

NTI Day 21 Law & Justice Tackett

What is a Law?

"Don't run with scissors in your hand!"

"Don't drive your car on the sidewalk!"

"Do not steal your neighbor's property!"

How many times a day does someone tell you what to do? How often do you have to stop yourself from doing what you want, because you know that this action is prohibited or wrong?

In the United States, it seems like we have laws, rules, and regulations to oversee just about everything. We don't always like these rules, since they often mean that someone is telling us what to do, or keeping us from doing what we want. Yet to live in a civil society, we must have some rules to follow. Who gets to make these rules? Where do they come from? What happens when we break them? These are the questions this page will seek to answer for you.

LAW

Laws are rules that bind all people living in a community. [Laws](#) protect our general safety, and ensure our rights as citizens against abuses by other people, by organizations, and by the government itself. We have laws to help provide for our general safety. These exist at the local, state and national levels, and include things like:

- Laws about food safety. At the state and local level, health departments have guidelines that restaurants follow for how to store and prepare food in a healthy manner, so that diners won't get sick. At the national level, the Department of Agriculture and other federal agencies inspect food production plants to be sure that the food that shows up in your supermarket is safe to eat.
- Speed limits and traffic laws exist so that we drive in a safe manner.
- Licensing for doctors and nurses ensures proper training of the people who look after us, and who often have our lives in their hands.

We also have laws that protect our rights as citizens, and which include things like:

- Laws that come from the Bill of Rights in the U.S. Constitution, that guarantee our basic freedoms like freedom of speech, religion, and the press.
- Laws that protect us from discrimination because of our race, gender, age, or because of a disability.

Where do Laws come from?

In the United States, the Constitution is the ultimate source of the law. However, it was never designed to address every specific legal question. Within the boundaries of the Constitution, there are two primary sources of law, [common law](#) and [statutory law](#).

- Common Law
- Statutory Law
- This law comes from the judicial branch. Though the courts do not pass laws, they do interpret them. This means that the judiciary bases their legal decisions on what is written in the Constitution, and on previous court rulings in similar cases. This is a process called [stare decisis](#) which in Latin means "let the decision stand."
- Laws Over Time

The thing about living in a democracy is that the laws change over time. The laws needed in 1789 when the Constitution was born, and in 1890, 1950, or 1990, are different from the laws needed today. The

legislative branch of government must seek to update laws as needed, and the judicial branch has to interpret the laws so that they apply fairly to society at the time.

- For example, laws about bullying or stalking have had to be updated to consider social networking sites, cyber bullying and cyber stalking. The original laws didn't take the internet into consideration.

- More About Laws

The laws of our nation generally arise out of our shared values and morals. In our nation we have laws at both the national and state levels. As citizens, we tend to be most familiar with state and local laws, since these are the laws we encounter most in our daily lives. These laws protect us against crimes like murder, robbery, rape, and assault. They also insure that we don't drive too fast, that we mow our lawns and keep our dogs on leashes. In the United States, we also have a national government which makes laws. On the national level, we have laws about internet crime, narcotics, treason, as well as things like copyright and patents.

Laws are sometimes controversial, and citizens do not always agree on what should be illegal. Though laws tend to come out of our shared values as a society, not everything that is immoral is illegal. For example:

- Foul Language may be offensive to some people, but it isn't illegal.
- Narcotics are illegal in most cases, yet some people would like them to be legal for everyone, while others find them to be a threat to public safety and support current laws.

Recently we have seen state and local governments making some laws that may cause us to question the limits of government's power. For example:

- Should a state be able to limit the sale of large, 40 ounce sodas in the name of supporting good health?
- Should teachers be able to use Facebook? Can they "friend" their students?
- Should a city be able to limit the number of fast food restaurants in a neighborhood, to try to make residents make healthier food choices?
- Should a municipality be able to tell you how "low" to wear your pants?

The Rule of Law

President Theodore Roosevelt once said, "*Ours is a government of liberty, by, through and under the law. No man is above it, and no man is below it.*"

- Rule of Law 1

The American commitment to the rule of law means that every citizen is governed by the same laws, applied through a fair and equal judicial process to resolve disputes peacefully.

- Rule of Law 2
- Rule of Law 3
- Rule of Law 4
- Rule of Law 5

Answer Questions:

1. Read the statements below, and decide which one is a good example of the principle of the rule of law.

- A You wait for the walk signal at the crosswalk. As you step into the street a car speeds through the red light and nearly runs you over. A policeman nearby ignores the situation.**
- B The police seize your personal belongings. They give you no warning and no explanation. When you tell the local judge, she orders you to keep quiet.**

- C Murder is against the law, yet the police refuse to arrest a powerful government official who shoots and kills his neighbor in front of several eye-witnesses.
- D Your neighbor is accused of a crime. She has an attorney who will represent her at a trial. A jury of her peers will make the final decision. The entire trial is open to the public.
- E You have to go to civil court because a customer slipped in your store. The judge rules against you because the judge and the customer are cousins.

