this lesson.

Remind the students they are to bring two completed worksheets to class the next day.

DAY ONE: Anatomy of a Supreme Court Opinion

Overview: Guided by the teacher, the class will use information literacy skills to analyze and dissect the official version of the Supreme Court decision delivered in the case of *Board of Education v. Earls* in order to understand and interpret what they are looking at when they review the full text of a Supreme Court case.

Goal: Through text, format, and content analysis of a Supreme Court case, students will learn about the following:

- Citations, codes, abbreviations, form, and formatting features
- Information gathering from legal records
- Background story and facts about the case
- How students are involved
- Reasoning behind the majority and dissenting opinions
- How Supreme Court Justices arrive at their decisions
- Issues involved: Constitutional, societal, education, student rights, etc.
- Precedents and their role in the case
- The judicial process through the state and federal courts
- Final ruling of the Supreme Court
- Timeline

Materials/Equipment Needed:

- Computer with Internet connection and projector for class viewing
- Computer lab (recommended setting for the lesson)
- Highlighters

Included with this lesson:

- Anatomy of a Supreme Court Opinion (Teacher’s Guide)
- Anatomy of a Supreme Court Opinion (Student Worksheet)—1 per student
- Full text pdf of Supreme Court decision for *Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al.* (pdf with mark up)
- “Thirteen Case Summaries: Supreme Court Cases Involving Students”
Make several copies of the remaining 11 cases (Cases 1-8, 10-13) which will be distributed so each student gets 1 case to review for homework.
 - o Profile a Supreme Court Case
 - o Diagram It—Conflict Resolution the Legal Way

Annenberg Video Resources Needed:

- Video clips from the collection “The Constitution in Context”
<http://www.annenbergclassroom.org/page/the-constitution-in-context>

Watch 2 back-to-back clips by selecting “View the question and commentary” for each of the following questions:

- Question 3: “Why is it necessary to deliver an opinion? (4.5 min)
- Question 6: “How did you prepare to argue before the Supreme Court?” (3.75 min.)

Advance Preparation:

- Load the marked up pdf of the Supreme Court case for class viewing: *Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al.*

Procedure:

1. Students should have completed the assigned worksheets as part of class prep so they have a basic understanding of the Supreme Court Case that will be analyzed in greater detail during class.
2. Review the case briefly with the class.
3. Discuss the value of reading a summary, but also note its limitations and the need to look at the full text of the opinion. Point out that a summary does not provide all the facts of a case and quoting from a summary would never be accepted in a court of law.

4. Provide this information about finding sources for Supreme Court opinions:

- There are official and unofficial sources for Supreme Court opinions. The only official source is the print version that appears in bound volumes of the United States Reports. Because discrepancies could appear when an electronic version of the printed volume is made, the Supreme Court website issues this caution: “Caution: Only the printed bound volumes of the United States Reports contain the final, official opinions of the Supreme Court of the United States. In case of discrepancies between a bound volume and the materials included here--or any other version of the same materials, whether print or electronic, official or unofficial--the printed bound volume controls.”

<http://www.supremecourt.gov/opinions/boundvolumes.aspx>

- When Supreme Court opinions are published by unofficial publishers, the publishers may add headers, or notations to help with understanding, but these are not part of the official record and should never be quoted.
- The Supreme Court opinion used in class today is the electronic version of “the real thing” from the United States Record.

5. Using the Teacher’s Guide, discuss each place noted in the Supreme Court opinion.

6. Students take notes and use highlighters to mark key phrases in the text provided on their “anatomy” worksheet. When finished they will use their notes to add additional details to the profile and diagram completed for class prep.

7. If there is time, view and discuss following video clips from the collection “The Constitution in Context.” Select “View the question and commentary” for each of the following questions:

<http://www.annenbergclassroom.org/page/the-constitution-in-context>

- Question 3: “Why is it necessary to deliver an opinion? (4.5 min)
- Question 6: “How did you prepare to argue before the Supreme Court?” (3.75 min.)

Note: If class time is limited, assign the video clips as part of homework.

Homework: Using primary and secondary sources, students practice analyzing an assigned Supreme Court case on their own using other copies of the worksheets:

- Profile a Supreme Court Case
- Diagram It—Conflict Resolution the Legal Way

1. Divide the other 11 case summaries among the students and give each a copy of 1 case summary. More than one student will work on a case.

2. Point out how students can use the citation of the case to find the electronic copy from the United States Record (official source) at this link: <http://www.supremecourt.gov/opinions/boundvolumes.aspx>

They may also follow the link provided in the summary that will help them find the full text of the case from an unofficial source.

DAY TWO: More Cases, More Help Solving Problems

Overview: In jigsaw fashion, students complete a summary matrix for all 13 Supreme Court decisions based on the information other students share about their specific case studies.

Goal: Analyze the information in the matrix of cases to make observations, draw conclusions, and gain insight into the role of the judiciary, the nature of the judicial process, the limits of judicial powers, conflict resolution in a constitutional democracy, and Supreme Court decisions related to the rights of students.

Materials/Equipment Needed:

- Computer with Internet access and projector for class viewing.
- All student-completed case profiles and conflict resolution diagrams. (Each of the 13 cases should be represented.)
- Summary Matrix for Supreme Court Cases Involving Students, included (1 copy per student)
- Take-Home Quiz, included

Annenberg Video Resources Needed:

How does the Constitution help solve problems? (1 min 44 s)

<http://www.annenbergclassroom.org/page/supreme-court-qa-2005-our-constitution-a-conversation>

From the full video: “Our Constitution: A Conversation”

<http://www.annenbergclassroom.org/page/our-constitution-a-conversation>

Procedure:

1. Divide up the class into small groups with like cases then distribute the matrix to the class.
2. Discuss the different columns then ask the students to briefly fill in the line for Board of Education v. Earls, the case they already studied together in class.
3. Explain that everyone will be contributing to the development of the matrix, then give each group a few minutes to collaborate and fill in the appropriate line for their case.
4. As students are working, write these “Case Questions” on the board for discussion after each group presents:
 - 1) Were the rights of students expanded or limited by the Supreme Court decision?
 - 2) How do you think this decision was received by the respondent and petitioner?
 - 3) How does this decision affect you as a student?
 - 4) The decision resolved a dispute, but did it solve the source of the problem? Explain.
 - 5) How would you have voted? Why?
5. After all groups have shared and the matrix is complete, analyze the chart to notice patterns, make observations, and draw conclusions.
6. Discuss these “General Questions.”
 - 1) Are student rights the same as adult rights? Explain.
 - 2) Reflect on the time it took to get the dispute resolved.
 - a) Was justice served? Explain.
 - b) Who benefits from Supreme Court decisions? Explain.
7. Show and discuss the 2 min. video clip students viewed as part of their class prep:

How does the Constitution help solve problems? (Transcript follows)

<http://www.annenbergclassroom.org/page/supreme-court-qa-2005-our-constitution-a-conversation>

Think About It:

- How is the Constitution and work of the Supreme Court related to lessons that Americans learn in first grade?
- According to Justice Breyer, what values and principles are most important in American democracy? Why?
- Relate what Justice Breyer said about problem-solving in the video clip to the cases studied.
- Explain the limits of federal court “help” when it comes to solving problems.

Bring out the following points:

- o Courts cannot make laws to solve problems as that is the responsibility of Congress.
- o Courts can only resolve disputes related to the law.
- o Congress controls the types of cases that can be addressed in federal courts.
- o Courts do not seek cases, they can only decide cases brought before them.
- o Court rulings must be enforced by the President and other department agencies within the executive branch.
- o Problem-solving in American democracy requires the cooperation of 3 branches of government. No single branch can do it alone.

(Transcript)**QUESTION 3: How does the Constitution help Americans solve their problems?**

Justice Breyer I've been reading some of the history of this, and one of these foreign observers I've been reading is De Tocqueville, and he noticed it 160 years ago, that Americans from the time they're 6 years old are forced to learn how to work with each other in groups and they have to learn that to get my way, I better be sure that you are getting your way. Or if we can't do it, we'll work out a compromise. Or if we can't do it, it will be a mess, but eventually we're going to work together. Now that, taught in school, is what lets this document work. Because at the heart of this document I would say is not free speech. It's there... It's not even equal protection, that's there, or federalism or separation of powers. Those are very, very important but they're not what this is about. What this is really about at the bottom of it is how to create a country, now of 300 million people, where people can solve their problems democratically. And all this document is, and all our work with it is, is figuring out how in large groups, states, communities, associations, others, people put to work the same principles that you put to work every time you work with six of your friends and figure out these five other people are as about as irritating as I've ever met. But nonetheless, I'm going to get this group together and we are going to accomplish what we're supposed to do. You figure that out, you figure this out.

8. Distribute Take-Home Quiz

EXTENSION ACTIVITIES

Have more time to teach? Use these resources to...

1. Learn about specific cases:

- Case: *Gideon v. Wainwright* (1963)
 - o View the following clips of questions covered in the collection “Constitution in Context”
<http://www.annenbergclassroom.org/page/supreme-court-qa-2005-our-constitution-a-conversation>

 - Question 7: What gave Gideon the right to petition the Court? (4 min. for “question and commentary”)
(From “A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court”)

 - Note: The “question and commentary” option includes a clip from expert commentary that addresses these additional questions:
 - What did the Florida judge refuse to grant Clarence Earl Gideon during his first robbery trial?
 - What right did Clarence Earl Gideon assert in his petition to the Supreme Court?
 - What are in forma pauperis cases?

 - o Learn more about this case by viewing a 20-minute segment from “Key Constitutional Concepts” (62 min)
<http://www.annenbergclassroom.org/page/key-constitutional-concepts>
Segment 2: One Man Changes the Constitution (Start Time: 23:02)

- Cases: *Cooper v. Aaron* (1958) & *Worcester v. Georgia* (1832)
 - o Learn about these two cases from the following video:
“The Constitution Project: An Independent Judiciary” (34 min)
<http://www.annenbergclassroom.org/page/an-independent-judiciary>

 - o Compare and contrast the impact of the two cases.

- Case: *Marbury v. Madison* (1803)
 - o View the following clips of questions covered in the collection “Constitution in Context”
<http://www.annenbergclassroom.org/page/the-constitution-in-context>
 - Question 5: Who was the greatest Supreme Court justice?
(5.25 min. for “question and commentary”)
(From “A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court”)
 - Note: The “question and commentary” includes a clip from expert commentary that addresses these additional questions:
 - What principle did *Marbury v. Madison* help establish?
 - What is judicial review?
 - How did John Marshall strengthen the federal government?

- Case: *Plessy v. Ferguson* (1896)
 - o The current Supreme Court can overturn the ruling of an earlier Supreme Court. Under what circumstances might this occur and why might the Court overturn a precedent?

 - o View this video clip: When Should the Court Overturn a Precedent? (3 min.)
<http://www.annenbergclassroom.org/page/supreme-court-qa-2005-our-constitution-a-conversation>
From: “Our Constitution: A Conversation” (30 min)
<http://www.annenbergclassroom.org/page/our-constitution-a-conversation>
 - o Reflect on the significance of overturning *Plessy v. Ferguson* and the power of precedent.

- 14th amendment cases:
 - o Learn about several 14th amendment cases from the following full video:
 “A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment” (42 min.)
<http://www.annenbergclassroom.org/page/conversation-14th-amendment>
 - o Provide a brief synopsis for each of the cases discussed by Justice Ginsburg and research to identify the complete citation for each.
 - o Select one of the cases to research in greater depth and analyze using a profile sheet from the lesson.
- Significant cases
 - o Identify and provide the full citation for the cases discussed in segments from the following videos:
 - “Our Constitution: A Conversation” (30 min.)
<http://www.annenbergclassroom.org/page/our-constitution-a-conversation>
 - o Most Influential Cases (2.5 min.)
 - o Individual Liberty vs. Security (5 min.)
<http://www.annenbergclassroom.org/page/supreme-court-qa-2005-our-constitution-a-conversation>
 - “Key Constitutional Concepts” (62 min)
<http://www.annenbergclassroom.org/page/key-constitutional-concepts>
 Segment 2: One Man Changes the Constitution (Start time 23:02)
 Segment 3: Checks and Balances (Start time 41:52)
 - o Summarize the opinion of the court and explain the significance of each case.

2. Learn about the Supreme Court from Chief Justice John Roberts.

- View this video: “A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court (37 min)
<http://www.annenbergclassroom.org/page/a-conversation-on-the-origin-nature-and-importance-of-the-supreme-court>
- Summarize the response of the Chief Justice to each question posed.
- What did you learn about the Chief Justice himself by watching and listening to him respond to questions from the students.

3. Explore the issues covered in the cases.

- View video segments from “A Conversation on the Constitution: Judicial Independence”
<http://www.annenbergclassroom.org/page/Supreme-court-qa-2006>
 - o Ensuring a Fair Trial (1 min.)
 - o Protecting the Rights of the Minority (1.5 min.)
- Annenberg Classroom Resources for America’s Teachers
 - o Student Voices: Speak Out Discussions
 The Free Press and You: How does the First Amendment apply to student media?
www.annenbergclassroom.org/speakout/the-free-press-and-you-how-does-the-first-amendment-apply-to-student-media
 - The First Amendment: Do you know your free speech rights as a student?
www.annenbergclassroom.org/speakout/the-first-amendment-do-you-know-your-speech-rights
 - Does the First Amendment protect students’ speech off of school grounds?
www.annenbergclassroom.org/speakout/does-the-first-amendment-protect-students'-speech-off-of-school-grounds

4. Find more activities, lessons, and strategies for teaching Supreme Court cases.

- Landmark Cases <http://www.streetlaw.org/en/landmark.aspx>

Find numerous activities and teaching strategies that can be adapted for any Supreme Court case.

- o case study
- o moot court
- o role play
- o political cartoon analysis
- o continuum exercises
- o Web site evaluation

- New York Times Learning Network (Lessons)

<http://learning.blogs.nytimes.com/category/civics/>

Supporting Resources from AnnenbergClassroom.org, its Affiliates, and Others

Learn About the Supreme Court

Interactive Diagram of the Federal Court System

<http://www.annenbergclassroom.org/page/interactive-diagram-of-the-federal-court-system>

Our Rights (online book)

<http://www.annenbergclassroom.org/page/our-rights>

Pursuit of Justice: Supreme Court Decisions that Shaped America (online book)

<http://www.annenbergclassroom.org/page/the-pursuit-of-justice>

Our Constitution (online book)

<http://www.annenbergclassroom.org/page/our-constitution>

The Annenberg Guide to the Constitution: What it Says, What it Means

<http://www.annenbergclassroom.org/page/a-guide-to-the-united-states-constitution>

(See Article III, Sections I, II, and III)

Additional Resources

Learn about the Constitution

National Constitution Center

Explore the Constitution

http://www.constitutioncenter.org/ncc_edu_Studying_the_Constitution.aspx

Learn about the Federal Court System

Supreme Court of the United States <http://www.supremecourtus.gov>

Federal Judicial Center - Inside the Federal Courts

<http://www.fjc.gov/federal/courts.nsf>

U.S. Courts

<http://www.uscourts.gov>

USA.gov

<http://www.usa.gov/Agencies/Federal/Judicial.shtml>

Find Supreme Court Opinions

• Official source

Supreme Court of the United States

United States Reports (electronic copies of the official bound volumes)

Note: "In case of discrepancies between the print and electronic versions of these bound volume materials, the print versions control."

<http://www.supremecourt.gov/opinions/boundvolumes.aspx>

• Unofficial sources

FindLaw: <http://www.findlaw.com/casecode/supreme.html>

GPO Access: <http://www.gpoaccess.gov/supcrt/index.html>

OYEZ: <http://www.oyez.org>

RESOURCES

- Thirteen Case Summaries: Supreme Court Cases Involving Students
- Article III, U.S. Constitution
- Glossary of Court-Related Terms
- Diagram of U.S. Court System
- Circuit Map
- Where to Obtain Supreme Court Opinions

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 1 }

Engel v. Vitale From OYEZ Synopsis: http://www.oyez.org/cases/1960-1969/1961/1961_468/	
Docket: 468 Citation: 370 U.S. 421 (1962) Petitioner: Engel Respondent: Vitale	
Abstract Argument: Tuesday, April 3, 1962 Decision: Monday, June 25, 1962 Issues: First Amendment, Establishment of Religion Categories: education, first amendment, freedom of religion, states	Supreme Court Ruling Decision: 6 votes for Engel, 1 vote(s) against Legal Provision: Establishment of Religion
More Case Information Search Supreme Court cases at Justia.com to access preview and full text: http://supreme.justia.com/ Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm	

Facts of the Case

The Board of Regents for the State of New York authorized a short, voluntary prayer for recitation at the start of each school day. This was an attempt to defuse the politically potent issue by taking it out of the hands of local communities. The blandest of invocations read as follows: "Almighty God, we acknowledge our dependence upon Thee, and beg Thy blessings upon us, our teachers, and our country."

Question

Does the reading of a nondenominational prayer at the start of the school day violate the "establishment of religion" clause of the First Amendment?

Conclusion

Yes. Neither the prayer's nondenominational character nor its voluntary character saves it from unconstitutionality. By providing the prayer, New York officially approved religion. This was the first in a series of cases in which the Court used the establishment clause to eliminate religious activities of all sorts, which had traditionally been a part of public ceremonies. Despite the passage of time, the decision is still unpopular with a majority of Americans.

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 2 }

Tinker v. Des Moines Ind. Comm. School Dist.

From OYEZ Synopsis: http://www.oyez.org/cases/1960-1969/1968/1968_21/

Docket: 21
Citation: 393 U.S. 503 (1969)
Petitioner: Tinker
Respondent: Des Moines Ind. Comm. School Dist.

Abstract

Argument: Tuesday, November 12, 1968
Decision: Monday, February 24, 1969
Issues: First Amendment, Protest Demonstrations

Supreme Court Ruling

Decision: 7 votes for Tinker, 2 vote(s) against
Legal Provision: Amendment 1: Speech, Press, and Assembly

More Case Information

Search Supreme Court cases at Justia.com to access preview and full text: <http://supreme.justia.com/>
Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm

Facts of the Case

John Tinker, 15 years old, his sister Mary Beth Tinker, 13 years old, and Christopher Echardt, 16 years old, decided along with their parents to protest the Vietnam War by wearing black armbands to their Des Moines schools during the Christmas holiday season. Upon learning of their intentions, and fearing that the armbands would provoke disturbances, the principals of the Des Moines school district resolved that all students wearing armbands be asked to remove them or face suspension. When the Tinker siblings and Christopher wore their armbands to school, they were asked to remove them. When they refused, they were suspended until after New Year's Day.

Question

Does a prohibition against the wearing of armbands in public school, as a form of symbolic protest, violate the First Amendment's freedom of speech protections?

Conclusion

The wearing of armbands was "closely akin to 'pure speech'" and protected by the First Amendment. School environments imply limitations on free expression, but here the principals lacked justification for imposing any such limits. The principals had failed to show that the forbidden conduct would substantially interfere with appropriate school discipline.

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 3 }

Goss v. Lopez

From OYEZ Synopsis: http://www.oyez.org/cases/1970-1979/1974/1974_73_898/

Docket: 73-898
Citation: 419 U.S. 565 (1975)
Appellant: Goss
Appellee: Lopez

Abstract

Argument: Wednesday, October 16, 1974
Decision: Wednesday, January 22, 1975
Issues: Due Process, Hearing or Notice

Supreme Court Ruling

Decision: 5 votes for Lopez, 4 vote(s) against
Legal Provision: Due Process

More Case Information

Search Supreme Court cases at Justia.com to access preview and full text: <http://supreme.justia.com/>
Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm

Facts of the Case

Nine students at two high schools and one junior high school in Columbus, Ohio, were given 10-day suspensions from school. The school principals did not hold hearings for the affected students before ordering the suspensions, and Ohio law did not require them to do so. The principals' actions were challenged, and a federal court found that the students' rights had been violated. The case was then appealed to the Supreme Court.

Question

Did the imposition of the suspensions without preliminary hearings violate the students' Due Process rights guaranteed by the Fourteenth Amendment?

Conclusion

Yes. In a 5-to-4 decision, the Court held that because Ohio had chosen to extend the right to an education to its citizens, it could not withdraw that right "on grounds of misconduct absent fundamentally fair procedures to determine whether the misconduct ha[d] occurred." The Court held that Ohio was constrained to recognize students' entitlements to education as property interests protected by the Due Process Clause that could not be taken away without minimum procedures required by the Clause. The Court found that students facing suspension should at a minimum be given notice and afforded some kind of hearing.

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 4 }

Board Of Education v. Pico

From OYEZ Synopsis: http://www.oyez.org/cases/1980-1989/1981/1981_80_2043/

Docket: 80-2043
Citation: 457 U.S. 853 (1982)
Petitioner: Board Of Education
Respondent: Pico

Abstract

Argument: Tuesday, March 2, 1982
Decision: Friday, June 25, 1982
Issues: First Amendment, Miscellaneous

Supreme Court Ruling

Decision: 5 votes for Pico, 4 vote(s) against
Legal Provision: Amendment 1: Speech, Press, and Assembly

More Case Information

Search Supreme Court cases at Justia.com to access preview and full text: <http://supreme.justia.com/>
Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm

Facts of the Case

The Island Trees Union Free School District's Board of Education (the "Board"), acting contrary to the recommendations of a committee of parents and school staff, ordered that certain books be removed from its district's junior high and high school libraries. In support of its actions, the Board said such books were: "anti-American, anti-Christian, anti-Semitic, and just plain filthy." Acting through his friend Francis Pico, and on behalf of several other students, Steven Pico brought suit in federal district court challenging the Board's decision to remove the books. The Board won; the U.S. Court of Appeals for the Second Circuit reversed. The Board petitioned the U.S. Supreme Court, which granted certiorari.

Question

Did the Board of Education's decision to ban certain books from its junior high and high school libraries, based on their content, violate the First Amendment's freedom of speech protections?

Conclusion

Yes. Although school boards have a vested interest in promoting respect for social, moral, and political community values, their discretionary power is secondary to the transcendent imperatives of the First Amendment. The Court, in a 5-to-4 decision, held that as centers for voluntary inquiry and the dissemination of information and ideas, school libraries enjoy a special affinity with the rights of free speech and press. Therefore, the Board could not restrict the availability of books in its libraries simply because its members disagreed with their idea content.

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 5 }

New Jersey v. T.L.O.

From OYEZ Synopsis: http://www.oyez.org/cases/1980-1989/1983/1983_83_712/

Docket: 83-712
Citation: 469 U.S. 325 (1985)
Petitioner: New Jersey
Respondent: T.L.O.

Abstract

Argument: Wednesday, March 28, 1984
Reargument: Tuesday, October 2, 1984
Decision: Tuesday, January 15, 1985
Issues: Criminal Procedure, Search and Seizure

Supreme Court Ruling

Decision: 6 votes for New Jersey, 3 vote(s) against
Legal Provision: Amendment 4: Fourth Amendment

More Case Information

Search Supreme Court cases at Justia.com to access preview and full text: <http://supreme.justia.com/>
Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm

Facts of the Case

T.L.O. was a fourteen-year-old; she was accused of smoking in the girls' bathroom of her high school. A principal at the school questioned her and searched her purse, yielding a bag of marijuana and other drug paraphernalia.

Question

Did the search violate the Fourth and Fourteenth Amendments?

Conclusion

No. Citing the peculiarities associated with searches on school grounds, the Court abandoned its requirement that searches be conducted only when a "probable cause" exists that an individual has violated the law. The Court used a less strict standard of "reasonableness" to conclude that the search did not violate the Constitution. The presence of rolling papers in the purse gave rise to a reasonable suspicion in the principal's mind that T.L.O. may have been carrying drugs, thus, justifying a more thorough search of the purse.

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 6 }

Bethel School District No. 403 v. Fraser

From OYEZ Synopsis: http://www.oyez.org/cases/1980-1989/1985/1985_84_1667/

Docket: 84-1667
Citation: 478 U.S. 675 (1986)
Petitioner: Bethel School District No. 403
Respondent: Fraser

Abstract

Argument: Monday, March 3, 1986
Decision: Monday, July 7, 1986
Issues: First Amendment, Miscellaneous

Supreme Court Ruling

Decision: 7 votes for Bethel School District No. 403, 2 vote(s) against
Legal Provision: Amendment 1: Speech, Press, and Assembly

More Case Information

Search Supreme Court cases at Justia.com to access preview and full text: <http://supreme.justia.com/>
Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm

Facts of the Case

At a school assembly of approximately 600 high school students, Matthew Fraser made a speech nominating a fellow student for elective office. In his speech, Fraser used what some observers believed was a graphic sexual metaphor to promote the candidacy of his friend. As part of its disciplinary code, Bethel High School enforced a rule prohibiting conduct which "substantially interferes with the educational process . . . including the use of obscene, profane language or gestures." Fraser was suspended from school for two days.

Question

Does the First Amendment prevent a school district from disciplining a high school student for giving a lewd speech at a high school assembly?

Conclusion

No. The Court found that it was appropriate for the school to prohibit the use of vulgar and offensive language. Chief Justice Burger distinguished between political speech which the Court previously had protected in *Tinker v. Des Moines Independent Community School District* (1969) and the supposed sexual content of Fraser's message at the assembly. Burger concluded that the First Amendment did not prohibit schools from prohibiting vulgar and lewd speech since such discourse was inconsistent with the "fundamental values of public school education."

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 7 }

Hazelwood School District v. Kuhlmeier From OYEZ Synopsis: http://www.oyez.org/cases/1980-1989/1987/1987_86_836/	
Docket: 86-836 Citation: 484 U.S. 260 (1988) Petitioner: Hazelwood School District Respondent: Kuhlmeier	
Abstract Argument: Tuesday, October 13, 1987 Decision: Wednesday, January 13, 1988 Issues: First Amendment, Miscellaneous	Supreme Court Ruling Decision: 5 votes for Hazelwood School District, 3 vote(s) against Legal Provision: Amendment 1: Speech, Press, and Assembly
More Case Information Search Supreme Court cases at Justia.com to access preview and full text: http://supreme.justia.com/ Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm	

Facts of the Case

The Spectrum, the school-sponsored newspaper of Hazelwood East High School, was written and edited by students. In May 1983, Robert E. Reynolds, the school principal, received the pages proofs for the May 13 issue. Reynolds found two of the articles in the issue to be inappropriate, and ordered that the pages on which the articles appeared be withheld from publication. Cathy Kuhlmeier and two other former Hazelwood East students brought the case to court.

Question

Did the principal's deletion of the articles violate the students' rights under the First Amendment?

Conclusion

No. In a 5-to-3 decision, the Court held that the First Amendment did not require schools to affirmatively promote particular types of student speech. The Court held that schools must be able to set high standards for student speech disseminated under their auspices, and that schools retained the right to refuse to sponsor speech that was "inconsistent with 'the shared values of a civilized social order.'" Educators did not offend the First Amendment by exercising editorial control over the content of student speech so long as their actions were "reasonably related to legitimate pedagogical concerns." The actions of principal Reynolds, the Court held, met this test.

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 8 }

Santa Fe Independent School Dist. v. Doe

From OYEZ Synopsis: http://www.oyez.org/cases/1990-1999/1999/1999_99_62/

Docket: 99-62
Citation: 530 U.S. 290 (2000)
Petitioner: Santa Fe Independent School Dist.
Respondent: Doe

Abstract

Argument: Wednesday, March 29, 2000
Decision: Monday, June 19, 2000
Issues: First Amendment, Establishment of Religion

Supreme Court Ruling

Decision: 6 votes for Doe, 3 vote(s) against
Legal Provision: Establishment of Religion

More Case Information

Search Supreme Court cases at Justia.com to access preview and full text: <http://supreme.justia.com/>
Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm

Facts of the Case

Prior to 1995, a student elected as Santa Fe High School's student council chaplain delivered a prayer, described as overtly Christian, over the public address system before each home varsity football game. One Mormon and one Catholic family filed suit challenging this practice and others under the Establishment Clause of the First Amendment. The District Court enjoined the public Santa Fe Independent School District (the District) from implementing its policy as it stood. While the suit was pending, the District adopted a new policy, which permitted, but did not require, student-initiated and student-led prayer at all the home games and which authorized two student elections, the first to determine whether "invocations" should be delivered at games, and the second to select the spokesperson to deliver them. After the students authorized such prayers and selected a spokesperson, the District Court entered an order modifying the policy to permit only nonsectarian, nonproselytizing prayer. The Court of Appeals held that, even as modified by the District Court, the football prayer policy was invalid. The District petitioned for a writ of certiorari, claiming its policy did not violate the Establishment Clause because the football game messages were private student speech, not public speech.

Question

Does the Santa Fe Independent School District's policy permitting student-led, student-initiated prayer at football games violate the Establishment Clause of the First Amendment?

Conclusion

Yes. In a 6-3 opinion delivered by Justice John Paul Stevens, the Court held that the District's policy permitting student-led, student-initiated prayer at football games violates the Establishment Clause. The Court concluded that the football game prayers were public speech authorized by a government policy and taking place on government property at government-sponsored school-related events and that the District's policy involved both perceived and actual government endorsement of the delivery of prayer at important school events. Such speech is not properly characterized as "private," wrote Justice Stevens for the majority. In dissent, Chief Justice William H. Rehnquist, joined by Justices Antonin Scalia and Clarence Thomas, noted the "disturbing" tone of the Court's opinion that "bristle[d] with hostility to all things religious in public life."

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 9 }

Board of Education v. Earls

From OYEZ Synopsis: http://www.oyez.org/cases/2000-2009/2001/2001_01_332/

Docket: 01-332
Citation: 536 U.S. 822 (2002)
Petitioner: Board of Education
Respondent: Earls

Abstract

Argument: Tuesday, March 19, 2002
Decision: Thursday, June 27, 2002
Issues: Privacy, Miscellaneous

Supreme Court Ruling

Decision: 5 votes for Board of Education, 4 vote(s) against
Legal Provision: Amendment 4: Fourth Amendment

More Case Information

Search Supreme Court cases at Justia.com to access preview and full text: <http://supreme.justia.com/>
Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm

Facts of the Case

The Student Activities Drug Testing Policy adopted by the Tecumseh, Oklahoma School District (School District) requires all middle and high school students to consent to urinalysis testing for drugs in order to participate in any extracurricular activity. Two Tecumseh High School students and their parents brought suit, alleging that the policy violates the Fourth Amendment. The District Court granted the School District summary judgment. In reversing, the Court of Appeals held that the policy violated the Fourth Amendment. The appellate court concluded that before imposing a suspicionless drug-testing program a school must demonstrate some identifiable drug abuse problem among a sufficient number of those tested, such that testing that group will actually redress its drug problem, which the School District had failed to demonstrate.

Question

Is the Student Activities Drug Testing Policy, which requires all students who participate in competitive extracurricular activities to submit to drug testing, consistent with the Fourth Amendment?

Conclusion

Yes. In a 5-4 opinion delivered by Justice Clarence Thomas, the Court held that, because the policy reasonably serves the School District's important interest in detecting and preventing drug use among its students, it is constitutional. The Court reasoned that the Board of Education's general regulation of extracurricular activities diminished the expectation of privacy among students and that the Board's method of obtaining urine samples and maintaining test results was minimally intrusive on the students' limited privacy interest. "Within the limits of the Fourth Amendment, local school boards must assess the desirability of drug testing schoolchildren. In upholding the constitutionality of the Policy, we express no opinion as to its wisdom. Rather, we hold only that Tecumseh's Policy is a reasonable means of furthering the School District's important interest in preventing and deterring drug use among its schoolchildren," wrote Justice Thomas.

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 10 }

Zelman v. Simmons-Harris

From OYEZ Synopsis: http://www.oyez.org/cases/2000-2009/2001/2001_00_1751/

Docket: 00-1751
Citation: 536 U.S. 639 (2002)
Petitioner: Zelman
Respondent: Simmons-Harris
Consolidated: No. 00-1777; No. 00-1779

Abstract

Argument: Wednesday, February 20, 2002
Decision: Thursday, June 27, 2002
Issues: First Amendment, Parochial

Supreme Court Ruling

Decision: 5 votes for Zelman, 4 vote(s) against
Legal Provision: Establishment of Religion

More Case Information

Search Supreme Court cases at Justia.com to access preview and full text: <http://supreme.justia.com/>
Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm

Facts of the Case

Ohio's Pilot Project Scholarship Program provides tuition aid in the form of vouchers for certain students in the Cleveland City School District to attend participating public or private schools of their parent's choosing. Both religious and nonreligious schools in the district may participate. Tuition aid is distributed to parents according to financial need, and where the aid is spent depends solely upon where parents choose to enroll their children. In the 1999-2000 school year 82 percent of the participating private schools had a religious affiliation and 96 percent of the students participating in the scholarship program were enrolled in religiously affiliated schools. Sixty percent of the students were from families at or below the poverty line. A group of Ohio taxpayers sought to enjoin the program on the ground that it violated the Establishment Clause. The District Court granted them summary judgment, and the Court of Appeals affirmed.

Question

Does Ohio's school voucher program violate the Establishment Clause?

Conclusion

No. In a 5-4 opinion delivered by Chief Justice William H. Rehnquist, the Court held that the program does not violate the Establishment Clause. The Court reasoned that, because Ohio's program is part of Ohio's general undertaking to provide educational opportunities to children, government aid reaches religious institutions only by way of the deliberate choices of numerous individual recipients and the incidental advancement of a religious mission, or any perceived endorsement, is reasonably attributable to the individual aid recipients not the government. Chief Justice Rehnquist wrote that the "Ohio program is entirely neutral with respect to religion. It provides benefits directly to a wide spectrum of individuals, defined only by financial need and residence in a particular school district. It permits such individuals to exercise genuine choice among options public and private, secular and religious. The program is therefore a program of true private choice."

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 11 }

Grutter v. Bollinger From OYEZ Synopsis: http://www.oyez.org/cases/2000-2009/2002/2002_02_241/	
Docket: 02-241 Citation: 539 U.S. 306 (2003) Petitioner: Grutter Respondent: Bollinger	
Abstract Argument: Tuesday, April 1, 2003 Decision: Monday, June 23, 2003 Issues: Civil Rights, Affirmative Action	Supreme Court Ruling Decision: 5 votes for Bollinger, 4 vote(s) against Legal Provision: Equal Protection
More Case Information Search Supreme Court cases at Justia.com to access preview and full text: http://supreme.justia.com/ Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm	

Facts of the Case

In 1997, Barbara Grutter, a white resident of Michigan, applied for admission to the University of Michigan Law School. Grutter applied with a 3.8 undergraduate GPA and an LSAT score of 161. She was denied admission. The Law School admits that it uses race as a factor in making admissions decisions because it serves a "compelling interest in achieving diversity among its student body." The District Court concluded that the Law School's stated interest in achieving diversity in the student body was not a compelling one and enjoined its use of race in the admissions process. In reversing, the Court of Appeals held that Justice Powell's opinion in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), constituted a binding precedent establishing diversity as a compelling governmental interest sufficient under strict scrutiny review to justify the use of racial preferences in admissions. The appellate court also rejected the district court's finding that the Law School's "critical mass" was the functional equivalent of a quota.

Question

Does the University of Michigan Law School's use of racial preferences in student admissions violate the Equal Protection Clause of the Fourteenth Amendment or Title VI of the Civil Rights Act of 1964?

Conclusion

No. In a 5-4 opinion delivered by Justice Sandra Day O'Connor, the Court held that the Equal Protection Clause does not prohibit the Law School's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body. The Court reasoned that, because the Law School conducts highly individualized review of each applicant, no acceptance or rejection is based automatically on a variable such as race and that this process ensures that all factors that may contribute to diversity are meaningfully considered alongside race. Justice O'Connor wrote, "in the context of its individualized inquiry into the possible diversity contributions of all applicants, the Law School's race-conscious admissions program does not unduly harm nonminority applicants."

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 12 }

Roper v. Simmons

From OYEZ Synopsis: http://www.oyez.org/cases/2000-2009/2004/2004_03_633/

Docket: 03-633
Citation: 543 U.S. 551 (2005)
Petitioner: Donald P. Roper, Superintendent, Potosi Correctional Center
Respondent: Christopher Simmons

Abstract

Granted: Monday, January 26, 2004
Argument: Wednesday, October 13, 2004
Decision: Tuesday, March 1, 2005
Issues: Criminal Procedure, Cruel and Unusual Punishment, Death Penalty

Supreme Court Ruling

Decision: 5 votes for Simmons, 4 vote(s) against
Legal Provision: Amendment 8: Cruel and Unusual Punishment

More Case Information

Search Supreme Court cases at Justia.com to access preview and full text: <http://supreme.justia.com/>
Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm

Facts of the Case

Christopher Simmons was sentenced to death in 1993, when he was only 17. A series of appeals to state and federal courts lasted until 2002, but each appeal was rejected. Then, in 2002, the Missouri Supreme Court stayed Simmon's execution while the U.S. Supreme Court decided *Atkins v. Virginia*, a case that dealt with the execution of the mentally ill. After the U.S. Supreme Court ruled that executing the mentally ill violated the Eighth and 14th Amendment prohibitions on cruel and unusual punishment because a majority of Americans found it cruel and unusual, the Missouri Supreme Court decided to reconsider Simmons' case.

Using the reasoning from the *Atkins* case, the Missouri court decided, 6-to-3, that the U.S. Supreme Court's 1989 decision in *Stanford v. Kentucky*, which held that executing minors was not unconstitutional, was no longer valid. The opinion in *Stanford v. Kentucky* had relied on a finding that a majority of Americans did not consider the execution of minors to be cruel and unusual. The Missouri court, citing numerous laws passed since 1989 that limited the scope of the death penalty, held that national opinion had changed. Finding that a majority of Americans were now opposed to the execution of minors, the court held that such executions were now unconstitutional.

On appeal to the U.S. Supreme Court, the government argued that allowing a state court to overturn a Supreme Court decision by looking at "evolving standards" would be dangerous, because state courts could just as easily decide that executions prohibited by the Supreme Court (such as the execution of the mentally ill in *Atkins v. Virginia*) were now permissible due to a change in the beliefs of the American people.

Question

Does the execution of minors violate the prohibition of "cruel and unusual punishment" found in the Eighth Amendment and applied to the states through the incorporation doctrine of the 14th Amendment?

Conclusion

Yes. In a 5-4 opinion delivered by Justice Anthony Kennedy, the Court ruled that standards of decency have evolved so that executing minors is "cruel and unusual punishment" prohibited by the Eighth Amendment. The majority cited a consensus against the juvenile death penalty among state legislatures, and its own determination that the death penalty is a disproportionate punishment for minors. Finally the Court pointed to "overwhelming" international opinion against the juvenile death penalty. Chief Justice William Rhenquist and Justices Antonin Scalia, Sandra Day O'Connor, and Clarence Thomas all dissented.

Thirteen Case Summaries: Supreme Court Cases Involving Students

{ Case 13 }

Morse v. Frederick

From OYEZ Synopsis: http://www.oyez.org/cases/2000-2009/2006/2006_06_278/

Docket: 03-633
Citation: 543 U.S. 551 (2005)
Petitioner: Donald P. Roper, Superintendent, Potosi Correctional Center
Respondent: Christopher Simmons

Abstract

Granted: Friday, December 1, 2006
Argument: Monday, March 19, 2007
Decision: Monday, June 25, 2007
Issues: First Amendment, Protest Demonstrations

Supreme Court Ruling

Decision: 5 votes for Morse, 4 vote(s) against
Legal Provision: Amendment 1: Speech, Press, and Assembly

More Case Information

Search Supreme Court cases at Justia.com to access preview and full text: <http://supreme.justia.com/>
Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm

Facts of the Case

At a school-supervised event, Joseph Frederick held up a banner with the message "Bong Hits 4 Jesus," a slang reference to marijuana smoking. Principal Deborah Morse took away the banner and suspended Frederick for ten days. She justified her actions by citing the school's policy against the display of material that promotes the use of illegal drugs. Frederick sued under 42 U.S.C. 1983, the federal civil rights statute, alleging a violation of his First Amendment right to freedom of speech.

The District Court found no constitutional violation and ruled in favor of Morse. The court held that even if there were a violation, the principal had qualified immunity from lawsuit. The U.S. Court of Appeals for the Ninth Circuit reversed. The Ninth Circuit cited *Tinker v. Des Moines Independent Community School District*, which extended First Amendment protection to student speech except where the speech would cause a disturbance. Because Frederick was punished for his message rather than for any disturbance, the Circuit Court ruled, the punishment was unconstitutional. Furthermore, the principal had no qualified immunity, because any reasonable principal would have known that Morse's actions were unlawful.

Question

- 1) Does the First Amendment allow public schools to prohibit students from displaying messages promoting the use of illegal drugs at school-supervised events?
- 2) Does a school official have qualified immunity from a damages lawsuit under 42 U.S.C. 1983 when, in accordance with school policy, she disciplines a student for displaying a banner with a drug reference at a school-supervised event?

Conclusion

Yes and not reached. The Court reversed the Ninth Circuit by a 5-4 vote, ruling that school officials can prohibit students from displaying messages that promote illegal drug use. Chief Justice John Roberts's majority opinion held that although students do have some right to political speech even while in school, this right does not extend to pro-drug messages that may undermine the school's important mission to discourage drug use. The majority held that Frederick's message, though "cryptic," was reasonably interpreted as promoting marijuana use - equivalent to "[Take] bong hits" or "bong hits [are a good thing]." In ruling for Morse, the Court affirmed that the speech rights of public school students are not as extensive as those adults normally enjoy, and that the highly protective standard set by *Tinker* would not always be applied. In concurring opinions, Justice Thomas expressed his view that the right to free speech does not apply to students and his wish to see *Tinker* overturned altogether, while Justice Alito stressed that the decision applied only to pro-drug messages and not to broader political speech. The dissent conceded that the principal should have had immunity from the lawsuit, but argued that the majority opinion was "[...] deaf to the constitutional imperative to permit unfettered debate, even among high-school students [...]."

The Constitution of the United States

Article III

Section 1

Section 1 - The Text

The judicial Power of the United States shall be vested in one supreme Court and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 1 - The Meaning

Article III establishes the federal court system. The first section creates the U.S. Supreme Court as the federal system's highest court. The Supreme Court has final say on matters of federal law that come before it. Today, the U.S. Supreme Court has nine justices who are appointed by the president with the approval of the Senate.

Congress has the power to create and organize the lower federal courts. Today, there are lower federal courts in every state. A case is filed and tried in the federal district courts and in some specialty courts, like admiralty or bankruptcy courts. The trial courts look at the facts of the case and decide guilt or innocence or which side is right in an argument or dispute. The courts of appeal hear appeals of the losing parties. The appellate courts look at whether the trial was fair, whether the process followed the rules, and whether the law was correctly applied.

To assure that they are insulated from political influence, federal judges are appointed for life as long as they are on "good behavior." This generally means for as long as they want the job or until they are impeached for committing a serious crime. In addition, the Constitution specifies that Congress cannot cut a judge's pay. This prevents members of Congress from punishing a judge when they do not like one of his or her decisions.

Section 2

Section 2 - The Text

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—[between a State and Citizens of another State;—]8 between citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States [and between a State, or the Citizens thereof;—

and foreign States, Citizens or Subjects.]9 In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction.

In all other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

8. *Modified by Amendment XI.*

9. *Modified by Amendment XI.*

Section 2 - The Meaning

The federal courts will decide arguments over how to interpret the Constitution, all laws passed by Congress, and our nation's rights and responsibilities in agreements with other nations. In addition, federal courts can hear disputes that may arise between states, between citizens of different states and between states and the federal government.

In 1803, in the case of *Marbury v. Madison*, the Supreme Court, in an opinion written by Chief Justice John Marshall, interpreted Article III and Article VI to give the federal courts final say over the meaning of the federal Constitution and federal laws and the power to order state and federal officials to comply with its rulings. The federal courts can only make decisions on cases that are brought to them by a person who is actually affected by the law. Federal courts are not allowed to create cases on their own—even if they believe a law is unconstitutional nor are they allowed to rule on hypothetical scenarios.

Almost all federal cases start in federal district courts, where motions are decided and trials held. The cases are then heard on appeal by the federal courts of appeal and then by the Supreme Court if four justices of the nine-member Court decide to hear the case. Congress can limit the power of the appeals courts by changing the rules about which cases can be appealed. State cases that involve an issue of federal law can also be heard by the Supreme Court after the highest court in the state rules (or refuses to rule) in the case. The Supreme Court accepts only a small number of cases for review, typically around eighty cases each year. In a small number of lawsuits—those involving ambassadors, public ministers and consuls, or where a state is a party—the Supreme Court is the first court to hear the case.

The federal courts also have final say over guilt or innocence in federal criminal cases. A defendant in a criminal case, except impeachment, has a right to have his or her case heard by a jury in the state where the crime occurred.

Section 3

Section 3 - The Text

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Section 3 - The Meaning

Treason is the only crime specifically defined in the Constitution. According to Article III, Section 3, a person is guilty of treason if he or she goes to war against the United States or gives “aid or comfort” to an enemy. He or she does not have to physically pick up a weapon and fight in combat against U.S. troops. Actively helping the enemy by passing along classified information or supplying weapons, for example, can lead to charges of treason.

Vocal opposition to a U.S. war effort through protest and demonstration, however, is protected by the free speech clause in Amendment I. A conviction of treason must be based either on an admission of guilt in open court or on the testimony of two witnesses.

Congress may set the punishment, but it must be directed only at the guilty person and not at his or her friends or family if they were not involved in the crime.

Glossary of Court-Related Terms

acquittal -- a decision by a court that a person charged with a crime is not guilty.

affirm -- to uphold a decision reached by a lower court.

appeal -- a request, usually made after a trial, asking another court (usually the court of appeals) to decide whether the trial court proceeding was conducted properly. To make such a request is "to appeal" or "to take an appeal."

appeals court -- an intermediate court of the federal judicial system or a state appellate court. Not all states have intermediate-level courts, but of those that do, many are called the Court of Appeals. In some states, appeals are divided between a court of criminal appeals and a court of civil appeals. In other states there are specialized appeals courts as well. For example, in Pennsylvania, the Commonwealth Court handles appeals when a state agency is a party. (see appellate court)

appellate court -- a court that reviews decisions of lower courts. In the federal courts, the primary appellate courts are the U.S. courts of appeals and the U.S. Supreme Court.

arraignment -- a formal stage of the criminal process in which the defendants are brought before a judge, confronted with the charges against them, and they enter a plea to those charges.

Article I courts -- special courts created by Congress (legislative courts).

Article III courts -- system federal courts established under Article III of the U.S. Constitution which states: "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

bench trial -- a trial, without a jury, conducted before a judge.

brief -- a written argument of law and fact submitted to the court by an attorney representing a party having an interest in a lawsuit.

case -- a legal dispute or controversy involving a civil or criminal lawsuit or action brought to a court for resolution. Cases can be resolved by a court after fact-finding or resolved by agreement of the parties or some other third party such as an arbitrator or administrative judge.

case law -- law that has evolved from past court decisions, as opposed to law created by legislative acts.

case or controversy rule -- the constitutional requirement that courts may only hear real disputes brought by adverse parties. (see Article III, Section 2).

certiorari -- an order by a court requiring that the lower court produce the records of a particular case tried so that the reviewing court can inspect the proceedings and determine whether there have been any irregularities. Almost all parties seeking review of their cases in the U.S. Supreme Court file a petition for a writ of certiorari. The Court issues a limited number of writs, thus indicating the few cases it is willing to hear among the many in which parties request review.

Glossary of Court-Related Terms

chief judge -- the judge who has primary responsibility for the administration of a court, but also decides cases. Chief appellate judges and chief district judges take office according to rules regarding age and seniority; chief bankruptcy judges are appointed by the district judges of the court.