NTI Day 21 Part 2:

Before the Constitution

- 1775 Fighting began between the colonies and Great Britain
- 1776 The Declaration of Independence was written
- 1777 The Articles of Confederation were written (fully ratified in 1781)
- 1783 The American Revolutionary War officially ended
- 1789 The [U.S. Constitution](#) replaced the Articles of Confederation

The Articles of Confederation created a confederation, a government of loosely organized independent states. The national government under the Articles of Confederation consisted of a single legislative body, called the [Congress](#) of the United States. The national government had limited powers under the Articles of Confederation. For example, the central government could not levy taxes or regulate commerce. Additionally, there was not an executive or judicial branch of government under the Articles.

Because the government under the [Articles of Confederation](#) did not have enough power, problems began to emerge.

- States were printing their own money in violation of national law.
- States were conducting foreign trade negotiations in violation of national law.
- States were organizing their own armed forces.

These events led to a meeting in Philadelphia in 1787. This meeting has come to be known as the [Constitutional Convention](#).

The Constitutional Convention

T

hese events led to a meeting in Philadelphia in 1787. This meeting has come to be known as the Constitutional Convention. Twelve of the thirteen states sent delegates to the convention (all but Rhode Island).

The original intent of the Constitutional Convention was to discuss the emerging problems in the new nation, and make changes to the Articles of Confederation to address those problems. Very quickly however, the delegates determined to set the Articles of Confederation aside and start fresh. The result of their work was the Constitution of the United States.

The Constitution created the 3 branches of government:

1. The [Legislative Branch](#) to make the laws. Congress is made up of two houses, the Senate and the House of Representatives.
2. The [Executive Branch](#) to enforce the laws.
3. The [Judicial Branch](#) to interpret the laws.

The Constitution embodies these principles:

- [Limited Government](#) - The principle that the power of the government is limited by the Constitution; a system of government in which the government is given only the powers specifically listed in written documents.
- [Separation of Powers](#) - There are three branches of government, each with its own powers and duties.
- [Checks and Balances](#) - Each branch checks the powers of the other two branches.
- [Federalism](#) - Power is divided between the federal government and the state governments.

[Visit the National Archives website to find the full text of the U.S. Constitution.](#)

The U.S. Constitution

- Article I

Outlines the powers and limits of the Legislative Branch

- The legislature, called Congress, is made up of the Senate and the House of Representatives
- The basic function of the legislature is to make the laws of our nation
- Article II
- Article III
- Article IV
- Article V
- Article VI
- Article VII
- Amendments 1-10

Answer:

1. Question 1

I need to find out how to amend or change the Constitution

- A Article III (3)
- B Article IV (4)
- C Article V (5)
- D Article VI (6)

Question 2

I would like to know if states can make national laws

- A Article III (3)
- B Article IV (4)
- C Article V (5)
- D Article VI (6)

Question 3

I would like to know what qualifications I must meet to be a member of the House of Representatives

- A Article I (1)
- B Article II (2)
- C Article III (3)
- D Article IV (4)

Question 4

I would like to know how many states had to ratify the Constitution for it to go into effect

- A Article IV (4)
- B Article V (5)
- C Article VI (6)
- D Article VII (7)

Question 5

I would like to know the powers and responsibilities of the President

- A Article I (1)
- B Article II (2)
- C Article III (3)
- D Article IV (4)

Question 6

I would like to know the kinds of cases federal judges hear

- A Article I (1)
- B Article II (2)
- C Article III (3)
- D Article IV (4)

Once you are finished, click the button below. Any items you have not completed will be marked incorrect.

[Get Results](#)

There are 6 questions to complete.

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Ratifying the Constitution

Once the Constitution of the United States was written in 1787 at the Philadelphia convention, the next step was ratification. This is the formal process, outlined in Article VII, which required that nine of the thirteen states had to agree to adopt the Constitution before it could go into effect.

As in any debate there were two sides, the Federalists who supported ratification and the Anti-Federalists who did not.

We now know that the Federalists prevailed, and the U.S. Constitution was ratified in 1788, and went into effect in 1789. Read about their arguments below.

Anti-Federalist Debate

Federalist Debate

Those opposed to the Constitution

Anti-Federalists argued that the Constitution gave too much power to the federal government, while taking too much power away from state and local governments. Many felt that the federal government would be too far removed to represent the average citizen. Anti-Federalists feared the nation was too large for the national government to respond to the concerns of people on a state and local basis.

The Anti-Federalists were also worried that the original text of the Constitution did not contain a bill of rights. They wanted guaranteed protection for certain basic liberties, such as freedom of speech and trial by jury.

A Bill of Rights was added in 1791. In part to gain the support of the Anti-Federalists, the Federalists promised to add a bill of rights if the Anti-Federalists would vote for the Constitution. Learn more about it by visiting the Student Center page on The Constitution and Rights.

The Courts

How did the Anti-Federalists feel about the federal courts?

Similar to how they felt about the rest of the proposed federal government, the Anti-Federalists believed the Constitution granted too much power to the federal courts, at the expense of the state and local courts. They argued that the federal courts would be too far away to provide justice to the average citizen.

How did the Federalists feel about the federal courts?

The Federalists argued that the federal courts had limited jurisdiction, leaving many areas of the law to the state and local courts. The Federalists felt that the new federal courts were necessary to provide checks and balances on the power of the other two branches of government. They believed the federal courts would protect citizens from government abuse, and guarantee their liberty.

Courts today

Federalism is a form of government in which power is divided between the national government and the state governments. In the United States, there is a federal court system. In addition, each state has its

own courts. To learn more about this dual court system, visit the Student Center page [State Courts vs. Federal Courts](#).

Answer:

They did not want the U.S. Constitution to go into effect.

- A FEDERALIST
- B ANTI-FEDERALIST

Question 2

They supported the formation of the new federal government of the United States.

- A FEDERALIST
- B ANTI-FEDERALIST

Question 3

They believed that by dividing the government into separate branches, with checks and balances, no one branch or person could get too powerful.

- A FEDERALIST
- B ANTI-FEDERALIST

Question 4

They were worried that the original Constitution did not contain a statement of rights, such as freedom of speech or trial by jury.

- A FEDERALIST
- B ANTI-FEDERALIST

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Our founders understood that judges who are able to apply the law freely and fairly are essential to the rule of law. The Constitution guarantees our rights on paper, but this would mean nothing without independent courts to protect them.

In our unique judicial system, courts are protected from the influence of other branches of government, as well as shifting popular opinion. This allows the judiciary to make decisions based on what is right under the law, without political or personal consequences.

[Click here to visit the Student Center page about Judicial Independence.](#)

The federal judiciary is defined and explained in Article III of the U.S. Constitution. Click below to read each section of Article III, with an explanation.

Article III of the U.S. Constitution

Section 1

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 Explanation:

The power to interpret the law of the United States will be held by the U.S. Supreme Court, and the lower federal courts.

Inferior courts will be created by Congress from “time to time.” The Constitution itself created only the Supreme Court, but allowed Congress to create other, inferior (lower) courts over time. Thus as the case load of the Supreme Court grew, Congress was able to create the lower federal courts.

Federal judges will hold office “during good behavior” and they shall receive “compensation” for their services.

Once they are appointed, federal judges remain in office during “good behavior.” In effect, most federal judges serve a life term (since the Constitution does not state a time limit or number of years). Once appointed, their salaries cannot be “diminished” or decreased. This protects the judges from being manipulated through their salary.

Section 2

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,—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.

Section 2 Explanation:

Section 2 of Article III describes the jurisdiction of the federal courts. Jurisdiction is the power of a court to hear a case, so this section tells us what kinds of cases the Supreme Court and other federal courts will hear.

All cases that arise under the Constitution, the laws of the United States or its treaties.

All cases that affect American Ambassadors, public officials, and public consuls.

All cases of admiralty and maritime jurisdiction (cases that involve national waters).

All cases in which the United States is a party (when a state, a citizen or a foreign power sues the national government).

All cases that involve one or more states, or the citizens of different states.

All cases between citizens of the same state who are claiming land under grants from other states.

Underlined portions were changed by the 11th Amendment, which states that the judicial power of the United States does not allow a state to be sued by citizens of another state, or by citizens or subjects of any foreign state.

Section 2 Continued –

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 the 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.

Explanation:

Section 2 also notes that the Supreme Court will have original jurisdiction in any case dealing with or affecting an Ambassador, Public Minister or Consul, or in which a state is a party.

Original jurisdiction is the power of a court to hear a case first. This means that, in any case dealing with these groups of public servants, the Supreme Court must hear the case first, and no lower court can do so.

The number of original jurisdiction cases heard by the United States Supreme Court is very low; less than 1% of all their cases.

In addition to these original jurisdiction cases, the Supreme Court will have appellate jurisdiction in all other cases.

Appellate jurisdiction is the power to hear a case AFTER a lower court has already decided the case.

That is what it means to hear the case on appeal.

The vast majority cases heard by the United States Supreme Court today are appellate cases.

The Supreme Court is the “court of last resort” that is, the final court in which a citizen, state or other entity can have their case heard.

The Supreme Court is the only federal court to have BOTH original and appellate jurisdiction.

Section 2 Continued –

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.

Explanation:

This final portion of section 2 tells us that in the trial of all crimes, except impeachment, the accused has a right to a trial by jury. These trials are held in the state where the crime is committed.

Impeachment is the process described in the Constitution by which high officers of the U.S. government may be accused, tried, and removed from office for misconduct; the House of Representatives is responsible for the inquiry and formal accusation, and the Senate is responsible for the trial.