Chief Justice -- the "first among equals" on the U.S. Supreme Court, who has numerous responsibilities for the administration of the federal judicial system as well as for hearing cases. The President appoints the Chief Justice, with approval of the Senate, when a vacancy occurs in the office.

circuit -- the regional unit of federal judicial appeals. Congress has divided the federal judicial system into twelve regional circuits (the eleven numbered circuits and the District of Columbia Circuit). In each circuit is a court of appeals to hear appeals from district courts in the circuit, and a circuit judicial council to oversee the administration of the courts of the circuit.

circuit court -- an informal name for a U.S. court of appeals (also the name of some state trial courts).

civil law -- The body of law dealing with the private rights of individuals, as opposed to the criminal law.

class action -- A lawsuit brought by one person or group on behalf of all persons who have the same interests in the litigation and whose rights or liabilities can be more efficiently determined as a group than in a series of individual suits.

court -- an agency of government authorized to resolve legal disputes. Judges and lawyers sometimes use the term *court* to refer to the judge, as in "the court has read the pleadings."

complaint -- a written statement by the person (called the "plaintiff") starting a civil lawsuit which details the wrongs allegedly committed against that person by another person (called the "defendant").

conviction -- the final judgment entered after a finding of guilt.

criminal law -- law governing the relationship between individuals and society. Deals with the enforcement of laws and the punishment of those who, by breaking laws, commit crimes.

damages -- money that a defendant pays a plaintiff in a civil case that the plaintiff has won, to compensate the plaintiff for loss or injury.

default judgment -- a judgment against the defendant awarding the plaintiff the relief demanded in the complaint because of the defendant's failure to appear in court. A summons must notify the defendant that failure to appear and defend against the lawsuit in a timely manner will result in the court's entry of a default judgment.

defendant -- a party at the trial level being sued in a civil case or charged with a crime in a criminal case. In a civil action, the party denying or defending itself against charges brought by a plaintiff. In a criminal action, the person accused by the government of breaking the law.

Glossary of Court-Related Terms

deposition -- a frequently used means of obtaining discovery in civil cases, in which the attorney who requested the deposition questions a party, witness, or any person with information about the case, and the person (the deponent) answers under oath.

discovery -- A pretrial procedure whereby one party to a lawsuit gains access to information or evidence held by the opposing party.

dissenting opinion -- an opinion by a judge who disagrees with the result reached by the court in a case.

district court -- the trial courts of general jurisdiction in the federal system.

diversity jurisdiction -- The authority of federal courts to hear cases in which a party from one state is suing a party from another state. (also called "diversity of citizenship" jurisdiction).

docket -- the schedule of cases to be heard by a court.

due process -- government procedures that follow principles of essential fairness.

en banc -- an appellate court hearing with all the judges of the court participating.

equitable -- dealing fairly and equally.

evidence -- information in the form of testimony, documents, or physical objects that is presented in a case to persuade the fact finder (judge or jury) to decide the case for one side or the other.

Establishment Clause -- The establishment clause prevents the government from creating a church, endorsing religion in general, or favoring one set of religious beliefs over another.

federal courts -- courts established under the U.S. Constitution. The term usually refers to courts of the federal judicial branch, which include the Supreme Court of the United States, the U.S. courts of appeals, the U.S. district courts (including U.S. bankruptcy courts), and the U.S. Court of International Trade. Congress has established other federal courts in the executive branch, such as immigration courts.

federal-question jurisdiction -- the federal district courts' authorization to hear and decide cases arising under the Constitution, laws, or treaties of the United States.

federalism -- a principle of our Constitution which gives some functions to the U.S. government and leaves the other functions to the states. The functions of the U.S. (or federal) government involve the nation as a whole and include regulating commerce that affects people in more than one state, providing for the national defense, and taking care of federal lands. State and local governments perform such functions as running the schools, managing the police departments, and paving the streets.

felony -- a serious criminal offense, usually punishable by incarceration of one year or more.

Glossary of Court-Related Terms

file -- (1) to submit (a legal document) to the proper office (as the office of a clerk of court) for keeping on file among the records; (2) to initiate (a judicial or administrative proceeding) by submitting the proper documents or following proper procedure.

final decision -- a court's decision that resolves the claims of the parties and leaves nothing further for the court to do but ensure that the decision is carried out. The U.S. courts of appeals have jurisdiction over appeals from final decisions of U.S. district courts.

grand jury -- a panel of twelve to twenty-three citizens who review prosecutorial evidence to determine if there are sufficient grounds to issue an indictment binding an individual over for trial on criminal charges.

habeas corpus -- "You have the body." A writ issued to determine if a person held in custody is being unlawfully detained or imprisoned.

hearsay -- testimony not based on the personal knowledge of the witness, but a repetition of what the witness has heard others say.

held -- expressed as a judgment, opinion, or belief.

in forma pauperis -- "In the form of a pauper." A special status granted to indigents that allows them to proceed without payment of court fees and to be exempt from certain procedural requirements.

indictment -- a document issued by a grand jury officially charging an individual with criminal violations and binding the accused over for trial.

injunction -- a writ prohibiting the person to whom it is directed from committing certain specified acts.

judge -- a governmental official with authority to preside over and decide lawsuits brought to courts.

judgment -- the official decision or determination of a court in a case. Can also be called "decision," "opinion," or "order" of the court.

judicial review -- judicial review is the power of an independent judiciary, or courts of law, to determine whether the acts of other components of the government are in accordance with the constitution. Any action that conflicts with the constitution is declared unconstitutional and therefore nullified. Thus, the judicial department of government may check or limit the legislative and executive departments by preventing them from exceeding the limits set by the constitution.

judiciary -- the branch of government created by Article III of the Constitution which has the power to interpret the Constitution and laws passed by Congress. The courts determine whether the other branches of government are operating as the Constitution requires but must work with the other two branches to ensure that its orders are obeyed.

jurisdiction -- (1) the legal authority of a court to hear and decide a certain type of case; (2) the geographic area over which the court has authority to decide cases.

Glossary of Court-Related Terms

jury -- a group of citizens whose duty is to weigh evidence fairly and impartially and decide the facts in a trial (see petit jury) or to decide whether evidence against a defendant is sufficient to file an indictment charging him or her with a crime.

justice – the quality of being just, impartial, or fair; the principle or ideal of just dealing; the establishment or determination of rights according to law or equity; fair, just, or impartial legal process.

Justice Department -- the agency of the federal executive branch with responsibilities in a wide range of areas bearing on the administration of justice and enforcement of laws passed by Congress. The Justice Department is responsible for investigating alleged criminal conduct, deciding which cases merit prosecution in the federal courts, and prosecuting those cases. It also represents the U.S. government in many civil actions.

law -- a law is a public rule that is issued by an established authority, backed by an institutional structure and enforced by sanctions. In the United States, a federal law is typically enacted when a measure passes a majority vote in both the House of Representatives and the Senate and is then signed by the president. A measure can become law without the president's signature if it passes by a 2/3 vote in both the House and the Senate. State laws are usually created by a similar process, with legislatures and governors taking the place of Congress and the president.

lawsuit -- any one of various proceedings in a court of law.

legislative court -- A court created by Congress under authority of Article I of the Constitution to assist in carrying out the powers of the legislature.

litigant -- a party to a lawsuit.

magistrate -- a low level judge with limited authority.

majority opinion -- an opinion in a case written by one judge in which a majority of the judges on the court join.

misdemeanor -- a less serious criminal act, usually punishable by less than one year of incarceration.

mistrial -- a trial that is prematurely ended by a judge because of procedural irregularities.

motion -- a request made to a court for a certain ruling or action.

nolo contendere -- No contest. A plea entered by a criminal defendant in which the accused does not admit guilt but submits to sentencing and punishment as if guilty.

opinion of the court -- a judge's written explanation of a decision in a case or some aspect of a case. An opinion of the court explains the decision of all or a majority of the judges. A dissenting opinion is an opinion by one or more judges who disagree with the majority. A concurring opinion is an opinion by one or more judges that agrees with the decision of the majority but offers further comment or a different reason for the decision. A per curiam opinion is an opinion handed down by an appellate court but not signed by an individual judge.

order -- a written command issued by a judge.

Glossary of Court-Related Terms

oral argument -- in appellate cases, an opportunity for the lawyers for each side to appear before the judges to summarize their positions and answer the judges' questions.

original jurisdiction -- the authority of a court to try a case and to decide it, as opposed to appellate jurisdiction.

panel -- (1) in appellate cases, a group of three judges assigned to decide the case; (2) in the process of jury selection, the group of potential jurors from which the jury is chosen; (3) in criminal cases, a group of private lawyers whom the court has approved to be appointed to represent defendants unable to afford to hire lawyers.

party -- one of the litigants. At the trial level, the parties are typically referred to as the plaintiff and defendant. On appeal, they are known as the appellant and appellee, or, in some cases involving administrative agencies, as the petitioner and respondent.

petit jury -- a trial court jury to decide criminal or civil cases.

petitioner -- someone who files a petition with a court seeking action or relief, including the plaintiff or appellant. When a writ of certiorari is granted by the Supreme Court, the party seeking review is called the petitioner, and the party responding is called the respondent.

plaintiff -- an individual or group that institutes a legal action or claim.

plea -- in a criminal case, the defendant's statement to the court that he or she is "guilty" or "not guilty" of the charges.

pleadings -- in a civil case, the written statements of the parties stating their positions about the case.

precedent -- a court decision in an earlier case with facts and legal issues similar to a dispute currently before a court. Judges will generally "follow precedent"- meaning that they use the principles established in earlier cases to decide new cases that have similar facts and raise similar legal issues. A judge will disregard precedent if a party can show that the earlier case was wrongly decided, or that it differed in some significant way from the current case.

pro se -- a person who appears in court without an attorney.

procedural justice -- justice pursued through due process of law to resolve conflicts between individuals or between individuals and their government. The government administers fair and impartial procedures equally to everyone under its authority in order to settle disputes among them or to prosecute persons charged with crimes against the state.

When procedural due process prevails, conflicts are settled in an orderly and fair manner in a court of law, according to the rule of law, and not by the arbitrary actions of people in power. This equal justice under the law regulates the interactions among private individuals and between individuals and government. Punishments, such as incarceration in prison, payment of fines, or performance of community service, may be carried out against a wrongdoer. One party harmed by another may receive compensation from the perpetrator of the grievance.

Glossary of Court-Related Terms

probable cause -- the legal standard defining the amount of evidence or information needed to justify a search or an arrest. The Fourth Amendment requires that arrests and searches made by law enforcement officers be justified by probable cause. An arresting officer has probable cause for an arrest only if there is enough reliable information or evidence to support the officer's reasonable belief that a crime has been committed and that the defendant committed it.

prosecute -- to charge a person or organization with a crime and seek to gain a criminal conviction against that person or organization.

record -- all the documents filed in a case and a written account of the trial proceedings.

remand -- to send a case back to an inferior court for additional action.

respondent -- the individual or group compelled to answer or defend claims or questions posed in a court by a petitioner; also, the person or group against whom a petition, such as a writ of habeas corpus seeking relief is brought, or a person or group who wins at trial and defends that outcome on appeal.

reverse—the act of an appellate court setting aside the decision of a trial court. A reversal is often accompanied by a remand to the lower court for further proceedings.

rule of law -- The rule of law exists when a state's constitution functions as the supreme law of the land, when the statutes enacted and enforced by the government invariably conform to the constitution.

The rule of law, however, is not merely rule by law; rather, it demands equal justice for each person under the authority of a constitutional government. So, the rule of law exists in a democracy or any other kind of political system only when the following standards are met:

- laws are enforced equally and impartially
- no one is above the law, and everyone under the authority of the constitution is obligated equally to obey the law
- laws are made and enforced according to established procedures, not the rulers' arbitrary will
- there is a common understanding among the people about the requirements of the law and the consequences of violating the law
- laws are not enacted or enforced retroactively
- laws are reasonable and enforceable

sentence -- a judgment of the court imposing punishment upon a defendant for criminal conduct.

settlement -- an agreement between the parties to a lawsuit to resolve their differences among themselves without having a trial or before the judge or jury renders a verdict in a trial.

sequester -- (1) the court's exclusion of witnesses from the courtroom until they testify, so that their testimony will not be influenced by the testimony of prior witnesses; this practice is normally available if counsel request it, but does not apply to parties, who have the right to be present in court throughout the trial; (2) the court's requirement that jurors remain isolated while deliberating on a case because justice requires that they be protected from outside influences.

Glossary of Court-Related Terms

state court -- a court established in accordance with a state constitution that has the jurisdiction to decide matters of law. State courts are courts of general jurisdiction, meaning that they can handle matters of both state and federal law. They are usually governed by rules of procedure set up by the highest court in the state.

statute -- a law passed by a legislature.

subpoena -- (Latin "under penalty") A writ commanding a person to appear before a court or other tribunal, subject to a penalty for failing to comply.

Supreme Court of the United States -- the highest court in the judicial branch of the U.S. government; the court of last resort. It is the only court specifically established by the Constitution in Article III. Congress is given the power to establish the other lower federal courts. Currently the Supreme Court sits in Washington D.C. and has nine Justices.

tort -- a civil wrong for which a remedy may be obtained, usually in the form of damages; as breach of a duty that the law imposes on everyone in the same relation to one another as those involved in a given transaction.

trial -- the proceeding at which parties in a civil case, or the government and the defense in a criminal case, produce evidence for consideration by a fact finder in court. The fact finder, who may be a judge or a jury, applies the law to the facts as it finds them and decides whether the defendant is guilty in a criminal case or which party should win in a civil case.

trial court -- court in which trials take place at the local or district level.

trial jury -- see petit jury

U.S. Attorney -- a lawyer appointed by the President, in each judicial district, to prosecute cases for the federal government and represent the government in civil actions.

U.S. bankruptcy court -- a federal court that hears and administers matters that arise under the Bankruptcy Code. Although it is a unit of the district court and technically hears cases referred to it by the district court, for most practical purposes it functions as a separate administrative unit.

U.S. court of appeals—a federal court that reviews decisions of the district court when a party in a case asks it to. Some use *circuit court* to refer to the court of appeals, although technically *circuit court* refers to a federal trial court that functioned from 1789 to the early twentieth century.

U.S. Court of Appeals for the Federal Circuit—a federal court of appeals located in Washington, D.C., whose jurisdiction is defined by subject matter rather than geography. It hears appeals only in certain types of cases, including those involving patent laws and those decided by the U.S. Court of International Trade and the U.S. Court of Federal Claims.

U.S. Court of Federal Claims —a special trial court with nationwide jurisdiction which hears cases involving money damages in excess of \$10,000 against the United States, including disputes over federal contracts, federal takings of private property for public use, and rights of military personnel. With the approval of the Senate, the President appoints U.S. Court of Federal Claims judges for fifteen-year terms.

Glossary of Court-Related Terms

U.S. district court—a federal court with general trial jurisdiction. It is the court in which the parties in a lawsuit file motions, petitions, and other documents and take part in pretrial and other types of status conferences. If there is a trial, it takes place in the district court. Also referred to as a *trial court*.

uphold -- to allow a lower court's decision to stand as is. After reviewing the lower court's decision, an appellate court may uphold or reverse it. Compare with "reverse."

verdict -- a petit jury's or a judge's decision on the factual issues in a case.

warrant -- a judicial order authorizing an arrest or search and seizure.

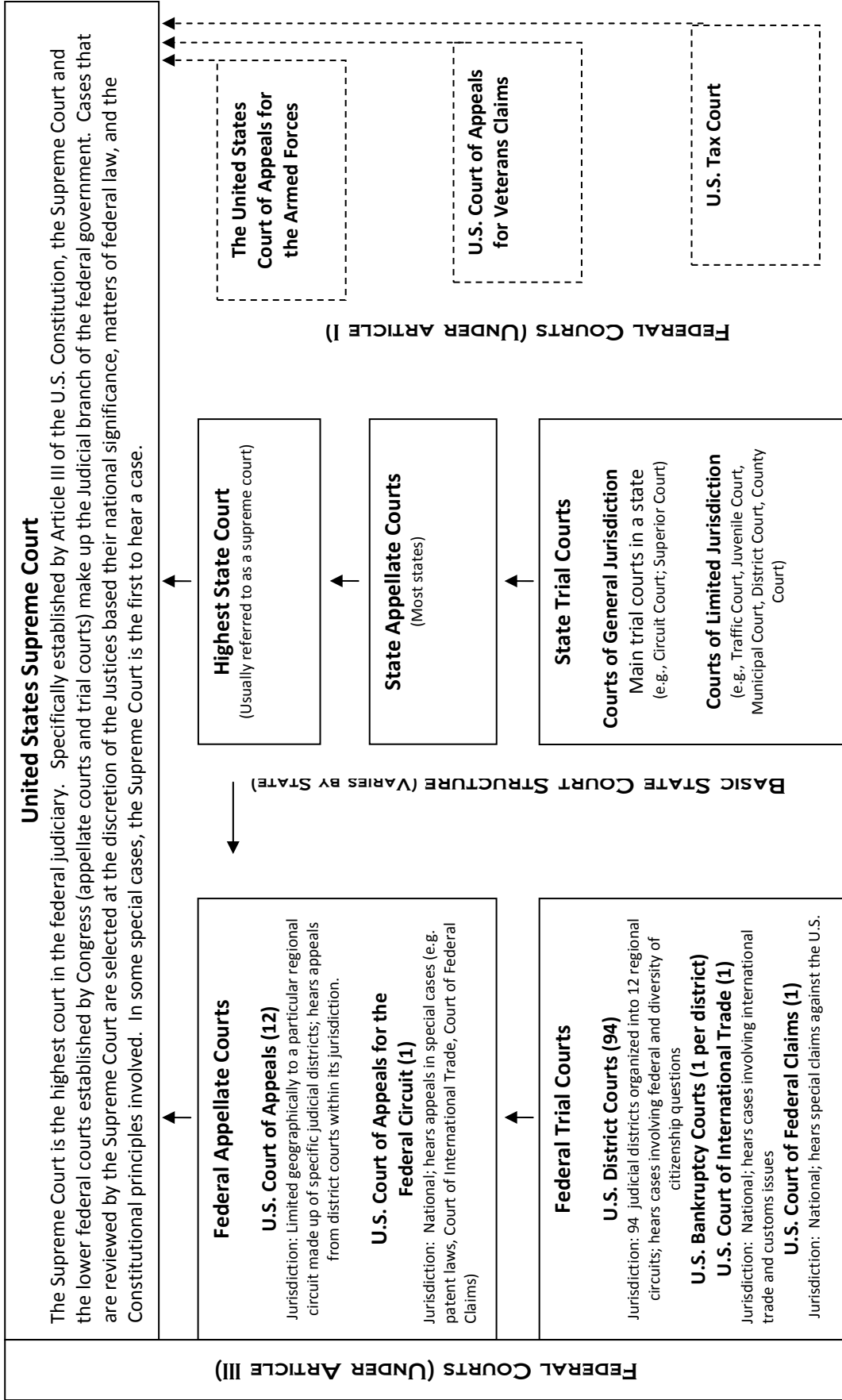
witness -- a person called upon by either side in a lawsuit to give testimony before the court.

writ -- a written order of a court commanding the recipient to perform or not to perform certain specified acts.

Sources for Definitions:

- [**Annenbergclassroom.org**](#) -- Student Voices: Glossary
- [**FactCheckED**](#) -- Dictionary
- [**Federal Judicial Center: Inside the Federal Courts**](#) -- Definitions
- [**FindLaw**](#) -- Law Dictionary
- [**Justice Learning**](#) -- Democracy Glossary
- [**OYEZ**](#) -- Glossary of Legal Terms

DIAGRAM OF THE U.S. COURT SYSTEM



Jurisdiction of the federal court system is limited to cases involving the United States government, federal laws, disputes between states, citizenship disputes, bankruptcy issues, and the Constitution.

Jurisdiction of the state courts covers all state laws and some federal matters. For cases in which federal and state courts have jurisdiction, the parties may choose to go to state court or to federal court.

Jurisdiction covers specific federal laws and benefits programs. Though not part of the judiciary established by Article III of the Constitution, appeals may be taken to Article III courts.

WHERE TO OBTAIN SUPREME COURT OPINIONS

(August 2007)

This list of Supreme Court opinion publishers was compiled, and is updated annually, by the staff of the Supreme Court of the United States for use by the Court and the public. It is intended to be as complete as possible and includes every opinion issuer of which the staff is aware. Any exclusion from the list is inadvertent; legitimate sources will be added upon submission of the appropriate information. Subscribers to the Court's Project Hermes opinion service are designated (H) on the list. Caution: Inclusion on the list does not constitute endorsement by the Court, and the Court does not vouch for the accuracy, completeness, or currency of any unofficial source. In the case of any variance between versions of opinions published in the official United States Reports and any other source, whether print or electronic, the United States Reports controls.

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Washington, DC 20402
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Fax: 202-512-2250

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Washington, DC 20543
—Internet: <http://www.supremecourtus.gov>

UNOFFICIAL OPINION SOURCES

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Reprints of United States Reports
William S. Hein & Co.
1285 Main Street
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Supreme Court Reporter
Thomson West
610 Opperman Drive
Eagan, MN 55123
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—Internet: <http://www.west.thomson.com>

Supreme Court Reports, Lawyers' Edition
LexisNexis * Matthew Bender
Attn: Customer Service
1275 Broadway
Albany, NY 12204-2694
Phone: 800-833-9844 or 800-223-1940
—Internet: <http://www.lexisnexis.com>

United States Law Week
Bureau of National Affairs, Inc.
1231 25th Street, NW
Washington, DC 20037
Phone: 800-372-1033
—Internet: <http://www.bna.com>

MICROFILM/MICROFICHE:

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Phone: 808-235-2200 or 800-235-4446
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610 Opperman Drive (Corporate)
Eagan, MN 55123
651-987-7000

800 West California Avenue, 2nd Floor
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Phone: 800-455-4565
—Internet: <http://www.findlaw.com/casecode/supreme.html>

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—Internet: <http://www.loislaw.com>

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Legal Information Institute (H)
Cornell Law School
Myron Taylor Hall
Ithaca, NY 14853
—Internet: <http://www.law.cornell.edu/supct/index.html>

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LexisNexis Group
PO Box 933
Dayton, OH 45401-0933
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—Internet: <http://www.lexisnexis.com>

Oyez * U. S. Supreme Court Media
—Internet: <http://www.oyez.org>

Quicklaw, Inc. (H) [LexisNexis Canada, Inc.]

PO Box 2080, 2 Gore St.

Kingston, Ontario

Canada K7L 5J8

Phone: 800-267-9470

—Internet: <http://www.quicklaw.com> or www.lexisnexus.ca/ql

USSC+

InfoSynthesis, Inc.

13330 Edinorough Way #1610

Edina, MN 55435

Phone: 952-426-1744

—Internet: <http://www.usscplus.com>

VersusLaw, Inc. (H)

8383 158th Avenue, NE, Suite 250

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Phone: 425-250-0142

Internet: <http://www.versuslaw.com>

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Geronimo Development Corp.

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STUDENT WORKSHEETS

- Class Prep: Assignment Sheet
- Profile a Supreme Court Case
- Diagram it—Conflict Resolution the Legal Way
- Anatomy of a Supreme Court Opinion
- Summary Matrix of Supreme Court Cases Involving Students

Class Prep: Assignment Sheet

This assignment sheet identifies resources and provides activities to help prepare you for the class lesson on “Anatomy of a Supreme Court Opinion.” Coming to class with a familiarity of the case and understanding of key vocabulary and concepts will definitely help you do a better job of analyzing and dissecting the full text of the Supreme Court case.

INSTRUCTIONS

Read, review, and become familiar with the following resources then complete the activities and bring the 2 completed worksheets with you to class.