Section 3

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 Explanation:

Section 3 of Article III deals with the crime of treason, first by giving us a definition of the crime, then by telling us how the crime will be tried.

Treason is defined in the Constitution as levying war against the United States, or giving aid to our enemies.

This is the only crime actually defined in the Constitution. Why? The founders were afraid that people could be charged with treason, when they were really just engaging in dissent. Part of living in a democracy is the ability we all have to disagree with our government. If simply speaking out against the government were treason, then the government could quash all dissent, and we would not have a free country. By defining treason in the Constitution, the founders made sure that those accused of treason had to do more than simply say things our government or leaders didn't like. To be guilty of treason, they had to take actual action (make war against our government or directly help our enemies). This protects our freedom of speech from being limited.

Section 3 tells us that, to be convicted of treason, there must be two witnesses to the same overt act, or that the person committing treason must confess in open court.

Congress has the power to determine the punishment for treason, which ranges from five years in prison and a \$10,000 fine, up to life in prison or death.

Answer:

Article III tells us that the federal courts will hear cases arising under the U.S. Constitution.

A TRUE

B FALSE

Question 2

Article III tells us the specific qualifications that judges must meet to get a job in the Federal courts, including age limits, citizenship requirements, and residency guidelines.

A TRUE

B FALSE

Question 3

Article III defines the crime of treason, and explains the process for finding someone guilty of this crime.

A TRUE

B FALSE

Question 4

Article III tells us exactly how many inferior, or lower, courts there need to be.

- A TRUE
- B FALSE

Question 5

Article III tells us that there will be one Supreme Court, but doesn't say how large or small that court will be.

- A TRUE
- B FALSE

L&J NTI Day 24 Tackett Google any amendment or Clause that you need to.

The Constitution and Rights

One of the biggest arguments between the Federalists and the Anti-Federalists was over the absence of a bill of rights in the Constitution. In part to gain the support of Anti-Federalists, the Federalists promised to add a bill of rights if the Anti-Federalists would vote for the Constitution. Thus, the [Bill of Rights](#) was written in 1789, and was formally added to the Constitution in 1791. It includes the first ten amendments to the Constitution.

The Bill of Rights

The first ten amendments to the Constitution are collectively known as the Bill of Rights. The Bill of Rights is the source of many of our basic freedoms.

[Click here to visit the National Archives and see the full text of the Bill of Rights.](#)

Click to review each of the Amendments in Bill of Rights.

- Amendment 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Explanation: The freedoms guaranteed in the 1st Amendment are sometimes referred to as our fundamental freedoms. They are some of the most valued freedoms that Americans possess.

- Congress cannot “establish” a religion for the United States. This protects us from Congress creating a State religion that all Americans must follow. The 1st Amendment also protects our “free exercise” of religion, and makes sure that Congress cannot tell us to pray, go to church, or what church to belong to.
- Speech has been defined over time to mean both spoken and symbolic speech.
- Press is the freedom of the press to print what it likes, without government interference.
- Assembly is the right to gather freely, in meetings, demonstrations, and protests.
- Petition is the power of the people to appeal to their government, to ask them to fix any perceived wrongs.

- Amendment 2
- Amendment 3
- Amendment 4
- Amendment 5
- Amendment 6
- Amendment 7
- Amendment 8
- Amendment 9
- Amendment 10

Applying the Bill of Rights to the States

The [Bill of Rights](#) protects citizens from the power of the national government, but does it also apply to state governments? After the 14th Amendment was added in 1868, the Supreme Court interpreted this amendment to apply to the states as well as the national government. The federal courts have interpreted and applied the 14th Amendment’s “due process” and “equal protection” clauses to the states in a variety of situations. This protects citizens because it limits the ability of the states to ignore the rights and liberties implied by the Constitution’s Bill of Rights.

- Amendment 14
- Due Process Clause

- Equal Protection Clause
 - *“nor deny any person within its jurisdiction equal protection of the laws”*
 - The Supreme Court has determined that this clause extends to both the state and national governments.
 - The [equal protection](#) clause has been interpreted to mean that all people have a right to equal protection under the Constitution.
 - For example, the equal protection clause has been applied to ensure that women have the same protections as men, or that minorities have the same protections as whites.
 - Many of our civil rights laws giving a particular group protection from discrimination are rooted in the equal protection clause. [Visit the Student Center page about Civil Rights and Equal Protection to study landmark cases.](#)

Answer:

The Constitution and Rights

Question 1

The freedom of speech

- A 1st
- B 2nd
- C 3rd
- D 4th

Question 2

Freedom from self-incrimination

- A 3rd
- B 4th
- C 5th
- D 6th

Question 3

The right to an attorney

- A 3rd
- B 4th
- C 5th
- D 6th

Question 4

The right to be free from “cruel or unusual” punishment

- A 7th
- B 8th
- C 9th
- D 10th

Question 5

Freedom in your home and possessions, so the police need a warrant to search your home

- A 1st
- B 2nd
- C 3rd
- D 4th

Question 6

Incorporates the Bill of Rights to the state governments

- A 14th
- B 10th
- C 9th
- D 6th

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Levels of the Federal Courts

The federal court system that we have today is not the same as the system created by the framers. It has grown and evolved over time. Article III of the Constitution stated that the judicial power of the United States would reside in “one supreme Court,” making this court the first and only court established by the Constitution.