Print Resources and Worksheets (Available from the teacher)

- Glossary of Court-Related Terms
- Diagram of the U.S. Court System
- Case summary for Board of Education v. Earls (Case 9 in the collection of Twelve Case Summaries included with the lesson)
- Worksheet: Profile a Supreme Court Case
- Worksheet: Diagram It: Conflict Resolution the Legal Way

Internet Resources

- U.S. Constitution, Article III
http://www.justicelearning.org/justice_timeline/articles.aspx?id=4
- Video Clips: How does the Constitution help solve problems? (1 min 44 s)
Should the court change the way it decides cases? (2 min 30 s)
<http://www.annenbergclassroom.org/page/supreme-court-qa-2005-our-constitution-a-conversation>

Activities (based on the summary provided)

1. Develop a profile of *Board of Education v. Earls*.
2. Map the judicial process for the case from problem to resolution by the Supreme Court.

Materials needed:

- Summary of the following Supreme Court opinion for *Board of Education v. Earls*.
- Worksheet: Profile a Supreme Court Case
- Worksheet: Diagram It: Conflict Resolution the Legal Way

Instructions:

1. Fill in the profile with as much information as the summary provides. Because summaries don't contain all the facts, there will be empty spaces left. More information will be added when the official text is reviewed and analyzed together in class.
2. Diagram the judicial process from problem to resolution using this worksheet:
Diagram It: Conflict Resolution the Legal Way.

**** REMEMBER: Bring the 2 completed worksheets to class. ****

Worksheet: Profile a Supreme Court Case

Directions: Analyze the text of a Supreme Court opinion from primary and secondary sources to extract details and create a profile about the case. Be prepared to discuss the “Think About It” questions after completing the profile. Use additional paper if more space is needed.

Case Name:	
Citation:	
Background Story (Include Date)	
Problem	
Petitioner	
Respondent	
Issue(s) involved	
What question needs to be settled?	
Constitution/ Federal law concern	
Show Judicial process (use arrows)	
Reason Supreme Court decided to hear the case	
Vote of the Court	
Majority Opinion: A Quote	
Dissenting Opinion: A Quote	
Vote of the Court	
Use of precedents	
Think About It:	
<p><u>Case Questions</u></p> <ol style="list-style-type: none"> 1. Were the rights of students expanded or limited by the Supreme Court decision? 2. How do you think this decision was received by the respondent and petitioner? 3. How does this decision affect you as a student? 4. The decision resolved a dispute, but did it solve the source of the problem? Explain. 5. How would you have voted? Why? <p><u>General Questions</u></p> <ol style="list-style-type: none"> 1. Are student rights the same as adult rights? Explain. 2. Reflect on the time it took to get the dispute resolved. <ol style="list-style-type: none"> a) Was justice served? Explain. b) Who benefits from Supreme Court decisions? Explain. 	

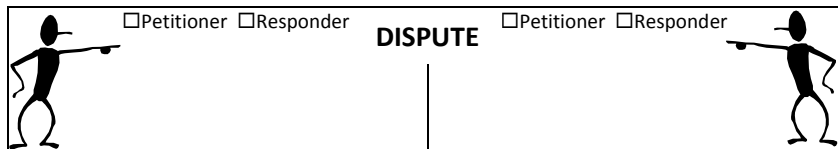
Worksheet: Diagram It- Conflict Resolution the Legal Way

Directions: Analyze the text of a Supreme Court opinion from primary and secondary sources to extract details about the case and map its pathway through the state and federal court system to a final resolution by the Supreme Court.

FEDERAL COURT STRUCTURE (UNDER ARTICLE III)	United States Supreme Court	
	Case Name and Citation:	
	Reason Supreme Court selected the case:	
	Ruling:	
Federal Appellate Courts	Highest State Court	Court: Ruling:
Court: Ruling:	State Appellate Courts	Court: Ruling:
Federal Trial Courts	State Trial Courts	Court: Ruling:
Court: Ruling:		

Federal Jurisdiction (Explain)

State Jurisdiction (Explain)



PROBLEM

Worksheet: (For note-taking)

Anatomy of a Supreme Court Opinion

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls

Note: The following chart is designed to be used along with the “marked up” pdf of the case provided with the lesson. The use of a computer for analysis and review is recommended.

Note	Description (Student Notes)	Text from Supreme Court Case (Copied and Pasted) <i>Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls</i>
1.		822
2.		OCTOBER TERM, 2001
3.		Syllabus
4.		BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NO. 92 OF POTTAWATOMIE COUNTY et al. v. EARLS et al.
5.		certiorari to the united states court of appeals for the tenth circuit
6.		No. 01–332. Argued March 19, 2002—Decided June 27, 2002
7.		The Student Activities Drug Testing Policy (Policy) adopted by the Tecumseh, Oklahoma, School District (School District) requires all middle and high school students to consent to urinalysis testing for drugs in order to participate in any extracurricular activity. In practice, the Policy has been applied only to competitive extracurricular activities sanctioned by the Oklahoma Secondary Schools Activities Association (OSSAA). Respondent high school students and their parents brought this 42 U. S. C. § 1983 action for equitable relief, alleging that the Policy violates the Fourth Amendment. Applying <i>Vernonia School Dist. 47J v. Acton</i> , 515 U. S. 646, in which this Court upheld the suspicionless drug testing of school athletes, the District Court granted the School District summary judgment. The Tenth Circuit reversed, holding that the Policy violated the Fourth Amendment. It concluded that before imposing a suspicionless drug testing program a school must demonstrate some identifiable drug abuse problem among a sufficient number of those tested, such that testing that group will actually redress its drug problem. The court then held that the School District had failed to demonstrate such a problem among Tecumseh students participating in competitive extracurricular activities.”
8.		<i>Held:</i> Tecumseh’s Policy is a reasonable means of furthering the School District’s important interest in preventing and deterring drug use among its schoolchildren and does not violate the Fourth Amendment.
9.		(a) Because searches by public school officials implicate Fourth Amendment interests, see, e. g., <i>Vernonia</i> , 515 U. S., at 652, the Court must review the Policy for “reasonableness,” the touchstone of constitutionality.
10.		536 U.S. 822 (2002)

Anatomy of a Supreme Court Opinion

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls

11.		The need to prevent and deter the substantial harm of childhood drug use provides the necessary immediacy for a school testing policy. Given the nationwide epidemic of drug use, and the evidence of increased drug use in Tecumseh schools, it was entirely reasonable for the School District to enact this particular drug testing policy. Pp. 834–838. 242 F. 3d 1264, reversed.
12.		Thomas, J., delivered the opinion of the Court, in which Rehnquist, C. J., and Scalia, Kennedy, and Breyer, JJ., joined. Breyer, J., filed a concurring opinion, <i>post</i> , p. 838. O'Connor, J., filed a dissenting opinion, in which Souter, J., joined, <i>post</i> , p. 842. Ginsburg, J., filed a dissenting opinion, in which Stevens, O'Connor, and Souter, JJ., joined, <i>post</i> , p. 842.
13.		Opinion of the Court
14.		<i>Linda Maria Meoli</i> argued the cause for petitioners. With her on the briefs were <i>Stephanie J. Mather</i> and <i>William P. Bleakley</i> . <i>Deputy Solicitor General Clement</i> argued the cause for the United States as <i>amicus curiae</i> urging reversal. With him on the brief were <i>Solicitor General Olson</i> , <i>Assistant Attorney General McCallum</i> , <i>Gregory G. Garre</i> , <i>Leonard Schaitman</i> , and <i>Lowell V. Sturgill, Jr.</i> <i>Graham A. Boyd</i> argued the cause for respondents. With him on the brief was <i>Steven R. Shapiro</i> .*
15.		Justice Thomas delivered the opinion of the Court.
16.		The Student Activities Drug Testing Policy implemented by the Board of Education of Independent School District No. 92 of Pottawatomie County (School District) requires all students who participate in competitive extracurricular activities to submit to drug testing. Because this Policy reasonably serves the School District's important interest in detecting and preventing drug use among its students, we hold that it is constitutional.
17.		The city of Tecumseh, Oklahoma, is a rural community located approximately 40 miles southeast of Oklahoma City. The School District administers all Tecumseh public schools. In the fall of 1998, the School District adopted the Student Activities Drug Testing Policy (Policy), which requires all middle and high school students to consent to drug testing in order to participate in any extracurricular activity. (paragraph continues)
18.		At the time of their suit, both respondents attended Tecumseh High School. Respondent Lindsay Earls was a member of the show choir, the marching band, the Academic Team, and the National Honor Society. Respondent Daniel James sought to participate in the Academic Team. ¹ Together with their parents, Earls and James brought a Rev. Stat. § 1979, 42 U. S. C. § 1983, action against the School District, challenging the Policy both on its face and as applied to their participation in extracurricular activities. ² They alleged that the Policy violates the Fourth Amendment as incorporated by the Fourteenth Amendment and requested injunctive and declarative relief. They also argued that the School District failed to identify a special need for testing students who participate in extracurricular activities, and that the "Drug Testing Policy neither addresses a proven problem nor promises to bring any benefit to students or the school." App. 9.
19.		Applying the principles articulated in <i>Vernonia School Dist. 47J v. Acton</i> , 515 U. S. 646 (1995), in which we upheld the suspicionless drug testing of school athletes, the United States District Court for the Western District of Oklahoma rejected respondents' claim that the Policy was unconstitutional and granted summary judgment to the School District.
20.		The United States Court of Appeals for the Tenth Circuit reversed, holding that the Policy violated the Fourth Amendment.

Anatomy of a Supreme Court Opinion

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls

21.		The Court of Appeals then held that because the School District failed to demonstrate such a problem existed among Tecumseh students participating in competitive extracurricular activities, the Policy was unconstitutional. We granted certiorari, 534 U. S. 1015 (2001), and now reverse.
22.		"The Fourth Amendment to the United States Constitution protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." Searches by public school officials, such as the collection of urine samples, implicate Fourth Amendment interests. See <i>Vernonia, supra</i> , at 652; cf. <i>New Jersey v. T. L. O.</i> , 469 U. S. 325, 334 (1985). We must therefore review the School District's Policy for "reasonableness," which is the touchstone of the constitutionality of a governmental search."
23.		While schoolchildren do not shed their constitutional rights when they enter the schoolhouse, see <i>Tinker v. Des Moines Independent Community School Dist.</i> , 393 U. S. 503, 506 (1969), "Fourth Amendment rights . . . are different in public schools than elsewhere; the 'reasonableness' inquiry cannot disregard the schools' custodial and tutelary responsibility for children." <i>Vernonia</i> , 515 U. S., at 656. In particular, a finding of individualized suspicion may not be necessary when a school conducts drug testing.
24.		In <i>Vernonia</i> , this Court held that the suspicionless drug testing of athletes was constitutional. The Court, however, did not simply authorize all school drug testing, but rather conducted a fact-specific balancing of the intrusion on the children's Fourth Amendment rights against the promotion of legitimate governmental interests. See <i>id.</i> , at 652-653. Applying the principles of <i>Vernonia</i> to the somewhat different facts of this case, we conclude that Tecumseh's Policy is also constitutional.
25.		We first consider the nature of the privacy interest allegedly compromised by the drug testing.
26.		A student's privacy interest is limited in a public school environment where the State is responsible for maintaining discipline, health, and safety.
27.		We therefore conclude that the students affected by this Policy have a limited expectation of privacy.
28.		Next, we consider the character of the intrusion imposed by the Policy
29.		Given the minimally intrusive nature of the sample collection and the limited uses to which the test results are put, we conclude that the invasion of students' privacy is not significant.
30.		Finally, this Court must consider the nature and immediacy of the government's concerns and the efficacy of the Policy in meeting them.

Anatomy of a Supreme Court Opinion

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls

31.		Finally, we find that testing students who participate in extracurricular activities is a reasonably effective means of addressing the School District's legitimate concerns in preventing, deterring, and detecting drug use. While in <i>Vernonia</i> there might have been a closer fit between the testing of athletes and the trial court's finding that the drug problem was "fueled by the 'role model' effect of athletes' drug use," such a finding was not essential to the holding. 515 U. S., at 663; cf. <i>id.</i> , at 684-685 (O'Connor, J., dissenting) (questioning the extent of the drug problem, especially as applied to athletes). <i>Vernonia</i> did not require the school to test the group of students most likely to use drugs, but rather considered the constitutionality of the program in the context of the public school's custodial responsibilities. Evaluating the Policy in this context, we conclude that the drug testing of Tecumseh students who participate in extracurricular activities effectively serves the School District's interest in protecting the safety and health of its students.
32.		Within the limits of the Fourth Amendment, local school boards must assess the desirability of drug testing schoolchildren. In upholding the constitutionality of the Policy, we express no opinion as to its wisdom. Rather, we hold only that Tecumseh's Policy is a reasonable means of furthering the School District's important interest in preventing and deterring drug use among its schoolchildren. Accordingly, we reverse the judgment of the Court of Appeals.
33.		<i>It is so ordered.</i>
34.		Justice Breyer, concurring.
35.		I agree with the Court that <i>Vernonia School Dist. 47J v. Acton</i> , 515 U. S. 646 (1995), governs this case and
36.		Ginsburg, J., dissenting
37.		Justice Ginsburg, with whom Justice Stevens, Justice O'Connor, and Justice Souter join, dissenting.
38.		"[T]he legality of a search of a student," this Court has instructed, "should depend simply on the reasonableness, under all the circumstances, of the search." <i>New Jersey v. T. L. O.</i> , 469 U. S. 325, 341 (1985). Although " 'special needs' inhere in the public school context," see <i>ante</i> , at 829 (quoting <i>Vernonia</i> , 515 U. S., at 653), those needs are not so expansive or malleable as to render reasonable any program of student drug testing a school district elects to install. The particular testing program upheld today is not reasonable; it is capricious, even perverse: Petitioners' policy targets for testing a student population least likely to be at risk from illicit drugs and their damaging effects. I therefore dissent.

TEACHER MATERIALS

- Anatomy of a Supreme Court Opinion (Teacher's Guide)
- PDF of Supreme Court Opinion from United States Reports (mark-up added)
Board of Education of Independent School District No. 92 of Pottawatomie County et al, v. Earls et al.
- Rubric for Homework
- Take-Home Quiz

(TEACHER'S GUIDE for Presentation)

Anatomy of a Supreme Court Opinion

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls

Note: The following chart is designed to be used along with the "marked up" pdf of the case provided with the lesson. The use of a computer for analysis and review is recommended.

Note	Description	Text from Supreme Court Case (Copied and Pasted) <i>Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls</i>
1.	Page number on which the opinion of a Supreme Court case begins in the bound volume of the U.S. Reports (the official record)	822
2.	Court Term "The Court's Term begins on the first Monday in October and ends on the preceding day the next year. The October Term 2008 begins on October 6, 2008." Supreme Court	OCTOBER TERM, 2001
3.	Header indicating where the case summary begins	Syllabus
4.	Case name, or caption, includes both sides (parties) involved in the dispute. "v." = versus	BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NO. 92 OF POTTAWATOMIE COUNTY et al. v. EARLS et al.
5.	"Certiorari" indicates that the Supreme Court is willing to review the case from the U.S. Court of Appeals for the Tenth Circuit and requests the records for the case.	certiorari to the united states court of appeals for the tenth circuit
6.	Docket number comes first. Date on which the case was argued before the Supreme Court Date on which the Supreme Court decided the case.	No. 01-332. Argued March 19, 2002—Decided June 27, 2002

Anatomy of a Supreme Court Opinion

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls

7.	The opening paragraph summarizes the case coming before the court for review.	The Student Activities Drug Testing Policy (Policy) adopted by the Tecumseh, Oklahoma, School District (School District) requires all middle and high school students to consent to urinalysis testing for drugs in order to participate in any extracurricular activity. In practice, the Policy has been applied only to competitive extracurricular activities sanctioned by the Oklahoma Secondary Schools Activities Association (OSSAA). Respondent high school students and their parents brought this 42 U. S. C. § 1983 action for equitable relief, alleging that the Policy violates the Fourth Amendment. Applying <i>Vernonia School Dist. 47J v. Acton</i> , 515 U. S. 646, in which this Court upheld the suspicionless drug testing of school athletes, the District Court granted the School District summary judgment. The Tenth Circuit reversed, holding that the Policy violated the Fourth Amendment. It concluded that before imposing a suspicionless drug testing program a school must demonstrate some identifiable drug abuse problem among a sufficient number of those tested, such that testing that group will actually redress its drug problem. The court then held that the School District had failed to demonstrate such a problem among Tecumseh students participating in competitive extracurricular activities."
8.	"Held:" Indicates that a statement about the decision of the Court follows.	<i>Held:</i> Tecumseh's Policy is a reasonable means of furthering the School District's important interest in preventing and deterring drug use among its schoolchildren and does not violate the Fourth Amendment.
9.	After the ruling is given, The reasons are listed and summarized. This first reason shows the Constitutional significance of the case— involves the 4 th Amendment of the Constitution.	(a) Because searches by public school officials implicate Fourth Amendment interests, see, e. g., <i>Vernonia</i> , 515 U. S., at 652, the Court must review the Policy for "reasonableness," the touchstone of constitutionality.
10.	Official citation used to indicate the place where the case was published. There are 4 parts and the order has meaning: 1 st : volume = 536 2 nd : Abbreviation for the publisher (U.S. = United States Reports) 3 rd : page on which the case is found = 822 4 th : Year case was decided in parentheses = (2002)	536 U.S. 822 (2002)
11.	Concluding statement for summary, and consequence of the Supreme Court decision. "reversed" indicates that the Supreme Court reversed the lower court decision	The need to prevent and deter the substantial harm of childhood drug use provides the necessary immediacy for a school testing policy. Given the nationwide epidemic of drug use, and the evidence of increased drug use in Tecumseh schools, it was entirely reasonable for the School District to enact this particular drug testing policy. Pp. 834–838. 242 F. 3d 1264, reversed.

(TEACHER'S GUIDE for Presentation)

Anatomy of a Supreme Court Opinion

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls

12.	<p>About the Justices and how each voted: Justice who wrote the opinion of the court; Justice who wrote the concurring opinion (majority); Justice who wrote the dissenting opinion (minority);</p> <p>5 voted for the Board of Ed. 4 voted against</p>	<p>Thomas, J., delivered the opinion of the Court, in which Rehnquist, C. J., and Scalia, Kennedy, and Breyer, JJ., joined. Breyer, J., filed a concurring opinion, <i>post</i>, p. 838. O'Connor, J., filed a dissenting opinion, in which Souter, J., joined, <i>post</i>, p. 842. Ginsburg, J., filed a dissenting opinion, in which Stevens, O'Connor, and Souter, JJ., joined, <i>post</i>, p. 842.</p>
13.	<p>Header shows that the Opinion of the Court begins on this page</p>	<p>Opinion of the Court</p>
14.	<p>Advocates for each of the parties—those who prepared and argued the case</p>	<p><i>Linda Maria Meoli</i> argued the cause for petitioners. With her on the briefs were <i>Stephanie J. Mather</i> and <i>William P. Bleakley</i>. <i>Deputy Solicitor General Clement</i> argued the cause for the United States as <i>amicus curiae</i> urging reversal. With him on the brief were <i>Solicitor General Olson</i>, <i>Assistant Attorney General McCallum</i>, <i>Gregory G. Garre</i>, <i>Leonard Schaitman</i>, and <i>Lowell V. Sturgill, Jr.</i> <i>Graham A. Boyd</i> argued the cause for respondents. With him on the brief was <i>Steven R. Shapiro</i>.*</p>
15.	<p>This sentence names the Justice who delivered (wrote) the Opinion of the Court (the majority opinion) and signals the beginning of that section.</p>	<p>Justice Thomas delivered the opinion of the Court.</p>
16.	<p>Opening paragraph of the opinion is a concise statement of the case and the Court decision.</p>	<p>The Student Activities Drug Testing Policy implemented by the Board of Education of Independent School District No. 92 of Pottawatomie County (School District) requires all students who participate in competitive extracurricular activities to submit to drug testing. Because this Policy reasonably serves the School District's important interest in detecting and preventing drug use among its students, we hold that it is constitutional.</p>
17.	<p>Beginning of the 1st paragraph for the background story and history of the case. The background story provides all the relevant details and facts about the case.</p>	<p>The city of Tecumseh, Oklahoma, is a rural community located approximately 40 miles southeast of Oklahoma City. The School District administers all Tecumseh public schools. In the fall of 1998, the School District adopted the Student Activities Drug Testing Policy (Policy), which requires all middle and high school students to consent to drug testing in order to participate in any extracurricular activity. (paragraph continues)</p>
18.	<p>Included in the background story is information about the respondents and the charge brought by the students and their parents and the alleged violation of the Fourth Amendment</p>	<p>At the time of their suit, both respondents attended Tecumseh High School. Respondent Lindsay Earls was a member of the show choir, the marching band, the Academic Team, and the National Honor Society. Respondent Daniel James sought to participate in the Academic Team.¹ Together with their parents, Earls and James brought a Rev. Stat. § 1979, 42 U. S. C. § 1983, action against the School District, challenging the Policy both on its face and as applied to their participation in extracurricular activities.² They alleged that the Policy violates the Fourth Amendment as incorporated by the Fourteenth Amendment and requested injunctive and declarative relief. They also argued that the School District failed to identify a special need for testing students who participate in extracurricular activities, and that the "Drug Testing Policy neither addresses a proven problem nor promises to bring any benefit to students or the school." App. 9.</p>

Anatomy of a Supreme Court Opinion*Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*

19.	Judicial process is chronicled: Lower court ruling (district court) and precedent cited	Applying the principles articulated in <i>Vernonia School Dist. 47J v. Acton</i> , 515 U. S. 646 (1995), in which we upheld the suspicionless drug testing of school athletes, the United States District Court for the Western District of Oklahoma rejected the respondents' claim that the Policy was unconstitutional and granted summary judgment to the School District.
20.	U.S. Appeals Court	The United States Court of Appeals for the Tenth Circuit reversed, holding that the Policy violated the Fourth Amendment.
21.	Acceptance of the case by the Supreme Court and action	The Court of Appeals then held that because the School District failed to demonstrate such a problem existed among Tecumseh students participating in competitive extracurricular activities, the Policy was unconstitutional. We granted certiorari, 534 U. S. 1015 (2001), and now reverse.
22.	Constitutional principles involved which prompted the Supreme Court to take the case.	"The Fourth Amendment to the United States Constitution protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." Searches by public school officials, such as the collection of urine samples, implicate Fourth Amendment interests. See <i>Vernonia</i> , <i>supra</i> , at 652; cf. <i>New Jersey v. T. L. O.</i> , 469 U. S. 325, 334 (1985). We must therefore review the School District's Policy for "reasonableness," which is the touchstone of the constitutionality of a governmental search."
23.	Use of precedent (case law) Tip: Cases are <i>italicized</i> Look for the v.	While schoolchildren do not shed their constitutional rights when they enter the schoolhouse, see <i>Tinker v. Des Moines Independent Community School Dist.</i> , 393 U. S. 503, 506 (1969), "Fourth Amendment rights . . . are different in public schools than elsewhere; the 'reasonableness' inquiry cannot disregard the schools' custodial and tutelary responsibility for children." <i>Vernonia</i> , 515 U. S., at 656. In particular, a finding of individualized suspicion may not be necessary when a school conducts drug testing.
24.	Use of precedent	In <i>Vernonia</i> , this Court held that the suspicionless drug testing of athletes was constitutional. The Court, however, did not simply authorize all school drug testing, but rather conducted a fact-specific balancing of the intrusion on the children's Fourth Amendment rights against the promotion of legitimate governmental interests. See <i>id.</i> , at 652-653. Applying the principles of <i>Vernonia</i> to the somewhat different facts of this case, we conclude that Tecumseh's Policy is also constitutional.
25.	Important factor considered by the Court	We first consider the nature of the privacy interest allegedly compromised by the drug testing.
26.	Reasoning	A student's privacy interest is limited in a public school environment where the State is responsible for maintaining discipline, health, and safety.
27.	Conclusion	We therefore conclude that the students affected by this Policy have a limited expectation of privacy.
28.	Important factor considered by the Court	Next, we consider the character of the intrusion imposed by the Policy
29.	Conclusion	Given the minimally intrusive nature of the sample collection and the limited uses to which the test results are put, we conclude that the invasion of students' privacy is not significant.
30.	Important factor considered by the court	Finally, this Court must consider the nature and immediacy of the government's concerns and the efficacy of the Policy in meeting them.
31.	Conclusion	Finally, we find that testing students who participate in extracurricular activities is a reasonably effective means of addressing the School District's legitimate concerns in preventing, deterring, and detecting drug use. While in <i>Vernonia</i> there might have been a closer fit between the testing of athletes and the trial court's finding that the drug problem was "fueled by the 'role model' effect of athletes' drug use," such a finding was not essential to the holding. 515 U. S., at 663; cf. <i>id.</i> , at 684-685 (O'Connor, J., dissenting) (questioning the extent of the drug problem, especially as applied to athletes). <i>Vernonia</i> did not require the school to test the group of students most likely to use drugs, but rather considered the constitutionality of the program in the context of the public school's custodial responsibilities. Evaluating the Policy in this context, we conclude that the drug testing of Tecumseh students who participate in extracurricular activities effectively serves the School District's interest in protecting the safety and health of its students.