The framers also understood that as the nation grew, there might be a need for more courts. To account for this, the Constitution gave Congress the power to create courts “inferior” to the Supreme Court “from time to time.” This means that Congress has the power to both create and eliminate other federal courts, and that the court system is continuously evolving as national needs change.

Today, there are three basic levels of the federal courts

District Courts

The United States district courts are the trial courts of the federal court system. This is where federal cases are tried, where witnesses testify, and federal juries serve. There are 94 federal district courts in the United States.

Magistrate Judges

Bankruptcy Courts

International Trade

Federal Claims

Congress passed a law in 1968 establishing the position of U.S. Magistrate Judge. They are federal judges of the district courts who serve 8 year terms. They handle preliminary criminal matters such as setting bail and issuing search warrants, and they assist the district judges with all types of cases.

Courts of Appeals

There are 12 regional circuit courts, and one for the “Federal Circuit,” that were established by Congress to relieve some of the caseload of the Supreme Court, and to hear cases that are appealed from the 94 district courts.

Regional Circuits

Federal Circuit

The state of Missouri is within the Eighth Circuit, which also includes Arkansas, Iowa, Nebraska, South Dakota, North Dakota and Minnesota. The Thomas F. Eagleton U.S. Courthouse houses the Eighth Circuit U.S. Court of Appeals. This means that cases heard in the district courts of all these states are sent to St. Louis when there is an appeal. The Eighth Circuit also hears appeals at the federal courthouse in St. Paul, Minnesota.

The U.S. Supreme Court

The Supreme Court of the United States in Washington, D.C. is the highest court in the nation. Move forward to the next page to learn about it.

Executive Branch Courts

There are several federal courts that are not actually part of the judicial branch of government. Congress established these courts to handle specific topics.

U.S. Court of Appeals for Veterans Claims

U.S. Tax Court

U.S. Court of Appeals for the Armed Forces

Additionally, many executive branch agencies such as the Social Security Administration and the Equal Employment Opportunity Commission have administrative judges or administrative law judges.

Article III of the Constitution established the federal judiciary as one of the three equal branches of the federal government. This page explains the differences between the federal courts and the state courts, and shows how the federal courts are organized. The page also gives an introduction to the importance of judicial independence.

Answer:

Levels of the Federal Courts

Question 1

Which of the following is in the correct order?

- A Supreme Court, District Court, Court of Appeals
- B Court of Appeals, District Court, Supreme Court
- C District Court, Court of Appeals, Supreme Court

Question 2

Which of the following is not found in the Thomas F. Eagleton Courthouse in St. Louis, Missouri?

- A U.S. District Court for the Eastern District of Missouri
- B U.S. Supreme Court
- C U.S. Court of Appeals for the Eighth Circuit

Question 3

Which courts are the trial courts of the federal system?

- A District Courts
- B Courts of Appeal
- C Supreme Court

Question 4

Which courts review all cases appealed from the district courts?

- A District Courts
- B Courts of Appeal
- C Supreme Court

Question 5

Which court is the highest court in the nation?

- A District Court

B Court of Appeals
C Supreme Court

The U.S. Supreme Court

The Supreme Court of the United States in Washington, D.C. is the highest court in the nation. It is also the only federal court named specifically in the Constitution, which states that,

“The judicial power of the United States shall be vested in one Supreme Court.”

Beyond that, however, the Constitution tells us little about the make-up or organization of the court; it gives no qualifications for holding seats on the court, and doesn't establish how many justices will be on the court.

The **Judiciary Act of 1789** set the size of the court at six; one Chief Justice and five Associate Justices. Over time, the court grew to as large as ten Justices. With the **Judiciary Act of 1869**, Congress decreased the number to nine, a number which has remained constant to this day.

Current Justices of the U.S. Supreme Court

Chief Justice of the United States:

- John G. Roberts, Jr.

Associate Justices:

- Clarence Thomas
- Ruth Bader Ginsburg
- Stephen G. Breyer
- Samuel A. Alito, Jr.
- Sonia Sotomayor
- Elena Kagan
- Neil M. Gorsuch
- Brett M. Kavanaugh

Retired Justices:

- John Paul Stevens
- Sandra Day O'Connor
- Anthony M. Kennedy
- David H. Souter

Granting Certiorari

The Supreme Court receives about 10,000 petitions a year. The Justices use the "**Rule of Four**" to decide if they will take the case. If four of the nine Justices feel the case has value, they will issue a **writ of certiorari**. This is a legal order from the high court for the lower court to send the records of the case to them for review. When all is said and done the Supreme Court will hear about 75-85 cases a year. This tells us that most petitions are denied.