Anatomy of a Supreme Court Opinion

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls

32.	Summary conclusion	Within the limits of the Fourth Amendment, local school boards must assess the desirability of drug testing schoolchildren. In upholding the constitutionality of the Policy, we express no opinion as to its wisdom. Rather, we hold only that Tecumseh's Policy is a reasonable means of furthering the School District's important interest in preventing and deterring drug use among its schoolchildren. Accordingly, we reverse the judgment of the Court of Appeals.
33.	Order of the Court	<i>It is so ordered.</i>
34.	Justice writing a concurring statement, one that is in agreement with the majority court opinion.	Justice Breyer, concurring.
35.	Use of precedent for the concurring position	I agree with the Court that <i>Vernonia School Dist. 47J v. Acton</i> , 515 U. S. 646 (1995), governs this case and
36.	Header shows where the dissenting opinion begins and who wrote it (minority opinion)	Ginsburg, J., dissenting
37.	Justices agreeing in the dissent	Justice Ginsburg, with whom Justice Stevens, Justice O'Connor, and Justice Souter join, dissenting.
38.	Opinion of dissenting Justice Ginsburg	"[T]he legality of a search of a student," this Court has instructed, "should depend simply on the reasonableness, under all the circumstances, of the search." <i>New Jersey v. T. L. O.</i> , 469 U. S. 325, 341 (1985). Although " 'special needs' inhere in the public school context," see <i>ante</i> , at 829 (quoting <i>Vernonia</i> , 515 U. S., at 653), those needs are not so expansive or malleable as to render reasonable any program of student drug testing a school district elects to install. The particular testing program upheld today is not reasonable; it is capricious, even perverse: Petitioners' policy targets for testing a student population least likely to be at risk from illicit drugs and their damaging effects. I therefore dissent.

1.

822

OCTOBER TERM, 2001

2.

Syllabus

3.

BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NO. 92 OF POTTAWATOMIE COUNTY ET AL. v. EARLS ET AL.

4.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

5.

No. 01-332. Argued March 19, 2002—Decided June 27, 2002

6.

The Student Activities Drug Testing Policy (Policy) adopted by the Tecumseh, Oklahoma, School District (School District) requires all middle and high school students to consent to urinalysis testing for drugs in order to participate in any extracurricular activity. In practice, the Policy has been applied only to competitive extracurricular activities sanctioned by the Oklahoma Secondary Schools Activities Association (OSSAA). Respondent high school students and their parents brought this 42 U. S. C. § 1983 action for equitable relief, alleging that the Policy violates the Fourth Amendment. Applying *Vernonia School Dist. 47J v. Acton*, 515 U. S. 646, in which this Court upheld the suspicionless drug testing of school athletes, the District Court granted the School District summary judgment. The Tenth Circuit reversed, holding that the Policy violated the Fourth Amendment. It concluded that before imposing a suspicionless drug testing program a school must demonstrate some identifiable drug abuse problem among a sufficient number of those tested, such that testing that group will actually redress its drug problem. The court then held that the School District had failed to demonstrate such a problem among Tecumseh students participating in competitive extracurricular activities.

7.

Held: Tecumseh's Policy is a reasonable means of furthering the School District's important interest in preventing and deterring drug use among its schoolchildren and does not violate the Fourth Amendment. Pp. 828-838.

8.

(a) Because searches by public school officials implicate Fourth Amendment interests, see, *e. g.*, *Vernonia*, 515 U. S., at 652, the Court must review the Policy for "reasonableness," the touchstone of constitutionality. In contrast to the criminal context, a probable-cause finding is unnecessary in the public school context because it would unduly interfere with maintenance of the swift and informal disciplinary procedures that are needed. In the public school context, a search may be reasonable when supported by "special needs" beyond the normal need for law enforcement. Because the "reasonableness" inquiry cannot dis-

9.

Syllabus

regard the schools' custodial and tutelary responsibility for children, *id.*, at 656, a finding of individualized suspicion may not be necessary. In upholding the suspicionless drug testing of athletes, the *Vernonia* Court conducted a fact-specific balancing of the intrusion on the children's Fourth Amendment rights against the promotion of legitimate governmental interests. Applying *Vernonia's* principles to the somewhat different facts of this case demonstrates that Tecumseh's Policy is also constitutional. Pp. 828–830.

(b) Considering first the nature of the privacy interest allegedly compromised by the drug testing, see *Vernonia*, 515 U. S., at 654, the Court concludes that the students affected by this Policy have a limited expectation of privacy. Respondents argue that because children participating in nonathletic extracurricular activities are not subject to regular physicals and communal undress they have a stronger expectation of privacy than the *Vernonia* athletes. This distinction, however, was not essential in *Vernonia*, which depended primarily upon the school's custodial responsibility and authority. See, *e. g.*, *id.*, at 665. In any event, students who participate in competitive extracurricular activities voluntarily subject themselves to many of the same intrusions on their privacy as do athletes. Some of these clubs and activities require occasional off-campus travel and communal undress, and all of them have their own rules and requirements that do not apply to the student body as a whole. Each of them must abide by OSSAA rules, and a faculty sponsor monitors students for compliance with the various rules dictated by the clubs and activities. Such regulation further diminishes the schoolchildren's expectation of privacy. Pp. 830–832.

(c) Considering next the character of the intrusion imposed by the Policy, see *Vernonia*, 515 U. S., at 658, the Court concludes that the invasion of students' privacy is not significant, given the minimally intrusive nature of the sample collection and the limited uses to which the test results are put. The degree of intrusion caused by collecting a urine sample depends upon the manner in which production of the sample is monitored. Under the Policy, a faculty monitor waits outside the closed restroom stall for the student to produce a sample and must listen for the normal sounds of urination to guard against tampered specimens and ensure an accurate chain of custody. This procedure is virtually identical to the "negligible" intrusion approved in *Vernonia*, *ibid.* The Policy clearly requires that test results be kept in confidential files separate from a student's other records and released to school personnel only on a "need to know" basis. Moreover, the test results are not turned over to any law enforcement authority. Nor do the test

results lead to the imposition of discipline or have any academic consequences. Rather, the only consequence of a failed drug test is to limit the student's privilege of participating in extracurricular activities. Pp. 832–834.

(d) Finally, considering the nature and immediacy of the government's concerns and the efficacy of the Policy in meeting them, see *Vernonia*, 515 U. S., at 660, the Court concludes that the Policy effectively serves the School District's interest in protecting its students' safety and health. Preventing drug use by schoolchildren is an important governmental concern. See *id.*, at 661–662. The health and safety risks identified in *Vernonia* apply with equal force to Tecumseh's children. The School District has also presented specific evidence of drug use at Tecumseh schools. Teachers testified that they saw students who appeared to be under the influence of drugs and heard students speaking openly about using drugs. A drug dog found marijuana near the school parking lot. Police found drugs or drug paraphernalia in a car driven by an extracurricular club member. And the school board president reported that people in the community were calling the board to discuss the "drug situation." Respondents consider the proffered evidence insufficient and argue that there is no real and immediate interest to justify a policy of drug testing nonathletes. But a demonstrated drug abuse problem is not always necessary to the validity of a testing regime, even though some showing of a problem does shore up an assertion of a special need for a suspicionless general search program. *Chandler v. Miller*, 520 U. S. 305, 319. The School District has provided sufficient evidence to shore up its program. Furthermore, this Court has not required a particularized or pervasive drug problem before allowing the government to conduct suspicionless drug testing. See, e. g., *Treasury Employees v. Von Raab*, 489 U. S. 656, 673–674. The need to prevent and deter the substantial harm of childhood drug use provides the necessary immediacy for a school testing policy. Given the nationwide epidemic of drug use, and the evidence of increased drug use in Tecumseh schools, it was entirely reasonable for the School District to enact this particular drug testing policy. Pp. 834–838.

← 11.

242 F. 3d 1264, reversed.

THOMAS, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and SCALIA, KENNEDY, and BREYER, JJ., joined. BREYER, J., filed a concurring opinion, *post*, p. 838. O'CONNOR, J., filed a dissenting opinion, in which SOUTER, J., joined, *post*, p. 842. GINSBURG, J., filed a dissent-

← 12.

Opinion of the Court

13.

ing opinion, in which STEVENS, O'CONNOR, and SOUTER, JJ., joined, *post*, p. 842.

Linda Maria Meoli argued the cause for petitioners. With her on the briefs were *Stephanie J. Mather* and *William P. Bleakley*.

14.

Deputy Solicitor General Clement argued the cause for the United States as *amicus curiae* urging reversal. With him on the brief were *Solicitor General Olson*, *Assistant Attorney General McCallum*, *Gregory G. Garre*, *Leonard Schaitman*, and *Lowell V. Sturgill, Jr.*

Graham A. Boyd argued the cause for respondents. With him on the brief was *Steven R. Shapiro*.*

JUSTICE THOMAS delivered the opinion of the Court.

15.

The Student Activities Drug Testing Policy implemented by the Board of Education of Independent School District No. 92 of Pottawatomie County (School District) requires all students who participate in competitive extracurricular activities to submit to drug testing. Because this Policy reasonably serves the School District's important interest in detecting and preventing drug use among its students, we hold that it is constitutional.

16.

*A brief of *amici curiae* urging reversal was filed for the Washington Legal Foundation et al. by *Richard Willard*, *Daniel J. Popeo*, and *Richard A. Samp*.

Briefs of *amici curiae* urging affirmance were filed for the American Academy of Pediatrics et al. by *David T. Goldberg* and *Daniel N. Abrahamson*; for Jean Burkett et al. by *Craig Goldblatt*; for the Juvenile Law Center et al. by *Marsha L. Levick*; for the National Association of Criminal Defense Lawyers et al. by *John Wesley Hall, Jr.*, *Lisa B. Kemler*, *Timothy Lynch*, and *Kevin B. Zeese*; and for the Rutherford Institute by *John W. Whitehead*, *Steven H. Aden*, and *Jamin B. Raskin*.

Briefs of *amici curiae* were filed for the Drug-Free Schools Coalition et al. by *David G. Evans*; for the National School Boards Association et al. by *Julie K. Underwood*, *Christopher B. Gilbert*, and *Thomas E. Wheeler*; and for Professor Akhil Reed Amar et al. by *Julia M. Carpenter*.

I

The city of Tecumseh, Oklahoma, is a rural community located approximately 40 miles southeast of Oklahoma City. The School District administers all Tecumseh public schools. In the fall of 1998, the School District adopted the Student Activities Drug Testing Policy (Policy), which requires all middle and high school students to consent to drug testing in order to participate in any extracurricular activity. In practice, the Policy has been applied only to competitive extracurricular activities sanctioned by the Oklahoma Secondary Schools Activities Association, such as the Academic Team, Future Farmers of America, Future Homemakers of America, band, choir, pom pon, cheerleading, and athletics. Under the Policy, students are required to take a drug test before participating in an extracurricular activity, must submit to random drug testing while participating in that activity, and must agree to be tested at any time upon reasonable suspicion. The urinalysis tests are designed to detect only the use of illegal drugs, including amphetamines, marijuana, cocaine, opiates, and barbituates, not medical conditions or the presence of authorized prescription medications.

At the time of their suit, both respondents attended Tecumseh High School. Respondent Lindsay Earls was a member of the show choir, the marching band, the Academic Team, and the National Honor Society. Respondent Daniel James sought to participate in the Academic Team.¹ Together with their parents, Earls and James brought a Rev.

¹The District Court noted that the School District's allegations concerning Daniel James called his standing to sue into question because his failing grades made him ineligible to participate in any interscholastic competition. See 115 F. Supp. 2d 1281, 1282, n. 1 (WD Okla. 2000). The court noted, however, that the dispute need not be resolved because Lindsay Earls had standing, and therefore the court was required to address the constitutionality of the drug testing policy. See *ibid.* Because we are likewise satisfied that Earls has standing, we need not address whether James also has standing.

← 17.

Opinion of the Court

Stat. § 1979, 42 U. S. C. § 1983, action against the School District, challenging the Policy both on its face and as applied to their participation in extracurricular activities.² They alleged that the Policy violates the Fourth Amendment as incorporated by the Fourteenth Amendment and requested injunctive and declarative relief. They also argued that the School District failed to identify a special need for testing students who participate in extracurricular activities, and that the “Drug Testing Policy neither addresses a proven problem nor promises to bring any benefit to students or the school.” App. 9.

Applying the principles articulated in *Vernonia School Dist. 47J v. Acton*, 515 U. S. 646 (1995), in which we upheld the suspicionless drug testing of school athletes, the United States District Court for the Western District of Oklahoma rejected respondents’ claim that the Policy was unconstitutional and granted summary judgment to the School District. The court noted that “special needs” exist in the public school context and that, although the School District did “not show a drug problem of epidemic proportions,” there was a history of drug abuse starting in 1970 that presented “legitimate cause for concern.” 115 F. Supp. 2d 1281, 1287 (2000). The District Court also held that the Policy was effective because “[i]t can scarcely be disputed that the drug problem among the student body is effectively addressed by making sure that the large number of students participating in competitive, extracurricular activities do not use drugs.” *Id.*, at 1295.

The United States Court of Appeals for the Tenth Circuit reversed, holding that the Policy violated the Fourth Amendment. The Court of Appeals agreed with the District Court that the Policy must be evaluated in the “unique environment of the school setting,” but reached a different conclu-

²The respondents did not challenge the Policy either as it applies to athletes or as it provides for drug testing upon reasonable, individualized suspicion. See App. 28.

sion as to the Policy’s constitutionality. 242 F. 3d 1264, 1270 (2001). Before imposing a suspicionless drug testing program, the Court of Appeals concluded that a school “must demonstrate that there is some identifiable drug abuse problem among a sufficient number of those subject to the testing, such that testing that group of students will actually redress its drug problem.” *Id.*, at 1278. The Court of Appeals then held that because the School District failed to demonstrate such a problem existed among Tecumseh students participating in competitive extracurricular activities, the Policy was unconstitutional. We granted certiorari, 534 U. S. 1015 (2001), and now reverse.

← 21.

II

The Fourth Amendment to the United States Constitution protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” Searches by public school officials, such as the collection of urine samples, implicate Fourth Amendment interests. See *Vernonia, supra*, at 652; cf. *New Jersey v. T. L. O.*, 469 U. S. 325, 334 (1985). We must therefore review the School District’s Policy for “reasonableness,” which is the touchstone of the constitutionality of a governmental search.

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In the criminal context, reasonableness usually requires a showing of probable cause. See, e. g., *Skinner v. Railway Labor Executives’ Assn.*, 489 U. S. 602, 619 (1989). The probable-cause standard, however, “is peculiarly related to criminal investigations” and may be unsuited to determining the reasonableness of administrative searches where the “Government seeks to *prevent* the development of hazardous conditions.” *Treasury Employees v. Von Raab*, 489 U. S. 656, 667–668 (1989) (internal quotation marks and citations omitted) (collecting cases). The Court has also held that a warrant and finding of probable cause are unnecessary in the public school context because such requirements “‘would unduly interfere with the maintenance of the swift and infor-

Opinion of the Court

mal disciplinary procedures [that are] needed.’” *Vernonia, supra*, at 653 (quoting *T. L. O., supra*, at 340–341).

Given that the School District’s Policy is not in any way related to the conduct of criminal investigations, see Part II–B, *infra*, respondents do not contend that the School District requires probable cause before testing students for drug use. Respondents instead argue that drug testing must be based at least on some level of individualized suspicion. See Brief for Respondents 12–14. It is true that we generally determine the reasonableness of a search by balancing the nature of the intrusion on the individual’s privacy against the promotion of legitimate governmental interests. See *Delaware v. Prouse*, 440 U. S. 648, 654 (1979). But we have long held that “the Fourth Amendment imposes no irreducible requirement of [individualized] suspicion.” *United States v. Martinez-Fuerte*, 428 U. S. 543, 561 (1976). “[I]n certain limited circumstances, the Government’s need to discover such latent or hidden conditions, or to prevent their development, is sufficiently compelling to justify the intrusion on privacy entailed by conducting such searches without any measure of individualized suspicion.” *Von Raab, supra*, at 668; see also *Skinner, supra*, at 624. Therefore, in the context of safety and administrative regulations, a search unsupported by probable cause may be reasonable “when ‘special needs, beyond the normal need for law enforcement, make the warrant and probable-cause requirement impracticable.’” *Griffin v. Wisconsin*, 483 U. S. 868, 873 (1987) (quoting *T. L. O., supra*, at 351 (Blackmun, J., concurring in judgment)); see also *Vernonia, supra*, at 653; *Skinner, supra*, at 619.

Significantly, this Court has previously held that “special needs” inhere in the public school context. See *Vernonia, supra*, at 653; *T. L. O., supra*, at 339–340. While schoolchildren do not shed their constitutional rights when they enter the schoolhouse, see *Tinker v. Des Moines Independent Community School Dist.*, 393 U. S. 503, 506 (1969), “Fourth

← 23.

Amendment rights . . . are different in public schools than elsewhere; the ‘reasonableness’ inquiry cannot disregard the schools’ custodial and tutelary responsibility for children.” *Vernonia*, 515 U. S., at 656. In particular, a finding of individualized suspicion may not be necessary when a school conducts drug testing.

In *Vernonia*, this Court held that the suspicionless drug testing of athletes was constitutional. The Court, however, did not simply authorize all school drug testing, but rather conducted a fact-specific balancing of the intrusion on the children’s Fourth Amendment rights against the promotion of legitimate governmental interests. See *id.*, at 652–653. Applying the principles of *Vernonia* to the somewhat different facts of this case, we conclude that Tecumseh’s Policy is also constitutional.

← 24.

A

We first consider the nature of the privacy interest allegedly compromised by the drug testing. See *id.*, at 654. As in *Vernonia*, the context of the public school environment serves as the backdrop for the analysis of the privacy interest at stake and the reasonableness of the drug testing policy in general. See *ibid.* (“Central . . . is the fact that the subjects of the Policy are (1) children, who (2) have been committed to the temporary custody of the State as schoolmaster”); see also *id.*, at 665 (“The most significant element in this case is the first we discussed: that the Policy was undertaken in furtherance of the government’s responsibilities, under a public school system, as guardian and tutor of children entrusted to its care”); *ibid.* (“[W]hen the government acts as guardian and tutor the relevant question is whether the search is one that a reasonable guardian and tutor might undertake”).

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A student’s privacy interest is limited in a public school environment where the State is responsible for maintaining discipline, health, and safety. Schoolchildren are routinely required to submit to physical examinations and vaccinations

← 26.

Opinion of the Court

against disease. See *id.*, at 656. Securing order in the school environment sometimes requires that students be subjected to greater controls than those appropriate for adults. See *T. L. O.*, 469 U. S., at 350 (Powell, J., concurring) (“Without first establishing discipline and maintaining order, teachers cannot begin to educate their students. And apart from education, the school has the obligation to protect pupils from mistreatment by other children, and also to protect teachers themselves from violence by the few students whose conduct in recent years has prompted national concern”).

Respondents argue that because children participating in nonathletic extracurricular activities are not subject to regular physicals and communal undress, they have a stronger expectation of privacy than the athletes tested in *Vernonia*. See Brief for Respondents 18–20. This distinction, however, was not essential to our decision in *Vernonia*, which depended primarily upon the school’s custodial responsibility and authority.³

In any event, students who participate in competitive extracurricular activities voluntarily subject themselves to many of the same intrusions on their privacy as do athletes.⁴

³JUSTICE GINSBURG argues that *Vernonia School Dist. 47J v. Acton*, 515 U. S. 646 (1995), depended on the fact that the drug testing program applied only to student athletes. But even the passage cited by the dissent manifests the supplemental nature of this factor, as the Court in *Vernonia* stated that “[l]egitimate privacy expectations are *even less* with regard to student athletes.” See *post*, at 847 (quoting *Vernonia*, 515 U. S., at 657) (emphasis added). In upholding the drug testing program in *Vernonia*, we considered the school context “[c]entral” and “[t]he most significant element.” *Id.*, at 654, 665. This hefty weight on the side of the school’s balance applies with similar force in this case even though we undertake a separate balancing with regard to this particular program.

⁴JUSTICE GINSBURG’s observations with regard to extracurricular activities apply with equal force to athletics. See *post*, at 845 (“Participation in such [extracurricular] activities is a key component of school life, essential in reality for students applying to college, and, for all participants, a significant contributor to the breadth and quality of the educational experience”).

Some of these clubs and activities require occasional off-campus travel and communal undress. All of them have their own rules and requirements for participating students that do not apply to the student body as a whole. 115 F. Supp. 2d, at 1289–1290. For example, each of the competitive extracurricular activities governed by the Policy must abide by the rules of the Oklahoma Secondary Schools Activities Association, and a faculty sponsor monitors the students for compliance with the various rules dictated by the clubs and activities. See *id.*, at 1290. This regulation of extracurricular activities further diminishes the expectation of privacy among schoolchildren. Cf. *Vernonia, supra*, at 657 (“Somewhat like adults who choose to participate in a closely regulated industry, students who voluntarily participate in school athletics have reason to expect intrusions upon normal rights and privileges, including privacy” (internal quotation marks omitted)). We therefore conclude that the students affected by this Policy have a limited expectation of privacy.

← 27.

B

Next, we consider the character of the intrusion imposed by the Policy. See *Vernonia, supra*, at 658. Urination is “an excretory function traditionally shielded by great privacy.” *Skinner*, 489 U. S., at 626. But the “degree of intrusion” on one’s privacy caused by collecting a urine sample “depends upon the manner in which production of the urine sample is monitored.” *Vernonia, supra*, at 658.

← 28.

Under the Policy, a faculty monitor waits outside the closed restroom stall for the student to produce a sample and must “listen for the normal sounds of urination in order to guard against tampered specimens and to insure an accurate chain of custody.” App. 199. The monitor then pours the sample into two bottles that are sealed and placed into a mailing pouch along with a consent form signed by the student. This procedure is virtually identical to that reviewed in *Vernonia*, except that it additionally protects privacy by

Opinion of the Court

allowing male students to produce their samples behind a closed stall. Given that we considered the method of collection in *Vernonia* a “negligible” intrusion, 515 U. S., at 658, the method here is even less problematic.

In addition, the Policy clearly requires that the test results be kept in confidential files separate from a student’s other educational records and released to school personnel only on a “need to know” basis. Respondents nonetheless contend that the intrusion on students’ privacy is significant because the Policy fails to protect effectively against the disclosure of confidential information and, specifically, that the school “has been careless in protecting that information: for example, the Choir teacher looked at students’ prescription drug lists and left them where other students could see them.” Brief for Respondents 24. But the choir teacher is someone with a “need to know,” because during off-campus trips she needs to know what medications are taken by her students. Even before the Policy was enacted the choir teacher had access to this information. See App. 132. In any event, there is no allegation that any other student did see such information. This one example of alleged carelessness hardly increases the character of the intrusion.