The majority of the Supreme Court's cases today are heard on appeal from the lower courts. These cases usually come from the federal courts of appeal, but the Court does sometimes hear appeals from the state Supreme Courts as well.

The Justices of the Supreme Court are most likely to take cases that will affect the entire country, not just the individuals involved. They want to clarify legal issues that are important to as many people as possible, so they take cases that will have a large constitutional impact, or that answer important legal questions that affect the whole nation.

Examples include questions like;

"Can kids pray in school?"

"Can you burn a flag at an anti-government rally?"

Justices will also take a case when the lower courts cannot agree on how to interpret the law involved, or in which different lower courts have interpreted the law differently. When the lower courts decide cases differently, it can lead to confusion.

As the “court of last resort,” the Supreme Court can and does make decisions that all the courts must follow. This is called establishing a precedent; a legal example which will be followed in all similar cases in the future.

By taking a case that involves an issue that has led to differing opinions in the lower courts, the Supreme Court creates a **precedent** that every court in the country has to follow. This guarantees that the laws are applied equally to all people, no matter where they live.

The Supreme Court only takes cases from state courts when the appeal involves the U.S. Constitution. Thus, the person making the appeal must show that his or her rights, under the Bill of Rights, were denied by the state, or that some error was made in the court that affected their due process rights. Because of these restrictions, most of the Supreme Court’s cases come from the lower federal courts and not from state courts.

Answer:

The U.S. Supreme Court

Question 1

If the U.S. Supreme Court agrees to hear a case, they issue a ____

- A Precedent
- B Writ of certiorari
- C Last resort
- D Constitution

Question 2

Because the U.S. Supreme Court is the final stop for cases in the United States, it is sometimes called the court of

- A Precedent
- B Certiorari
- C Last resort
- D Four

Question 3

A legal example which must be followed in all similar cases in the future is called ____

- A Precedent
- B Writ of certiorari
- C Last resort
- D Constitution

Question 4

True or False. The U.S. Supreme Court hears less than 100 cases a year.

- A True
- B False

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PLAINTIFF

Civil Plaintiff and Attorney

In a civil case, the party bringing the law suit is called the plaintiff. Plaintiffs usually have an attorney to represent them, though some plaintiffs represent themselves.

Prosecuting Attorney

DEFENDANT

Civil Defendant and Attorney

In a civil case, the party being sued is called the defendant. They usually have an attorney to represent them, though some defendants represent themselves.

Prosecuting Attorney

In a criminal case, the government is bringing a suit against someone accused of breaking the law. The government's attorney is called a prosecutor. In federal district court, this is the U.S. Attorney or an Assistant U.S. Attorney.

There is a United States Attorney for each of the federal districts. He or she is assisted by several Assistant United States Attorneys, each of whom brings cases against defendants within the geographic area. U.S. Attorneys and Assistant U.S. Attorneys are experienced lawyers who investigate and prosecute federal crimes. Want to know more about a career as a U.S. Attorney? [Click here...](#)

DEFENDANT

Civil Defendant and Attorney

Criminal Defendant and Attorney

In a criminal case, the accused person is called the defendant. Defendants are represented by an attorney, who may be an attorney from the Federal Public Defender's Office if they can't afford a private attorney.

There is a Federal Public Defender for each of the federal districts. He or she is assisted by several Assistant Federal Public Defenders, each of whom represents defendants within the geographic area. Federal Public Defenders and Assistant Federal Public Defenders are experienced lawyers who assist accused persons with their defense against federal charges. The Federal Public Defenders Office is within the judicial branch of government because it provides a service to the courts. But they represent the defendants, not the judges.

The Judge

The federal judge who presides in the courtroom may be an Article III Judge or a Magistrate Judge, depending on the type of case. The judge rules on issues of law that come up in trial. The judge decides on the verdict if it's a bench trial. District judges determine the appropriate punishment and sentence those convicted of crimes.

The Jury

The Jury is made up of ordinary citizens. Their job is to consider all of the evidence in an unbiased way, and render a verdict for one side or the other. In federal criminal trials, there are always 12 jurors. In federal civil trials, the number of jurors varies, but there will always be at least 6 and no more than 12.

The Public

With only a few exceptions, all hearings and trials are open to the public. You are welcome to observe at almost any time.