Moreover, the test results are not turned over to any law enforcement authority. Nor do the test results here lead to the imposition of discipline or have any academic consequences. Cf. *Vernonia*, *supra*, at 658, and n. 2. Rather, the only consequence of a failed drug test is to limit the student’s privilege of participating in extracurricular activities. Indeed, a student may test positive for drugs twice and still be allowed to participate in extracurricular activities. After the first positive test, the school contacts the student’s parent or guardian for a meeting. The student may continue to participate in the activity if within five days of the meeting the student shows proof of receiving drug counseling and submits to a second drug test in two weeks. For the second positive test, the student is suspended from participation in

all extracurricular activities for 14 days, must complete four hours of substance abuse counseling, and must submit to monthly drug tests. Only after a third positive test will the student be suspended from participating in any extracurricular activity for the remainder of the school year, or 88 school days, whichever is longer. See App. 201–202.

Given the minimally intrusive nature of the sample collection and the limited uses to which the test results are put, we conclude that the invasion of students’ privacy is not significant.

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C

Finally, this Court must consider the nature and immediacy of the government’s concerns and the efficacy of the Policy in meeting them. See *Vernonia*, 515 U. S., at 660. This Court has already articulated in detail the importance of the governmental concern in preventing drug use by schoolchildren. See *id.*, at 661–662. The drug abuse problem among our Nation’s youth has hardly abated since *Vernonia* was decided in 1995. In fact, evidence suggests that it has only grown worse.⁵ As in *Vernonia*, “the necessity for the State to act is magnified by the fact that this evil is being visited not just upon individuals at large, but upon children for whom it has undertaken a special responsibility of care and direction.” *Id.*, at 662. The health and safety risks identified in *Vernonia* apply with equal force to Tecumseh’s children. Indeed, the nationwide drug epidemic makes the war against drugs a pressing concern in every school.

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Additionally, the School District in this case has presented specific evidence of drug use at Tecumseh schools. Teachers testified that they had seen students who appeared to be

⁵For instance, the number of 12th graders using any illicit drug increased from 48.4 percent in 1995 to 53.9 percent in 2001. The number of 12th graders reporting they had used marijuana jumped from 41.7 percent to 49.0 percent during that same period. See Department of Health and Human Services, *Monitoring the Future: National Results on Adolescent Drug Use, Overview of Key Findings (2001) (Table 1)*.

Opinion of the Court

under the influence of drugs and that they had heard students speaking openly about using drugs. See, e. g., App. 72 (deposition of Dean Rogers); *id.*, at 115 (deposition of Sheila Evans). A drug dog found marijuana cigarettes near the school parking lot. Police officers once found drugs or drug paraphernalia in a car driven by a Future Farmers of America member. And the school board president reported that people in the community were calling the board to discuss the “drug situation.” See 115 F. Supp. 2d, at 1285–1286. We decline to second-guess the finding of the District Court that “[v]iewing the evidence as a whole, it cannot be reasonably disputed that the [School District] was faced with a ‘drug problem’ when it adopted the Policy.” *Id.*, at 1287.

Respondents consider the proffered evidence insufficient and argue that there is no “real and immediate interest” to justify a policy of drug testing nonathletes. Brief for Respondents 32. We have recognized, however, that “[a] demonstrated problem of drug abuse . . . [is] not in all cases necessary to the validity of a testing regime,” but that some showing does “shore up an assertion of special need for a suspicionless general search program.” *Chandler v. Miller*, 520 U. S. 305, 319 (1997). The School District has provided sufficient evidence to shore up the need for its drug testing program.

Furthermore, this Court has not required a particularized or pervasive drug problem before allowing the government to conduct suspicionless drug testing. For instance, in *Von Raab* the Court upheld the drug testing of customs officials on a purely preventive basis, without any documented history of drug use by such officials. See 489 U. S., at 673. In response to the lack of evidence relating to drug use, the Court noted generally that “drug abuse is one of the most serious problems confronting our society today,” and that programs to prevent and detect drug use among customs officials could not be deemed unreasonable. *Id.*, at 674; cf. *Skinner*, 489 U. S., at 607, and n. 1 (noting nationwide

studies that identified on-the-job alcohol and drug use by railroad employees). Likewise, the need to prevent and deter the substantial harm of childhood drug use provides the necessary immediacy for a school testing policy. Indeed, it would make little sense to require a school district to wait for a substantial portion of its students to begin using drugs before it was allowed to institute a drug testing program designed to deter drug use.

Given the nationwide epidemic of drug use, and the evidence of increased drug use in Tecumseh schools, it was entirely reasonable for the School District to enact this particular drug testing policy. We reject the Court of Appeals' novel test that "any district seeking to impose a random suspicionless drug testing policy as a condition to participation in a school activity must demonstrate that there is some identifiable drug abuse problem among a sufficient number of those subject to the testing, such that testing that group of students will actually redress its drug problem." 242 F. 3d, at 1278. Among other problems, it would be difficult to administer such a test. As we cannot articulate a threshold level of drug use that would suffice to justify a drug testing program for schoolchildren, we refuse to fashion what would in effect be a constitutional quantum of drug use necessary to show a "drug problem."

Respondents also argue that the testing of nonathletes does not implicate any safety concerns, and that safety is a "crucial factor" in applying the special needs framework. Brief for Respondents 25–27. They contend that there must be "surpassing safety interests," *Skinner, supra*, at 634, or "extraordinary safety and national security hazards," *Von Raab, supra*, at 674, in order to override the usual protections of the Fourth Amendment. See Brief for Respondents 25–26. Respondents are correct that safety factors into the special needs analysis, but the safety interest furthered by drug testing is undoubtedly substantial for all children, athletes and nonathletes alike. We know all too well that drug

Opinion of the Court

use carries a variety of health risks for children, including death from overdose.

We also reject respondents' argument that drug testing must presumptively be based upon an individualized reasonable suspicion of wrongdoing because such a testing regime would be less intrusive. See *id.*, at 12–16. In this context, the Fourth Amendment does not require a finding of individualized suspicion, see *supra*, at 829, and we decline to impose such a requirement on schools attempting to prevent and detect drug use by students. Moreover, we question whether testing based on individualized suspicion in fact would be less intrusive. Such a regime would place an additional burden on public school teachers who are already tasked with the difficult job of maintaining order and discipline. A program of individualized suspicion might unfairly target members of unpopular groups. The fear of lawsuits resulting from such targeted searches may chill enforcement of the program, rendering it ineffective in combating drug use. See *Vernonia*, 515 U. S., at 663–664 (offering similar reasons for why “testing based on ‘suspicion’ of drug use would not be better, but worse”). In any case, this Court has repeatedly stated that reasonableness under the Fourth Amendment does not require employing the least intrusive means, because “[t]he logic of such elaborate less-restrictive-alternative arguments could raise insuperable barriers to the exercise of virtually all search-and-seizure powers.” *Martinez-Fuerte*, 428 U. S., at 556–557, n. 12; see also *Skinner*, *supra*, at 624 (“[A] showing of individualized suspicion is not a constitutional floor, below which a search must be presumed unreasonable”).

Finally, we find that testing students who participate in extracurricular activities is a reasonably effective means of addressing the School District's legitimate concerns in preventing, deterring, and detecting drug use. While in *Vernonia* there might have been a closer fit between the testing of athletes and the trial court's finding that the drug problem

BREYER, J., concurring

was “fueled by the ‘role model’ effect of athletes’ drug use,” such a finding was not essential to the holding. 515 U. S., at 663; cf. *id.*, at 684–685 (O’CONNOR, J., dissenting) (questioning the extent of the drug problem, especially as applied to athletes). *Vernonia* did not require the school to test the group of students most likely to use drugs, but rather considered the constitutionality of the program in the context of the public school’s custodial responsibilities. Evaluating the Policy in this context, we conclude that the drug testing of Tecumseh students who participate in extracurricular activities effectively serves the School District’s interest in protecting the safety and health of its students. ← 31.

III

Within the limits of the Fourth Amendment, local school boards must assess the desirability of drug testing schoolchildren. In upholding the constitutionality of the Policy, we express no opinion as to its wisdom. Rather, we hold only that Tecumseh’s Policy is a reasonable means of furthering the School District’s important interest in preventing and deterring drug use among its schoolchildren. Accordingly, we reverse the judgment of the Court of Appeals. ← 32.

It is so ordered. ← 33.

JUSTICE BREYER, concurring. ← 34.

I agree with the Court that *Vernonia School Dist. 47J v. Acton*, 515 U. S. 646 (1995), governs this case and requires reversal of the Tenth Circuit’s decision. The school’s drug testing program addresses a serious national problem by focusing upon demand, avoiding the use of criminal or disciplinary sanctions, and relying upon professional counseling and treatment. See App. 201–202. In my view, this program does not violate the Fourth Amendment’s prohibition of “unreasonable searches and seizures.” I reach this conclusion primarily for the reasons given by the Court, but I would ← 35.

BREYER, J., concurring

emphasize several underlying considerations, which I understand to be consistent with the Court's opinion.

I

In respect to the school's need for the drug testing program, I would emphasize the following: First, the drug problem in our Nation's schools is serious in terms of size, the kinds of drugs being used, and the consequences of that use both for our children and the rest of us. See, *e. g.*, White House Nat. Drug Control Strategy 25 (Feb. 2002) (drug abuse leads annually to about 20,000 deaths, \$160 billion in economic costs); Department of Health and Human Services, L. Johnston et al., *Monitoring the Future: National Results on Adolescent Drug Use, Overview of Key Findings 5* (2001) (*Monitoring the Future*) (more than one-third of all students have used illegal drugs before completing the eighth grade; more than half before completing high school); *ibid.* (about 30% of all students use drugs *other than marijuana* prior to completing high school (emphasis added)); National Center on Addiction and Substance Abuse, *Malignant Neglect: Substance Abuse and America's Schools 15* (Sept. 2001) (*Malignant Neglect*) (early use leads to later drug dependence); Nat. Drug Control Strategy, *supra*, at 1 (same).

Second, the government's emphasis upon supply side interdiction apparently has not reduced teenage use in recent years. Compare R. Perl, CRS Issue Brief for Congress, *Drug Control: International Policy and Options CRS-1* (Dec. 12, 2001) (supply side programs account for 66% of the federal drug control budget), with *Partnership for a Drug-Free America, 2001 Partnership Attitude Tracking Study: Key Findings 1* (showing increase in teenage drug use in early 1990's, peak in 1997, holding steady thereafter); *2000-2001 PRIDE National Summary: Alcohol, Tobacco, Illicit Drugs, Violence and Related Behaviors, Grades 6 thru 12* (Jul. 16, 2002), <http://www.pridesurveys.com/main/supportfiles/natsum00.pdf>, p. 15 (slight rise in high school drug use in

BREYER, J., concurring

2000–2001); Monitoring the Future, Table 1 (lifetime prevalence of drug use increasing over last 10 years).

Third, public school systems must find effective ways to deal with this problem. Today’s public expects its schools not simply to teach the fundamentals, but “to shoulder the burden of feeding students breakfast and lunch, offering before and after school child care services, and providing medical and psychological services,” all in a school environment that is safe and encourages learning. Brief for National School Boards Association et al. as *Amici Curiae* 3–4. See also *Bethel School Dist. No. 403 v. Fraser*, 478 U. S. 675, 681 (1986) (Schools “‘prepare pupils for citizenship in the Republic [and] inculcate the habits and manners of civility as values in themselves conducive to happiness and as indispensable to the practice of self-government in the community and the nation’”) (quoting C. Beard & M. Beard, *New Basic History of the United States* 228 (1968)). The law itself recognizes these responsibilities with the phrase *in loco parentis*—a phrase that draws its legal force primarily from the needs of younger students (who here are necessarily grouped together with older high school students) and which reflects, not that a child or adolescent lacks an interest in privacy, but that a child’s or adolescent’s school-related privacy interest, when compared to the privacy interests of an adult, has different dimensions. Cf. *Vernonia, supra*, at 654–655. A public school system that fails adequately to carry out its responsibilities may well see parents send their children to private or parochial school instead—with help from the State. See *Zelman v. Simmons-Harris, ante*, p. 639.

Fourth, the program at issue here seeks to discourage demand for drugs by changing the school’s environment in order to combat the single most important factor leading schoolchildren to take drugs, namely, peer pressure. Malignant Neglect 4 (students “whose friends use illicit drugs are more than 10 times likelier to use illicit drugs than those whose friends do not”). It offers the adolescent a nonthreat-

BREYER, J., concurring

ening reason to decline his friend's drug-use invitations, namely, that he intends to play baseball, participate in debate, join the band, or engage in any one of half a dozen useful, interesting, and important activities.

II

In respect to the privacy-related burden that the drug testing program imposes upon students, I would emphasize the following: First, not everyone would agree with this Court's characterization of the privacy-related significance of urine sampling as "negligible." *Ante*, at 833 (quoting *Vernonia*, 515 U. S., at 658). Some find the procedure no more intrusive than a routine medical examination, but others are seriously embarrassed by the need to provide a urine sample with someone listening "outside the closed restroom stall," *ante*, at 832. When trying to resolve this kind of close question involving the interpretation of constitutional values, I believe it important that the school board provided an opportunity for the airing of these differences at public meetings designed to give the entire community "the opportunity to be able to participate" in developing the drug policy. App. 87. The board used this democratic, participatory process to uncover and to resolve differences, giving weight to the fact that the process, in this instance, revealed little, if any, objection to the proposed testing program.

Second, the testing program avoids subjecting the entire school to testing. And it preserves an option for a conscientious objector. He can refuse testing while paying a price (nonparticipation) that is serious, but less severe than expulsion from the school.

Third, a contrary reading of the Constitution, as requiring "individualized suspicion" in this public school context, could well lead schools to push the boundaries of "individualized suspicion" to its outer limits, using subjective criteria that may "unfairly target members of unpopular groups," *ante*, at 837, or leave those whose behavior is slightly abnormal

stigmatized in the minds of others. See Belsky, *Random vs. Suspicion-Based Drug Testing in the Public Schools—A Surprising Civil Liberties Dilemma*, 27 Okla. City U. L. Rev. 1, 20–21 (forthcoming 2002) (listing court-approved factors justifying suspicion-based drug testing, including tiredness, overactivity, quietness, boisterousness, sloppiness, excessive meticulousness, and tardiness). If so, direct application of the Fourth Amendment’s prohibition against “unreasonable searches and seizures” will further that Amendment’s liberty-protecting objectives at least to the same extent as application of the mediating “individualized suspicion” test, where, as here, the testing program is neither criminal nor disciplinary in nature.

* * *

I cannot know whether the school’s drug testing program will work. But, in my view, the Constitution does not prohibit the effort. Emphasizing the considerations I have mentioned, along with others to which the Court refers, I conclude that the school’s drug testing program, constitutionally speaking, is not “unreasonable.” And I join the Court’s opinion.

JUSTICE O’CONNOR, with whom JUSTICE SOUTER joins, dissenting.

I dissented in *Vernonia School Dist. 47J v. Acton*, 515 U. S. 646 (1995), and continue to believe that case was wrongly decided. Because *Vernonia* is now this Court’s precedent, and because I agree that petitioners’ program fails even under the balancing approach adopted in that case, I join JUSTICE GINSBURG’s dissent.

JUSTICE GINSBURG, with whom JUSTICE STEVENS, JUSTICE O’CONNOR, and JUSTICE SOUTER join, dissenting.

Seven years ago, in *Vernonia School Dist. 47J v. Acton*, 515 U. S. 646 (1995), this Court determined that a school

GINSBURG, J., dissenting

district's policy of randomly testing the urine of its student athletes for illicit drugs did not violate the Fourth Amendment. In so ruling, the Court emphasized that drug use "increase[d] the risk of sports-related injury" and that Vernonia's athletes were the "leaders" of an aggressive local "drug culture" that had reached "'epidemic proportions.'" *Id.*, at 649. Today, the Court relies upon *Vernonia* to permit a school district with a drug problem its superintendent repeatedly described as "not . . . major," see App. 180, 186, 191, to test the urine of an academic team member solely by reason of her participation in a nonathletic, competitive extracurricular activity—participation associated with neither special dangers from, nor particular predilections for, drug use.

"[T]he legality of a search of a student," this Court has instructed, "should depend simply on the reasonableness, under all the circumstances, of the search." *New Jersey v. T. L. O.*, 469 U. S. 325, 341 (1985). Although "'special needs' inhere in the public school context," see *ante*, at 829 (quoting *Vernonia*, 515 U. S., at 653), those needs are not so expansive or malleable as to render reasonable any program of student drug testing a school district elects to install. The particular testing program upheld today is not reasonable; it is capricious, even perverse: Petitioners' policy targets for testing a student population least likely to be at risk from illicit drugs and their damaging effects. I therefore dissent.

I

A

A search unsupported by probable cause nevertheless may be consistent with the Fourth Amendment "when special needs, beyond the normal need for law enforcement, make the warrant and probable-cause requirement impracticable." *Griffin v. Wisconsin*, 483 U. S. 868, 873 (1987) (internal quotation marks omitted). In *Vernonia*, this Court made clear that "such 'special needs' . . . exist in the public school con-

38

text.” 515 U. S., at 653 (quoting *Griffin*, 483 U. S., at 873).
The Court observed:

“[W]hile children assuredly do not ‘shed their constitutional rights . . . at the schoolhouse gate,’ *Tinker v. Des Moines Independent Community School Dist.*, 393 U. S. 503, 506 (1969), the nature of those rights is what is appropriate for children in school. . . . Fourth Amendment rights, no less than First and Fourteenth Amendment rights, are different in public schools than elsewhere; the ‘reasonableness’ inquiry cannot disregard the schools’ custodial and tutelary responsibility for children.” 515 U. S., at 655–656 (other citations omitted).

The *Vernonia* Court concluded that a public school district facing a disruptive and explosive drug abuse problem sparked by members of its athletic teams had “special needs” that justified suspicionless testing of district athletes as a condition of their athletic participation.

This case presents circumstances dispositively different from those of *Vernonia*. True, as the Court stresses, Tecumseh students participating in competitive extracurricular activities other than athletics share two relevant characteristics with the athletes of *Vernonia*. First, both groups attend public schools. “[O]ur decision in *Vernonia*,” the Court states, “depended primarily upon the school’s custodial responsibility and authority.” *Ante*, at 831; see also *ante*, at 840 (BREYER, J., concurring) (school districts act *in loco parentis*). Concern for student health and safety is basic to the school’s caretaking, and it is undeniable that “drug use carries a variety of health risks for children, including death from overdose.” *Ante*, at 836–837 (majority opinion).

Those risks, however, are present for *all* schoolchildren. *Vernonia* cannot be read to endorse invasive and suspicionless drug testing of all students upon any evidence of drug use, solely because drugs jeopardize the life and health of those who use them. Many children, like many adults, en-

GINSBURG, J., dissenting

gage in dangerous activities on their own time; that the children are enrolled in school scarcely allows government to monitor all such activities. If a student has a reasonable subjective expectation of privacy in the personal items she brings to school, see *T. L. O.*, 469 U. S., at 338–339, surely she has a similar expectation regarding the chemical composition of her urine. Had the *Vernonia* Court agreed that public school attendance, in and of itself, permitted the State to test each student’s blood or urine for drugs, the opinion in *Vernonia* could have saved many words. See, e. g., 515 U. S., at 662 (“[I]t must not be lost sight of that [the Vernonia School District] program is directed . . . to drug use by school athletes, where the risk of immediate physical harm to the drug user or those with whom he is playing his sport is particularly high.”).

The second commonality to which the Court points is the voluntary character of both interscholastic athletics and other competitive extracurricular activities. “By choosing to ‘go out for the team,’ [school athletes] voluntarily subject themselves to a degree of regulation even higher than that imposed on students generally.” *Id.*, at 657. Comparably, the Court today observes, “students who participate in competitive extracurricular activities voluntarily subject themselves to” additional rules not applicable to other students. *Ante*, at 831.

The comparison is enlightening. While extracurricular activities are “voluntary” in the sense that they are not required for graduation, they are part of the school’s educational program; for that reason, the petitioner (hereinafter School District) is justified in expending public resources to make them available. Participation in such activities is a key component of school life, essential in reality for students applying to college, and, for all participants, a significant contributor to the breadth and quality of the educational experience. See Brief for Respondents 6; Brief for American Academy of Pediatrics et al. as *Amici Curiae* 8–9. Students

“volunteer” for extracurricular pursuits in the same way they might volunteer for honors classes: They subject themselves to additional requirements, but they do so in order to take full advantage of the education offered them. Cf. *Lee v. Weisman*, 505 U. S. 577, 595 (1992) (“Attendance may not be required by official decree, yet it is apparent that a student is not free to absent herself from the graduation exercise in any real sense of the term ‘voluntary,’ for absence would require forfeiture of those intangible benefits which have motivated the student through youth and all her high school years.”).

Voluntary participation in athletics has a distinctly different dimension: Schools regulate student athletes discretely because competitive school sports by their nature require communal undress and, more important, expose students to physical risks that schools have a duty to mitigate. For the very reason that schools cannot offer a program of competitive athletics without intimately affecting the privacy of students, *Vernonia* reasonably analogized school athletes to “adults who choose to participate in a closely regulated industry.” 515 U. S., at 657 (internal quotation marks omitted). Industries fall within the closely regulated category when the nature of their activities requires substantial government oversight. See, e. g., *United States v. Biswell*, 406 U. S. 311, 315–316 (1972). Interscholastic athletics similarly require close safety and health regulation; a school’s choir, band, and academic team do not.

In short, *Vernonia* applied, it did not repudiate, the principle that “the legality of a search of a student should depend simply on the reasonableness, *under all the circumstances*, of the search.” *T. L. O.*, 469 U. S., at 341 (emphasis added). Enrollment in a public school, and election to participate in school activities beyond the bare minimum that the curriculum requires, are indeed factors relevant to reasonableness, but they do not on their own justify intrusive, suspicionless searches. *Vernonia*, accordingly, did not rest upon these

GINSBURG, J., dissenting

factors; instead, the Court performed what today's majority aptly describes as a "fact-specific balancing," *ante*, at 830. Balancing of that order, applied to the facts now before the Court, should yield a result other than the one the Court announces today.

B

Vernonia initially considered "the nature of the privacy interest upon which the search [there] at issue intrude[d]." 515 U. S., at 654. The Court emphasized that student athletes' expectations of privacy are necessarily attenuated:

"Legitimate privacy expectations are even less with regard to student athletes. School sports are not for the bashful. They require 'suing up' before each practice or event, and showering and changing afterwards. Public school locker rooms, the usual sites for these activities, are not notable for the privacy they afford. The locker rooms in *Vernonia* are typical: No individual dressing rooms are provided; shower heads are lined up along a wall, unseparated by any sort of partition or curtain; not even all the toilet stalls have doors. . . . [T]here is an element of communal undress inherent in athletic participation." *Id.*, at 657 (internal quotation marks omitted).

Competitive extracurricular activities other than athletics, however, serve students of all manner: the modest and shy along with the bold and uninhibited. Activities of the kind plaintiff-respondent Lindsay Earls pursued—choir, show choir, marching band, and academic team—afford opportunities to gain self-assurance, to "come to know faculty members in a less formal setting than the typical classroom," and to acquire "positive social supports and networks [that] play a critical role in periods of heightened stress." Brief for American Academy of Pediatrics et al. as *Amici Curiae* 13.

On "occasional out-of-town trips," students like Lindsay Earls "must sleep together in communal settings and use

communal bathrooms.” 242 F. 3d 1264, 1275 (CA10 2001). But those situations are hardly equivalent to the routine communal undress associated with athletics; the School District itself admits that when such trips occur, “public-like restroom facilities,” which presumably include enclosed stalls, are ordinarily available for changing, and that “more modest students” find other ways to maintain their privacy. Brief for Petitioners 34.¹

After describing school athletes’ reduced expectation of privacy, the *Vernonia* Court turned to “the character of the intrusion . . . complained of.” 515 U. S., at 658. Observing that students produce urine samples in a bathroom stall with a coach or teacher outside, *Vernonia* typed the privacy interests compromised by the process of obtaining samples “negligible.” *Ibid.* As to the required pretest disclosure of prescription medications taken, the Court assumed that “the School District would have permitted [a student] to provide the requested information in a confidential manner—for example, in a sealed envelope delivered to the testing lab.” *Id.*, at 660. On that assumption, the Court concluded that *Vernonia*’s athletes faced no significant invasion of privacy.