Courtroom Deputy Clerk

This person makes sure everything in the courtroom is in place and that the trial flows smoothly and according to plan. The clerk swears in anyone who must be placed under oath before testifying. The clerk also takes care of the members of the jury, ensuring they can move from place to place within the courthouse, and acting as a courier if the jury has questions to ask the judge during deliberation. The clerk is in charge of all forms, documents, and evidence that might be needed during the course of a hearing or trial. Each district has one supervisory Clerk of Court, who then has one or more deputy clerks who assist with case management and courtroom duties. The clerk works for the judicial branch of government.

Court Reporter

Also known as a stenographer, this person's job is to make an accurate record of everything that is said in the courtroom during the course of trials. Court reporting is a specialized skill that takes years of preparation and practice to master. Documenting everything that is said correctly for the court record is very important because it ensures accountability for all parties. A party who has a question about what was said, or not said, can request the transcript from the court reporter. If one of the parties files an appeal, the higher court must have access to the court record so it can be reviewed for errors. Some courts use electronic sound recording instead of a court reporter, but even in those courts a written transcript will be prepared for any appeal.

Court Interpreter

Sometimes witnesses don't speak English. Because what takes place in the courtroom may affect the parties for years to come, everyone involved must be able to hear and understand the proceedings. The court interpreter may be present in the courtroom, or may interpret over the telephone. The court interpreter must swear to accurately interpret everything that is said. Most courts hire interpreters on an as-needed basis.

U.S. Pretrial Services and Probation

Pretrial and Probation Officers assist the judges in gathering specific information about defendants in criminal cases. Both interview the defendant, and also research their background and lifestyle. They use what they learn to prepare reports for the judge. The information from the U.S. Pretrial Services Officer helps the judge decide whether or not to release the defendant on bond until their trial, and to set any conditions the defendant must adhere to while awaiting their court date. The pretrial officer supervises defendants who are living in the community, and assists them with services like job placement and drug treatment.

If, after trial or plea agreement, the defendant is found guilty of the crime, the U.S. Probation Officer then researches and prepares a pre-sentence report. This report is used by the judge to determine punishment for the crime. The probation officer and judge use the U.S. Sentencing Guidelines, and consider other factors, to determine the appropriate sentence for each individual situation and person. If the judge sentences the defendant to probation, or to a jail sentence followed by supervised release, the probation officer supervises the defendant in the community. The probation officer also provides assistance for rehabilitation, which may include drug or alcohol treatment, help getting a GED, or job training.

United States Marshal

The United States Marshals Service is the agency in charge of judicial security. The Marshals Service is a law enforcement agency, and thus works for the executive branch of government rather than the judiciary, though it provides a valuable service to the courts. U.S. Marshals provide security at the courthouse, and for judicial functions outside the courthouse. They serve warrants, arrest people, and apprehend fugitives. They transport defendants who are in custody to and from their court hearings and trials. There is a U.S. Marshal for each federal district, who is supported by a staff of Deputy U.S. Marshals, as well as Court Security Officers.

Answer:

The Players in the Courtroom

Question 1

Imagine you are expelled from school for writing inappropriate content in an essay for English class. You sue the school for violating your 1st Amendment right to free speech. Who is the plaintiff in this case?

- A You
- B Your teacher
- C Your school
- D The U.S. Attorney

Question 2

Who is the defendant in this case?

- A You
- B Your teacher
- C Your school
- D The Federal Public

Question 3

Is this a civil or criminal case?

- A Civil
- B Criminal

Question 4

How many jurors will there be?

- A 5
- B at least 6
- C more than 12
- D there can be only 12

Question 5

Will there be a need for a U.S. Pretrial or Probation Officer?

- A No
- B Yes
- C Pretrial only
- D Probation only

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The Judge and The Jury

The Judge

There are many rules that dictate how things will occur in the courtroom before and during a federal trial. These rules and procedures help to make sure every court proceeding is fair. This consistent, predictable system also helps us to have confidence in the rulings of the judge and jury. In federal court, the jury decides the verdict. It's the judge's job to act as referee, ruling on issues of law before and during the trial. Federal judges keep up to date on many laws and rules such as:

Federal Laws

Case Law

Varying State Law

Federal Rules

Examples

The U.S. Constitution and Amendments

The U.S. Code

Code of Federal Regulations

History of The Jury

The U.S. Constitution provides for trial by jury in most situations. Therefore, even though the judge presides over the activities in the courtroom and rules on issues of law, the decisions about facts are made by ordinary, average citizens. The jury system is not an American invention. Trial by jury and the grand jury existed elsewhere before our states were even colonies.

The original "people's court" took place in ancient Greece, where a jury might consist of 500 adult male citizens.

Juries were sometimes used to settle disputes in the Roman Republic.

Trial by jury was guaranteed to English citizens by the Magna Carta in 1215, and again by the English Bill of Rights in 1689.