In this case, however, Lindsay Earls and her parents allege that the School District handled personal information collected under the policy carelessly, with little regard for its confidentiality. Information about students’ prescription drug use, they assert, was routinely viewed by Lindsay’s choir teacher, who left files containing the information unlocked and unsealed, where others, including students, could see them; and test results were given out to all activity sponsors whether or not they had a clear “need to know.” See

¹According to Tecumseh’s choir teacher, choir participants who chose not to wear their choir uniforms to school on the days of competitions could change either in “a rest room in a building” or on the bus, where “[m]any of them have figured out how to [change] without having [anyone] . . . see anything.” 2 Appellants’ App. in No. 00–6128 (CA10), p. 296.

GINSBURG, J., dissenting

Brief for Respondents 6, 24; App. 105–106, 131. But see *id.*, at 199 (policy requires that “[t]he medication list shall be submitted to the lab in a sealed and confidential envelope and shall not be viewed by district employees”).

In granting summary judgment to the School District, the District Court observed that the District’s “[p]olicy expressly provides for confidentiality of test results, and the Court must assume that the confidentiality provisions will be honored.” 115 F. Supp. 2d 1281, 1293 (WD Okla. 2000). The assumption is unwarranted. Unlike *Vernonia*, where the District Court held a bench trial before ruling in the School District’s favor, this case was decided by the District Court on summary judgment. At that stage, doubtful matters should not have been resolved in favor of the judgment seeker. See *United States v. Diebold, Inc.*, 369 U. S. 654, 655 (1962) (*per curiam*) (“On summary judgment the inferences to be drawn from the underlying facts contained in [affidavits, attached exhibits, and depositions] must be viewed in the light most favorable to the party opposing the motion.”); see also 10A C. Wright, A. Miller, & M. Kane, *Federal Practice and Procedure* §2716, pp. 274–277 (3d ed. 1998).

Finally, the “nature and immediacy of the governmental concern,” *Vernonia*, 515 U. S., at 660, faced by the Vernonia School District dwarfed that confronting Tecumseh administrators. Vernonia initiated its drug testing policy in response to an alarming situation: “[A] large segment of the student body, particularly those involved in interscholastic athletics, was in a state of rebellion . . . fueled by alcohol and drug abuse as well as the student[s]’ misperceptions about the drug culture.” *Id.*, at 649 (internal quotation marks omitted). Tecumseh, by contrast, repeatedly reported to the Federal Government during the period leading up to the adoption of the policy that “types of drugs [other than alcohol and tobacco] including controlled dangerous substances, are present [in the schools] but have not identified themselves as major problems at this time.” 1998–1999 Tecum-

seh School's Application for Funds under the Safe and Drug-Free Schools and Communities Program, reprinted at App. 191; accord, 1996–1997 Application, reprinted at App. 186; 1995–1996 Application, reprinted at App. 180.² As the Tenth Circuit observed, “without a demonstrated drug abuse problem among the group being tested, the efficacy of the District's solution to its perceived problem is . . . greatly diminished.” 242 F. 3d, at 1277.

The School District cites *Treasury Employees v. Von Raab*, 489 U. S. 656, 673–674 (1989), in which this Court permitted random drug testing of customs agents absent “any perceived drug problem among Customs employees,” given that “drug abuse is one of the most serious problems confronting our society today.” See also *Skinner v. Railway Labor Executives' Assn.*, 489 U. S. 602, 607, and n. 1 (1989) (upholding random drug and alcohol testing of railway employees based upon industry-wide, rather than railway-specific, evidence of drug and alcohol problems). The tests in *Von Raab* and *Railway Labor Executives*, however, were installed to avoid enormous risks to the lives and limbs of others, not dominantly in response to the health risks to users invariably present in any case of drug use. See *Von Raab*, 489 U. S., at 674 (drug use by customs agents involved in drug interdiction creates “extraordinary safety and national security hazards”); *Railway Labor Executives*, 489 U. S., at 628 (railway operators “discharge duties fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences”); see

²The Court finds it sufficient that there be evidence of *some* drug use in Tecumseh's schools: “As we cannot articulate a threshold level of drug use that would suffice to justify a drug testing program for schoolchildren, we refuse to fashion what would in effect be a constitutional quantum of drug use necessary to show a ‘drug problem.’” *Ante*, at 836. One need not establish a bright-line “constitutional quantum of drug use” to recognize the relevance of the superintendent's reports characterizing drug use among Tecumseh's students as “not . . . [a] major proble[m],” App. 180, 186, 191.

GINSBURG, J., dissenting

also *Chandler v. Miller*, 520 U. S. 305, 321 (1997) (“*Von Raab* must be read in its unique context”).

Not only did the Vernonia and Tecumseh districts confront drug problems of distinctly different magnitudes, they also chose different solutions: Vernonia limited its policy to athletes; Tecumseh indiscriminately subjected to testing all participants in competitive extracurricular activities. Urging that “the safety interest furthered by drug testing is undoubtedly substantial for all children, athletes and nonathletes alike,” *ante*, at 836, the Court cuts out an element essential to the *Vernonia* judgment. Citing medical literature on the effects of combining illicit drug use with physical exertion, the *Vernonia* Court emphasized that “the particular drugs screened by [Vernonia’s] Policy have been demonstrated to pose substantial physical risks to athletes.” 515 U. S., at 662; see also *id.*, at 666 (GINSBURG, J., concurring) (*Vernonia* limited to “those seeking to engage with others in team sports”). We have since confirmed that these special risks were necessary to our decision in *Vernonia*. See *Chandler*, 520 U. S., at 317 (*Vernonia* “emphasized the importance of deterring drug use by schoolchildren and the risk of injury a drug-using student athlete cast on himself and those engaged with him on the playing field”); see also *Ferguson v. Charleston*, 532 U. S. 67, 87 (2001) (KENNEDY, J., concurring) (Vernonia’s policy had goal of “[d]eterring drug use by our Nation’s schoolchildren,’ and particularly by student-athletes, because ‘the risk of immediate physical harm to the drug user or those with whom he is playing his sport is particularly high’”) (quoting *Vernonia*, 515 U. S., at 661–662).

At the margins, of course, no policy of *random* drug testing is perfectly tailored to the harms it seeks to address. The School District cites the dangers faced by members of the band, who must “perform extremely precise routines with heavy equipment and instruments in close proximity to other students,” and by Future Farmers of America, who

“are required to individually control and restrain animals as large as 1500 pounds.” Brief for Petitioners 43. For its part, the United States acknowledges that “the linebacker faces a greater risk of serious injury if he takes the field under the influence of drugs than the drummer in the half-time band,” but parries that “the risk of injury to a student who is under the influence of drugs while playing golf, cross country, or volleyball (sports covered by the policy in *Vernonia*) is scarcely any greater than the risk of injury to a student . . . handling a 1500-pound steer (as [Future Farmers of America] members do) or working with cutlery or other sharp instruments (as [Future Homemakers of America] members do).” Brief for United States as *Amicus Curiae* 18. One can demur to the Government’s view of the risks drug use poses to golfers, cf. *PGA TOUR, Inc. v. Martin*, 532 U. S. 661, 687 (2001) (“golf is a low intensity activity”), for golfers were surely as marginal among the linebackers, sprinters, and basketball players targeted for testing in *Vernonia* as steer-handlers are among the choristers, musicians, and academic-team members subject to urinalysis in *Tecumseh*.³ Notwithstanding nightmarish images of out-of-control flatware, livestock run amok, and colliding tubas disturbing the peace and quiet of *Tecumseh*, the great majority of students the School District seeks to test in truth are engaged in activities that are not safety sensitive to an unusual degree. There is a difference between imperfect tailoring and no tailoring at all.

The *Vernonia* district, in sum, had two good reasons for testing athletes: Sports team members faced special health risks and they “were the leaders of the drug culture.” *Vernonia*, 515 U. S., at 649. No similar reason, and no other tenable justification, explains *Tecumseh*’s decision to target

³ Cross-country runners and volleyball players, by contrast, engage in substantial physical exertion. See *Vernonia School Dist. 47J v. Acton*, 515 U. S. 646, 663 (1995) (describing special dangers of combining drug use with athletics generally).

GINSBURG, J., dissenting

for testing all participants in every competitive extracurricular activity. See *Chandler*, 520 U. S., at 319 (drug testing candidates for office held incompatible with Fourth Amendment because program was “not well designed to identify candidates who violate antidrug laws”).

Nationwide, students who participate in extracurricular activities are significantly less likely to develop substance abuse problems than are their less-involved peers. See, e. g., N. Zill, C. Nord, & L. Loomis, *Adolescent Time Use, Risky Behavior, and Outcomes* 52 (1995) (tenth graders “who reported spending no time in school-sponsored activities were . . . 49 percent more likely to have used drugs” than those who spent 1–4 hours per week in such activities). Even if students might be deterred from drug use in order to preserve their extracurricular eligibility, it is at least as likely that other students might forgo their extracurricular involvement in order to avoid detection of their drug use. Tecumseh’s policy thus falls short doubly if deterrence is its aim: It invades the privacy of students who need deterrence least, and risks steering students at greatest risk for substance abuse away from extracurricular involvement that potentially may palliate drug problems.⁴

To summarize, this case resembles *Vernonia* only in that the School Districts in both cases conditioned engagement in activities outside the obligatory curriculum on random subsection to urinalysis. The defining characteristics of the two programs, however, are entirely dissimilar. The Vernonia district sought to test a subpopulation of students distinguished by their reduced expectation of privacy, their special

⁴The Court notes that programs of individualized suspicion, unlike those using random testing, “might unfairly target members of unpopular groups.” *Ante*, at 837; see also *ante*, at 841–842 (BREYER, J., concurring). Assuming, *arguendo*, that this is so, the School District here has not exchanged individualized suspicion for random testing. It has installed random testing in addition to, rather than in lieu of, testing “at any time when there is reasonable suspicion.” App. 197.

susceptibility to drug-related injury, and their heavy involvement with drug use. The Tecumseh district seeks to test a much larger population associated with none of these factors. It does so, moreover, without carefully safeguarding student confidentiality and without regard to the program's untoward effects. A program so sweeping is not sheltered by *Vernonia*; its unreasonable reach renders it impermissible under the Fourth Amendment.

II

In *Chandler*, this Court inspected "Georgia's requirement that candidates for state office pass a drug test"; we held that the requirement "d[id] not fit within the closely guarded category of constitutionally permissible suspicionless searches." 520 U. S., at 309. Georgia's testing prescription, the record showed, responded to no "concrete danger," *id.*, at 319, was supported by no evidence of a particular problem, and targeted a group not involved in "high-risk, safety-sensitive tasks," *id.*, at 321-322. We concluded:

"What is left, after close review of Georgia's scheme, is the image the State seeks to project. By requiring candidates for public office to submit to drug testing, Georgia displays its commitment to the struggle against drug abuse. . . . The need revealed, in short, is symbolic, not 'special,' as that term draws meaning from our case law." *Ibid.*

Close review of Tecumseh's policy compels a similar conclusion. That policy was not shown to advance the "'special needs' [existing] in the public school context [to maintain] . . . swift and informal disciplinary procedures . . . [and] order in the schools," *Vernonia*, 515 U. S., at 653 (internal quotation marks omitted). See *supra*, at 846-848, 849-853. What is left is the School District's undoubted purpose to heighten awareness of its abhorrence of, and strong stand against, drug abuse. But the desire to augment communica-

GINSBURG, J., dissenting

tion of this message does not trump the right of persons—even of children within the schoolhouse gate—to be “secure in their persons . . . against unreasonable searches and seizures.” U. S. Const., Amdt. 4.

In *Chandler*, the Court referred to a pathmarking dissenting opinion in which “Justice Brandeis recognized the importance of teaching by example: ‘Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example.’” 520 U. S., at 322 (quoting *Olmstead v. United States*, 277 U. S. 438, 485 (1928)). That wisdom should guide decisionmakers in the instant case: The government is nowhere more a teacher than when it runs a public school.

It is a sad irony that the petitioning School District seeks to justify its edict here by trumpeting “the schools’ custodial and tutelary responsibility for children.” *Vernonia*, 515 U. S., at 656. In regulating an athletic program or endeavoring to combat an exploding drug epidemic, a school’s custodial obligations may permit searches that would otherwise unacceptably abridge students’ rights. When custodial duties are not ascendant, however, schools’ tutelary obligations to their students require them to “teach by example” by avoiding symbolic measures that diminish constitutional protections. “That [schools] are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.” *West Virginia Bd. of Ed. v. Barnette*, 319 U. S. 624, 637 (1943).

* * *

For the reasons stated, I would affirm the judgment of the Tenth Circuit declaring the testing policy at issue unconstitutional.

Rubric: Homework Activities
Students and the Supreme Court: A Lexicon of Laws

Activity	Level of Quality				
	4	3	2	1	
Homework: Case Profile	<p>Profile is neat, complete, and accurate. Details are clear and succinctly stated. Additional pages are included for elaboration and explanation. Multiple examples are given. Shows considerable effort and thought beyond expectations.</p>	<p>Profile is neat, complete, and accurate. Responses are clear and succinct. Shows good effort and thought.</p>	<p>All rows are complete but some details are incorrect, which shows some effort. Multiple errors show lack of understanding.</p>	<p>Most rows are missing information. Some of the details present are incorrect. Shows little effort.</p>	<p>Little to nothing is on the profile. Shows no effort</p>
Homework: Diagram It	<p>Diagram is neat and well organized with the process easy to follow. Clear explanations accompany each element. All details are correct. Shows considerable effort and thought beyond expectations.</p>	<p>Diagram shows a process with appropriate details for each element. Shows good effort understanding and thought. Contains no errors.</p>	<p>Diagram has several elements missing. Process is incomplete. Shows some effort and understanding. Contains several errors.</p>	<p>Diagram is messy with details for only a few elements. There is little, if any, evidence of process. Contains several errors. Shows little effort.</p>	<p>Shows little to no work or effort.</p>

Lesson Quiz
Students and the Supreme Court: A Lexicon of Laws

1. What is a law?

2. Which branch of the government includes the Supreme Court?

3. What is the role of the Supreme Court in the judicial process?

4. Name the document that establishes the federal court system in the United States and the section that addresses the courts.

5. Why are courts needed?

6. How many levels of federal courts are there? _____
Explain the role of each.

7. Diagram the appellate process through the state and federal courts. Label the parts.

8. What qualifies a case to be heard by the Supreme Court?

9. How does citizen action and involvement in the judicial process benefit all Americans?

10. How are the courts involved in solving problems in a constitutional democracy?
Discuss what they can and cannot do.

Lesson Quiz
Students and the Supreme Court: A Lexicon of Laws

11. Find the name of the Supreme Court case with this citation: 347 U.S. 483

What was significant about the case?

12. Why is adherence to the rule of law essential in a democracy?

13. Name 5 character traits that are important for the judicial process to work effectively. Support your answers.

14. Explain how the extent of student rights is being defined by the cases that are decided by the Supreme Court.

15. Write a short paragraph that explains why it is important for students to learn about the judicial process.

NATIONAL CIVICS AND GOVERNMENT STANDARDS

Source Document:

National Standards for Civics and Government (1944) Center for Civic Education

<http://www.civiced.org/index.php?page=stds>

- **Grades 5-8**
- **Grades 9-12**

National Standards for Civics and Government

Students and the Supreme Court: A Lexicon of Laws

Source: *National Standards for Civics and Government* (1994) Center for Civic Education
<http://www.civiced.org/index.php?page=stds>

Grades 5-8 Content Standards Alignment

The following chart shows a more granular alignment at the standards level.

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
I.A.1. Defining civic life, politics, and government. Students should be able to explain the meaning of the terms civic life, politics, and government.	Courts are among the institutions of government with the power and authority to direct or control the behavior of those in society. Interpreting laws in one of the responsibilities of government.
I.A.2. Necessity and purposes of government. Students should be able to evaluate, take, and defend positions on why government is necessary and the purposes government should serve.	The federal courts, which make up the judicial branch of the federal government, are responsible for interpreting the law, evaluating the constitutionality of federal laws, and the peaceful resolution of legal disputes.
I.B.1. Limited and unlimited governments. Students should be able to describe the essential characteristics of limited and unlimited governments.	The Constitution defines the limits of power for each branch of government—legislative, executive, and judicial.
I.B.2. The rule of law. Students should be able to explain the importance of the rule of law for the protection of individual rights and the common good.	Adherence to the rule of law by all parties makes it possible to resolve legal disputes peacefully through the judicial process. Court decisions help ensure that the law is interpreted consistently and applied fairly for the protection of individual rights and the common good.
I.C.2. Purposes and uses of constitutions. Students should be able to explain the various purposes constitutions serve.	It is the Constitution that defines the judicial branch of government and gives it the power to interpret the laws and resolve disputes. As the supreme law of the land, the U.S. Constitution protects individual rights and promotes the common good.
I.C.3. Conditions under which constitutional government flourishes. Students should be able to explain those conditions that are essential for the flourishing of constitutional government.	Participation in the judicial process helps reinforce, refine, and define constitutional principles that are essential for the survival of a constitutional democracy.
I.D.1. Shared powers and parliamentary systems. Students should be able to describe the major characteristics of systems of shared powers and of parliamentary systems.	The U.S. has a shared powers system in which powers are separated among 3 branches of government with each branch having primary responsibility for certain functions. Congress may pass laws, but the Supreme Court may declare them unconstitutional.
I.D.2. Confederal, federal, and unitary systems. Students should be able to explain the advantages and disadvantages of confederal, federal, and unitary systems of government.	In the U.S. federal system the federal and state courts have separate and shared jurisdictions.

National Standards for Civics and Government

Students and the Supreme Court: A Lexicon of Laws

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>II.A.1. The American idea of constitutional government. Students should be able to explain the essential ideas of American constitutional government.</p>	<p>The federal court system helps fulfill these purposes of government as stated in the Preamble to the Constitution:</p> <ul style="list-style-type: none"> • establish justice • insure domestic tranquility • promote the general welfare <p>The Constitution defines the limited powers of the judicial branch of government.</p> <p>The judicial branch shares powers with other branches of government. The legislative branch makes the laws; the judicial branch interprets the laws, and the executive branch enforces the laws. The cooperation of all three branches is essential for the government to carry out its responsibilities.</p> <p>Supreme Court rulings on contemporary constitutional issues involving students relate to free speech, separation of church and state, freedom of the press, matters of privacy, affirmative action, due process, and criminal matters.</p>
<p>II.B.3. Diversity in American society. Students should be able to evaluate, take, and defend positions on the value and challenges of diversity in American life.</p>	<p>Conflicts are inevitable in a diverse society of 300 million people, but in a constitutional democracy, legal conflicts can be resolved peacefully in a way that respects individual rights and promotes the common good.</p> <p>The judicial process is a conflict-resolution process.</p>
<p>II.C.1. American identity. Students should be able to explain the importance of shared political values and principles to American society.</p>	<p>The U.S. Constitution identifies basic values and principles that are American distinctives. These include respect for individual rights, justice under the law, and the right to live in peace. When Americans get involved in the judicial process they act on these shared values and principles in ways that reinforce and strengthen them.</p>
<p>II.C.2. The character of American political conflict. Students should be able to describe the character of American political conflict and explain factors that usually prevent violence or that lower its intensity.</p>	<p>Even though there are differences of opinion regarding the interpretations of laws, those involved in the judicial process act out of a shared respect for the Constitution and its principles.</p> <p>Negotiation and compromise makes it possible to avoid conflict and arrive at an agreement that conveys unity even when different points of view still exist.</p> <p>Both majority and minority opinions are documented and recorded for every Supreme Court decision</p> <p>The majority has respect for minority opinions and gives the minority opportunity to be heard.</p> <p>Willingness to use the legal system to manage disputes helps reduce the potential for larger conflicts.</p>

National Standards for Civics and Government

Students and the Supreme Court: A Lexicon of Laws

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>II.D.1. Fundamental values and principles. Students should be able to explain the meaning and importance of the fundamental values and principles of American constitutional democracy.</p>	<p>The following values are important for the judicial process to work effectively:</p> <ul style="list-style-type: none"> • individual rights (majority and minority rights) • the common or public good • justice • equal opportunity (no gender discrimination) • diversity • openness and free inquiry • truth • patriotism <p>A constitutional government includes</p> <ul style="list-style-type: none"> • representative institutions • rule of law • shared powers • checks and balances • individual rights • federalism • separation of church and state
<p>II.D.2. Conflicts among values and principles in American political and social life. Students should be able to evaluate, take, and defend positions on issues in which fundamental values and principles are in conflict.</p>	<p>Disputes and conflicts may arise between individual rights and the common good. People may agree on values or principles in general, but disagree when applying them to specific issues. When legal disputes arise, aggrieved parties may seek resolution in the courts.</p> <p>The scope of student rights under the constitution is a matter of controversy resulting in legal disputes that may require resolution by the Supreme Court.</p>
<p>II.D.3. Disparities between ideals and reality in American political and social life. Students should be able to evaluate, take, and defend positions on issues concerning ways and means to reduce disparities between American ideals and realities.</p>	<p>Important American ideals include an informed citizenry, equal justice for all, concern for the common good, and respect for the rights of others.</p> <p>Ideals are important as goals, even if they are not fully achieved because they help the country get better and better.</p> <p>Decisions in landmark Supreme Court cases help reduce the discrepancy between reality and American ideals.</p>
<p>III.A.1. Distributing, sharing, and limiting powers of the national government. Students should be able to explain how the powers of the national government are distributed, shared, and limited.</p>	<p>As part of the judicial branch, courts have limited powers. They can only interpret laws that the legislative branch makes. Courts also depend on the executive branch to enforce their decisions about the law.</p>
<p>III.A.4. Sharing of powers between the national and state governments. Students should be able to explain how and why powers are distributed and shared between national and state governments in the federal system.</p>	<p>Federal and state courts have both unique and shared jurisdictions. When disputes involving matters of the Constitution or federal law arise, parties can choose whether to take their case to state or federal court.</p>
<p>III.C.1. State governments. Students should be able to explain why states have constitutions, their purposes, and the relationship of state constitutions to the federal constitution.</p>	<p>The U.S. Constitution is the supreme law of the land and state laws are also subject to its authority.</p>

National Standards for Civics and Government

Students and the Supreme Court: A Lexicon of Laws

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>III.C.2. Organization and responsibilities of state and local governments. Students should be able to describe the organization and major responsibilities of state and local governments.</p>	<p>State governments have judicial functions and court systems that are similar in the structure to the federal system.</p>
<p>III.E.1. The place of law in American society. Students should be able to explain the importance of law in the American constitutional system.</p>	<p>The courts make decisions based on the rule of law. The Supreme Court hears cases related to the Constitution and federal laws.</p> <p>Cases involving students that made it to the Supreme Court concerned rights protected by the Constitution and certain criminal matters:</p> <ol style="list-style-type: none"> 1. Engel v. Vitale (1962) 2. Tinker v. Des Moines Independent Community School District (1969) 3. Goss v. Lopez (1975) 4. Board of Education v. Pico (1982) 5. New Jersey v. T.L.O. (1985) 6. Bethel School District #403 v. Fraser (1986) 7. Hazelwood School District v. Kuhlmeier (1988) 8. Santa Fe Independent School District v. Doe (2000) 9. Board of Education v. Earls (2002) 10. Zelman v. Simmons-Harris (2002) 11. Grutter v. Bollinger (2003) 12. Roper v. Simmons (2005) 13. Morse v. Frederick (2005)
<p>III.E.3. Judicial protection of the rights of individuals. Students should be able to evaluate, take, and defend positions on current issues regarding judicial protection of individual rights.</p>	<p>The extent of student rights under the Constitution is being defined by the cases that move through the appellate process and are decided by the Supreme Court.</p> <p>Concurring and dissenting opinions of specific Supreme Court decisions provide detailed reasons that support opposing arguments related to the protection of student rights.</p>
<p>III.F.1. The public agenda. Students should be able to explain what is meant by the public agenda and how it is set.</p>	<p>The scope of student rights under the Constitution is a current controversy in the U.S.</p>
<p>III.F.2. Political communication. Students should be able to evaluate, take, and defend positions on the influence of the media on American political life.</p>	<p>Supreme Court opinions are published and made accessible to the public through electronic and print media produced by official and unofficial sources.</p> <p>Annenberg Classroom offers a wide array of education resources to assist teachers across the country in the civic education of students, including easy access to primary sources.</p>
<p>III.F.4. Associations and groups. Students should be able to explain how interest groups, unions, and professional organizations provide opportunities for citizens to participate in the political process.</p>	<p>Aggrieved parties often turn to prominent associations to represent them in court cases involving constitutional principles.</p>
<p>V.A.1. The meaning of citizenship. Students should be able to explain the meaning of American citizenship.</p>	<p>All citizens have equal rights under the law which gives them access to the judicial process to resolve legal disputes.</p>

National Standards for Civics and Government

Students and the Supreme Court: A Lexicon of Laws

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>V.B.1. Personal rights. Students should be able to evaluate, take, and defend positions on issues involving personal rights.</p>	<p>Several of the Supreme Court opinions addressed contemporary issues related to personal rights such as the freedom of expression and religion.</p>
<p>V.B.2. Political rights. Students should be able to evaluate, take, and defend positions on issues involving political rights.</p>	<p>Political rights include freedom of the press which became the basis for legal disputes that made it to the Supreme Court.</p>
<p>V.B.4. Scope and limits of rights. Students should be able to evaluate, take, and defend positions on issues regarding the proper scope and limits of rights.</p>	<p>Supreme Court opinions supported by reasons help define the scope and limit of student rights under the Constitution.</p>
<p>V.C.1. Personal responsibilities. Students should be able to evaluate, take, and defend positions on the importance of personal responsibilities to the individual and to society.</p>	<p>Everyone involved in the judicial process has personal responsibilities as a citizen to respect the rights and interests of others.</p> <p>Important personal responsibilities include:</p> <ul style="list-style-type: none"> • taking care of one's self • accepting responsibility for the consequences of one's actions • adhering to moral principles • considering the rights and interests of others • behaving in a civil manner <p>The success of the judicial process depends on those involved carrying out their personal responsibilities.</p>
<p>V.C.2. Civic responsibilities. Students should be able to evaluate, take, and defend positions on the importance of civic responsibilities to the individual and society.</p>	<p>There are civic responsibilities associated with being an American citizen involved in the judicial system. These include:</p> <ul style="list-style-type: none"> • obeying the law • respecting the rights of others • being informed and attentive to public issues • monitoring political leaders and governmental agencies and taking appropriate action if their adherence to constitutional principles is lacking • performing public service • serving as a juror <p>The success of the judicial process depends on those involved upholding their civic responsibilities.</p>
<p>V.D.1. Dispositions that enhance citizen effectiveness and promote the healthy functioning of American constitutional democracy. Students should be able to evaluate, take, and defend positions on the importance of certain dispositions or traits of character to themselves and American constitutional democracy.</p>	<p>Courts may help with problem-solving in a constitutional democracy, but the extent of their success depends on all participants exercising certain dispositions or traits of character:</p> <ul style="list-style-type: none"> • Individual responsibility • Self discipline/self governance • civility • courage • respect for the rights of other individuals • honesty • open mindedness • critical mindedness • negotiation and compromise • persistence • civic mindedness • compassion • patriotism

National Standards for Civics and Government

Students and the Supreme Court: A Lexicon of Laws

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>V.E.1. Participation in civic and political life and the attainment of individual and public goals. Students should be able to explain the relationship between participating in civic and political life and the attainment of individual and public goals.</p>	<p>Participation in the judicial process is not only a way to resolve current disputes, but a way to affect the way of life for others in the future.</p> <p>Courts can only hear cases that are brought before them. They do not seek cases. Citizen action is required to bring cases and activate the judicial process. Citizen action, therefore, is needed to prompt interpretations of the law and is required before courts can do their work.</p>
<p>V.E.3. Forms of political participation. Students should be able to describe the means by which Americans can monitor and influence politics and government.</p>	<p>Students who are knowledgeable citizens can seek to promote individual rights by participating in the judicial process to resolve constitutional issues.</p>
<p>V.E.4. Political leadership and public service. Students should be able to explain the importance of political leadership and public service in a constitutional democracy.</p>	<p>Personal qualities necessary for court-related public servants include relevant knowledge about the judicial process and current issues, communication and people skills, and traits of character.</p>
<p>V.E.5. Knowledge and participation. Students should be able to explain the importance of knowledge to competent and responsible participation in American democracy.</p>	<p>Citizens and students who are knowledgeable about the values and principles of American constitutional democracy can challenge perceived offenses and have disputes over those principles decided by the courts.</p> <p>When citizens use the judicial process to seek resolution of disputes over legal matters, they activate a system that seeks to reaffirm or change laws for the immediate and future benefit of all Americans.</p>

National Standards for Civics and Government

Lesson: Students and the Supreme Court: A Lexicon of Laws

Source: *National Standards for Civics and Government* (1994) Center for Civic Education
<http://www.civiced.org/index.php?page=stds>

Grades 9-12 Content Standards Alignment

The following chart shows a more granular alignment at the standards level.

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>I.A.1. Defining civic life, politics, and government. Students should be able to explain the meaning of the terms civic life, politics, and government.</p>	<p>Courts are among the formal institutions of government with the power and authority to direct or control the behavior of those in society.</p> <p>Interpreting laws and resolving legal disputes are the responsibilities of the judicial branch of government.</p>
<p>I.A.2. Necessity of politics and government. Students should be able to explain the major arguments advanced for the necessity of politics and government.</p>	<p>The federal courts, which make up the judicial branch of the federal government, are responsible for interpreting the law, evaluating the constitutionality of federal laws, and the peaceful resolution of legal disputes.</p> <p>The form and function of the government in the U.S. as defined by the U.S. Constitution helps people work collectively to accomplish goals and solve problems they cannot achieve on their own.</p>
<p>I.A.3. The purposes of politics and government. Students should be able to evaluate, take, and defend positions on competing ideas regarding the purposes of politics and government and their implications for the individual and society.</p>	<p>Sometimes there are conflicts that arise between individual rights and the common good and those conflicts may make it to the Supreme Court for resolution.</p>
<p>I.B. 1. Limited and unlimited governments. Students should be able to explain the essential characteristics of limited and unlimited governments.</p>	<p>The Constitution defines the limits of power for each branch of government—legislative, executive, and judicial.</p>
<p>I.B.2. The rule of law. Students should be able to evaluate, take, and defend positions on the importance of the rule of law and on the sources, purposes, and functions of law.</p>	<p>Adherence to the rule of law by all parties makes it possible to resolve legal disputes peacefully through the judicial process.</p> <p>Court decisions help ensure that the law is interpreted consistently and applied fairly for the protection of individual rights and the common good.</p>
<p>I.B. 4. The relationship of limited government to political and economic freedom. Students should be able to explain and evaluate competing ideas regarding the relationship between political and economic freedoms.</p>	<p>Decisions in landmark Supreme Court cases help resolve disputes related to political freedom issues such as freedom of religion, speech, and the press.</p>
<p>I.C.1. Concepts of "constitution." Students should be able to explain different uses of the term "constitution" and to distinguish between governments with a constitution and a constitutional government.</p>	<p>The Constitution as the supreme law of the land defines the judicial branch of government and sets the limits of its powers.</p>

National Standards for Civics and Government

Lesson: Students and the Supreme Court: A Lexicon of Laws

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>I.C.2. Purposes and uses of constitutions. Students should be able to explain the various purposes served by constitutions.</p>	<p>It is the Constitution that sets the structure of the judicial branch, defines the role of the judiciary in relationship to the other branches of government, and gives federal courts the power to interpret the laws and resolve legal disputes.</p> <p>As the supreme law of the land, the U.S. Constitution places limits on government power in order to protect individual rights and promote the common good.</p>
<p>I.D.1. Shared powers and parliamentary systems. Students should be able to describe the major characteristics of systems of shared powers and of parliamentary systems.</p>	<p>The U.S. has a shared powers system in which powers are separated among 3 branches of government with each branch having primary responsibility for certain functions.</p> <p>The Supreme Court, Congress and the President all share power over the laws of the nation.</p>
<p>1.D.2. Confederal, federal, and unitary systems. Students should be able to explain the advantages and disadvantages of federal, confederal, and unitary systems of government.</p>	<p>In the U.S. federal system the federal and state courts have separate and shared jurisdictions.</p>
<p>II.A.1. The American idea of constitutional government. Students should be able to explain the central ideas of American constitutional government and their history.</p>	<p>The federal court system helps fulfill these purposes of government as stated in the Preamble to the Constitution:</p> <ul style="list-style-type: none"> • establish justice • insure domestic tranquility • promote the general welfare <p>The Constitution defines the limited and shared powers of the judicial branch of government. The judicial branch shares powers with other branches of government. The legislative branch makes the laws; the judicial branch interprets the laws, and the executive branch enforces the laws. The cooperation of all three branches is essential for the government to carry out its responsibilities.</p>
<p>II.A.2. How American constitutional government has shaped the character of American society. Students should be able to explain the extent to which Americans have internalized the values and principles of the Constitution and attempted to make its ideals realities.</p>	<p>Landmark Supreme Court decisions help make the values and principles of the Constitution a reality for all Americans. These shared values include respect for individual rights, justice under the law, and the right to live in peace.</p> <p>When Americans get involved in the judicial process they act on these shared values and principles in ways that end up shaping society.</p>
<p>II.B. 3. The role of organized groups in political life. Students should be able to evaluate, take, and defend positions on the contemporary role of organized groups in American social and political life.</p>	<p>Aggrieved parties often turn to prominent associations to represent them in court cases involving constitutional principles.</p>
<p>II.B.4. Diversity in American society. Students should be able to evaluate, take and defend positions on issues regarding diversity in American life.</p>	<p>Conflicts are inevitable in a diverse society of 300 million people, but in a constitutional democracy, legal conflicts can be resolved peacefully in a way that respects individual rights and promotes the common good. It is the mutual respect for Constitutional principles that makes resolution between parties possible.</p> <p>The judicial process in a constitutional democracy is one of a conflict-resolution.</p>

National Standards for Civics and Government

Lesson: Students and the Supreme Court: A Lexicon of Laws

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>II.C.1. American national identity and political culture. Students should be able to explain the importance of shared political and civic beliefs and values to the maintenance of constitutional democracy in an increasingly diverse American society.</p>	<p>The U.S. Constitution identifies basic values and principles that are American distinctives. These include respect for the law, protection of individual rights, and justice under the law.</p>
<p>II.C.2. Character of American political conflict. Students should be able to describe the character of American political conflict and explain factors that usually prevent violence or that lower its intensity.</p>	<p>Even though there are differences of opinion regarding the interpretations of laws, those involved in the judicial process act out of a shared respect for the Constitution and its principles.</p> <p>Willingness to use the legal system to manage disputes helps reduce the potential for larger conflicts.</p> <p>A Supreme Court ruling contains the reasoning behind the majority opinion and the minority opinion. Despite differences of opinion on the Court, when a decision is made, there is a definitive answer that becomes a guiding precedent for all future cases.</p>
<p>II.D.3. Fundamental values and principles. Students should be able to evaluate, take, and defend positions on what the fundamental values and principles of American political life are and their importance to the maintenance of constitutional democracy.</p>	<p>The following values and principles are important for the judicial process to work effectively:</p> <ul style="list-style-type: none"> • individual rights (majority and minority rights) • the common or public good • justice • equality • diversity • openness and free inquiry • truth • patriotism <p>Principles fundamental to American constitutional democracy include</p> <ul style="list-style-type: none"> • Ultimate authority rests with the people • Representative institutions • Separated and shared powers • Checks and balances • Individual rights • Rule of law • Separation of church and state • Federalism
<p>II.D.4. Conflicts among values and principles in American political and social life. Students should be able to evaluate, take, and defend positions on issues in which fundamental values and principles may be in conflict.</p>	<p>Disputes and conflicts may arise between individual rights and the common good. People may agree on values or principles in general, but disagree when applying them to specific issues. When legal disputes arise, aggrieved parties may seek resolution in the courts.</p> <p>The scope of student rights under the constitution is a matter of controversy resulting in legal disputes that may require resolution by the Supreme Court.</p>
<p>II.D.5. Disparities between ideals and reality in American political and social life. Students should be able to evaluate, take, and defend positions about issues concerning the disparities between American ideals and realities.</p>	<p>Important American ideals include an informed citizenry, equal justice for all, concern for the common good, and respect for the rights of others.</p> <p>Ideals are important as goals, even if they are not fully achieved, because they help the country get better and better.</p> <p>Decisions in landmark Supreme Court cases help reduce the discrepancy between reality and American ideals.</p>

National Standards for Civics and Government

Lesson: Students and the Supreme Court: A Lexicon of Laws

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>III.A.1. Distributing governmental power and preventing its abuse. Students should be able to explain how the United States Constitution grants and distributes power to national and state government and how it seeks to prevent the abuse of power.</p>	<p>There is a balance and check of powers within the government to prevent abuse.</p> <p>As part of the judicial branch, courts have limited powers. They can only interpret laws that the legislative branch makes. Courts also depend on the executive branch to enforce their decisions about the law.</p>
<p>III.A.2. The American federal system. Students should be able to evaluate, take, and defend positions on issues regarding the distribution of powers and responsibilities within the federal system.</p>	<p>Federal and state courts have both unique and shared jurisdictions. When disputes involving matters of the Constitution or federal law arise, parties can choose whether to take their case to state or federal court.</p>
<p>III.B.1. The institutions of the national government. Students should be able to evaluate, take, and defend positions on issues regarding the purposes, organization, and functions of the institutions of the national government.</p>	<p>The three branches of government share powers over the laws:</p> <ul style="list-style-type: none"> • Legislative branch: Congress makes the laws • Executive branch: President and agencies in the executive branch enforce the laws • Judicial branch: Supreme Court of the United States and other federal courts interpret the law
<p>III.C.1. The constitutional status of state and local governments. Students should be able to evaluate, take, and defend positions on issues regarding the proper relationship between the national government and the state and local governments.</p>	<p>The U.S. Constitution is the supreme law of the land and state laws are also subject to its authority.</p>
<p>III.C. 2. Organization of state and local governments. Students should be able to evaluate, take, and defend positions on issues regarding the relationships between state and local governments and citizen access to those governments.</p>	<p>State governments have judicial functions and court systems that are similar in the structure to the federal system.</p>
<p>III.C.3. Major responsibilities of state and local governments. Students should be able to identify the major responsibilities of their state and local governments and evaluate how well they are being fulfilled.</p>	<p>Local governments have judicial responsibility and special courts with general and limited jurisdictions.</p>

National Standards for Civics and Government

Lesson: Students and the Supreme Court: A Lexicon of Laws

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>III.D.1. The place of law in American society. Students should be able to evaluate, take, and defend positions on the role and importance of law in the American political system.</p>	<p>The courts make decisions based on the rule of law in order to protect the rights of citizens. The Supreme Court hears cases related to the Constitution and federal laws.</p> <p>Cases involving students that made it to the Supreme Court concerned rights protected by the Constitution and certain criminal matters:</p> <ol style="list-style-type: none"> 1. Engel v. Vitale (1962) 2. Tinker v. Des Moines Independent Community School District (1969) 3. Goss v. Lopez (1975) 4. Board of Education v. Pico (1982) 5. New Jersey v. T.L.O. (1985) 6. Bethel School District #403 v. Fraser (1986) 7. Hazelwood School District v. Kuhlmeier (1988) 8. Santa Fe Independent School District v. Doe (2000) 9. Board of Education v. Earls (2002) 10. Zelman v. Simmons-Harris (2002) 11. Grutter v. Bollinger (2003) 12. Roper v. Simmons (2005) 13. Morse v. Frederick (2005) <p>An individual's rights are protected by the trial and appellate levels of the judicial process.</p>
<p>III.D.2. Judicial protection of the rights of individuals. Students should be able to evaluate, take, and defend positions on current issues regarding the judicial protection of individual rights.</p>	<p>The extent of student rights under the Constitution is being defined by the cases that move through the appellate process to the Supreme Court.</p> <p>The right of appeal is what keeps cases moving through the judicial process to the court of last resort.</p>
<p>III.E.1. The public agenda. Students should be able to evaluate, take, and defend positions about how the public agenda is set.</p>	<p>The scope of student rights under the Constitution is a current controversy in the U.S. Actions by students and their advocates keep these issues before the public.</p>
<p>III.E.3. Political communication: television, radio, the press, and political persuasion. Students should be able to evaluate, take, and defend positions on the influence of the media on American political life.</p>	<p>Supreme Court opinions are published and made accessible to the public through electronic and print media produced by official and unofficial sources.</p> <p>Annenberg Classroom offers a wide array of education resources to assist teachers across the country in the civic education of students, including easy access to primary sources.</p>
<p>III.E.5. Associations and groups. Students should be able to evaluate, take, and defend positions about the contemporary roles of associations and groups in American politics.</p>	<p>Aggrieved parties often turn to prominent associations to represent them in court cases involving constitutional principles.</p>
<p>V.A.1. The meaning of citizenship in the United States. Students should be able to explain the meaning of citizenship in the United States.</p>	<p>All citizens have equal rights under the law which gives them access to the judicial process to resolve legal disputes.</p>
<p>V.B.1. Personal rights. Students should be able to evaluate, take, and defend positions on issues regarding personal rights.</p>	<p>Several of the Supreme Court opinions addressed contemporary issues related to personal rights such as the freedom of expression and school prayer.</p> <p>Adherence to the rule of law helps secure personal rights in American constitutional democracy.</p>

National Standards for Civics and Government

Lesson: Students and the Supreme Court: A Lexicon of Laws

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>V.B.2. Political rights. Students should be able to evaluate, take, and defend positions on issues regarding political rights.</p>	<p>Political rights include freedom of the press which became the basis for legal disputes that made it to the Supreme Court.</p>
<p>V.B.5. Scope and limits of rights. Students should be able to evaluate, take, and defend positions on issues regarding the proper scope and limits of rights.</p>	<p>Supreme Court opinions supported by reasons help define the scope and limit of student rights under the Constitution.</p>
<p>V.C.1. Personal responsibilities. Students should be able to evaluate, take, and defend positions on issues regarding the personal responsibilities of citizens in American constitutional democracy.</p>	<p>Everyone involved in the judicial process has personal responsibilities as a citizen to respect the rights and interests of others.</p> <p>Important personal responsibilities include:</p> <ul style="list-style-type: none"> • taking care of one's self • accepting responsibility for the consequences of one's actions • adhering to moral principles • considering the rights and interests of others • behaving in a civil manner <p>The success of the judicial process depends on those involved carrying out their personal responsibilities.</p>
<p>V.C.2. Civic responsibilities. Students should be able to evaluate, take, and defend positions on the importance of civic responsibilities to the individual and society.</p>	<p>There are civic responsibilities associated with being an American citizen involved in the judicial system. These include:</p> <ul style="list-style-type: none"> • obeying the law • respecting the rights of others • being informed and attentive to public issues • monitoring political leaders and governmental agencies and taking appropriate action if their adherence to constitutional principles is lacking • performing public service • serving as a juror <p>The success of the judicial process depends on those involved upholding their civic responsibilities.</p>
<p>V.D.1. Dispositions that lead the citizen to be an independent member of society. Students should be able to evaluate, take, and defend positions on the importance to American constitutional democracy of dispositions that lead individuals to become independent members of society.</p>	<p>Courts may help with problem-solving in a constitutional democracy, but the extent of their success depends on all participants exercising certain dispositions or traits of character:</p> <ul style="list-style-type: none"> • Individual responsibility • Self discipline/self governance • civility • courage • respect for the rights of other individuals • honesty • open mindedness • critical mindedness • negotiation and compromise • persistence • civic mindedness • compassion • patriotism

National Standards for Civics and Government

Lesson: Students and the Supreme Court: A Lexicon of Laws

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>V.D.2. Dispositions that foster respect for individual worth and human dignity. Students should be able to evaluate, take, and defend positions on the importance to American constitutional democracy of dispositions that foster respect for individual worth and human dignity.</p>	<p>Those with respect for individual worth and human dignity tend to have these dispositions:</p> <ul style="list-style-type: none"> • Respect for the rights and choices of individuals—holding and advocating differing ideas • Compassion--concern for the well-being of others
<p>V.D.3. Dispositions that incline the citizen to public affairs. Students should be able to evaluate, take, and defend positions on the importance to American constitutional democracy of dispositions that incline citizens to public affairs.</p>	<p>Citizens inclined to public affairs, such as public servants, tend to have these dispositions:</p> <ul style="list-style-type: none"> • Civic mindedness--what the Founders called civic virtue--or attentiveness to and concern for public affairs • Patriotism--loyalty to the values and principles underlying American constitutional democracy
<p>V.D.4. Dispositions that facilitate thoughtful and effective participation in public affairs. Students should be able to evaluate, take, and defend positions on the importance to American constitutional democracy of dispositions that facilitate thoughtful and effective participation in public affairs.</p>	<p>Traits that facilitate thoughtful and effective participation in public affairs include</p> <ul style="list-style-type: none"> • civility--treating other persons respectfully, regardless of whether or not one agrees with their viewpoints; being willing to listen to other points of view; avoiding hostile, abusive, emotional, and illogical argument • respect for the rights of other individuals--having respect for others' right to an equal voice in government, to be equal in the eyes of the law, to hold and advocate diverse ideas, and to join in associations to advance their views • respect for law--willingness to abide by laws, even though one may not be in complete agreement with every law; willingness to work through peaceful, legal means to change laws which one thinks to be unwise or unjust • honesty--willingness to seek and express the truth • open mindedness--considering others' points of view • critical mindedness--having the inclination to question the validity of various positions, including one's own • negotiation and compromise--making an effort to come to agreement with those with whom one may differ, when it is reasonable and morally justifiable to do so • persistence--being willing to attempt again and again to accomplish worthwhile goals • civic mindedness--paying attention to and having concern for public affairs • compassion--having concern for the well-being of others, especially for the less fortunate • patriotism--being loyal to the values and principles underlying American constitutional democracy, as distinguished from jingoism and chauvinism • courage--the strength to stand up for one's convictions, when conscience demands
<p>V.E.1. The relationship between politics and the attainment of individual and public goals. Students should be able to evaluate, take and defend positions on the relationship between politics and the attainment of individual and public goals.</p>	<p>Participation in the judicial process is not only a way to resolve current disputes, but a way to affect the way of life for others in the future.</p> <p>Courts can only hear cases that are brought before them. They do not seek cases. Citizen action is required to bring cases and activate the judicial process. Citizen action, therefore, is needed to prompt interpretations of the law and is required before courts can do their work.</p>

National Standards for Civics and Government

Lesson: Students and the Supreme Court: A Lexicon of Laws

National Standards for Civics and Government	Lesson: Students and the Supreme Court
Specific Content Standards	Understandings Reinforced by the Lesson
<p>V.E.3. Forms of political participation. Students should be able to evaluate, take, and defend positions about the means that citizens should use to monitor and influence the formation and implementation of public policy.</p>	<p>Students who are knowledgeable citizens can seek to promote individual rights by participating in the judicial process to resolve constitutional issues.</p>
<p>V.E.4. Political leadership and public service. Students should be able to evaluate, take, and defend positions about the functions of leadership in an American constitutional democracy.</p>	<p>Personal qualities necessary for court-related public servants include relevant knowledge about the judicial process and current issues, communication and people skills, and traits of character.</p>
<p>V.E.5. Knowledge and participation. Students should be able to explain the importance of knowledge to competent and responsible participation in American democracy.</p>	<p>Citizens and students who are knowledgeable about the values and principles of American constitutional democracy can challenge perceived offenses and have disputes over those principles decided by the courts.</p> <p>When citizens use the judicial process to seek resolution of disputes over legal matters, they activate a system that seeks to reaffirm or change laws for the immediate and future benefit of all Americans.</p>