The colonists brought the idea of jury trials with them to the new world. Being deprived of trial by jury was one of the complaints against England made in the Declaration of Independence. (and one of the reasons for fighting the Revolutionary War)

Founding father Thomas Jefferson said, in 1789, "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

The Grand Jury

The grand jury is different from the trial jury. The 5th Amendment states that no one can be indicted for serious crimes without first having a group of citizens, a grand jury, agree there is enough evidence to formally bring charges. Even though an accused person is considered innocent until found guilty at a trial, simply being accused of a crime (indicted) is enough to disrupt one's life and reputation. The grand jury is used to ensure prosecuting attorneys do not make reckless decisions when charging someone with a serious crime.

All across the country, groups of citizens meet as grand juries in each of the federal districts. They meet in private, seeing evidence and hearing testimony that has not yet been made part of the public record. Grand jurors make the decision on a case-by-case basis as to whether or not there is sufficient evidence, or probable cause, to proceed to formal charges. If the grand jury decides there isn't enough evidence to proceed, the charges are never filed. Like trial by jury, the grand jury was not invented by the United States. It also appeared in the Magna Carta.

Petit Jury

Trial jurors are sometimes called petit jurors. Petit jurors are also average citizens who are called upon to participate in the trial process. Before someone accused of a crime can be put in prison, they need to be found guilty by a group of people from the community who, despite their varied background and experiences, can come to agreement on the facts in the case. Though trial by jury is an important right in America, a criminal defendant can waive this right and have the case decided by a Judge alone. If that happens, it is called a bench trial. In the 7th Amendment, the Bill of Rights also guarantees you the right to jury trial for civil matters.

Jury Duty

Because a jury trial is an important right of American citizenship, serving on a jury is a required duty of all American citizens who have reached the age of 18. The district court will send out a jury summons to eligible citizens, requiring them to report to the courthouse for jury duty. Potential jurors are selected at random, to ensure there is a fair mix of all types of citizens in the courtroom.

When citizens are called for jury duty, they report to the federal courthouse in the district in which they live. When it's time for the trial to begin, a large group of the jurors are taken to the courtroom to participate in voir dire, or jury selection. For a federal criminal trial, the final jury will have 12 members, plus one or more alternates. After the trial concludes, only 12 jurors get to participate in the decision making. For a federal civil trial, the final jury can have up to 12 members, but can't be any smaller than 6.

Selecting The Jury

The voir dire, or jury selection process, requires input from attorneys for both sides, as well as the judge. The judge and attorneys are given limited information about each potential juror. Then, the judge, and possibly the attorneys, ask questions of the jurors. The purpose of this process is to determine who will be most fair and impartial, by eliminating jurors who might have the potential to be biased to one side or the other.

When the questioning is complete, the attorneys for both sides meet with the judge to pick the jury for the trial. Some of the jurors are removed for cause. Challenging jurors for cause means they have something in their past experience that may not allow them to be fair and impartial to both parties. For example, jurors could be removed for cause because they know the plaintiff, defendant, one of the attorneys, or the judge. Jurors may also be removed because they have been a victim of a similar crime or injury in the past. There is no limit to the number of jurors who can be removed from the jury pool for cause.

Other potential jurors are removed by peremptory strike. Each side is allowed to remove a certain number of jurors from the pool without giving a reason. This process contributes to the overall goal of selecting a fair and unbiased group of citizens to hear the case. While no reason has to be stated for peremptory strikes, jurors cannot be eliminated based on race or gender. Attorneys may have to state a

reason for removing a potential juror if there is reason to believe the strike is based upon one of these factors.

At the federal level, each side in a civil trial is allowed 3 peremptory strikes.

In a federal criminal trial, the prosecuting attorney for the government gets 6, and the defense attorney is allowed 10 strikes. (In the rare occurrence of a capital case, meaning the death penalty is being considered, both sides are allowed 20 peremptory strikes.)

If the crime in question is only a federal misdemeanor, which is a minor crime punishable by a fine or less than a year in prison, each side gets 3 strikes.

Once all potential jurors have been removed in this manner, the jury is then selected and empaneled.

The courtroom deputy clerk will swear them in as the jury, the judge gives the jury some initial instructions, and the trial can begin. Those who are not empaneled are usually free to go, though some courts may ask them to stay for other cases that day or week.

Jury Instructions

At several times during the trial, the judge will give instructions to the jury on how to proceed. The first set of instructions usually gives the jurors an idea of the case is about. The judge will go over some important dos and don'ts for them. For example, jurors are not allowed to do any outside research about the case such as visiting the scene of the crime or accident. This is because there are many rules about what evidence can and can't be included in determining the defendant's guilt or liability. If evidence was collected in violation of someone's rights, it isn't fair to have it included as part of the case against them. Ultimately, it's up to the judge to rule on these issues of law, and decide which evidence can be considered. Therefore, the jurors should only make their decision based on what is seen and heard in the courtroom, and nothing else.

Courts have other standard rules, to make sure the entire process is fair and impartial. These rules are in place to prevent any juror from being influenced by anything other than the evidence in the case. Violating one of these rules could cause charges to be brought against the juror.

Don't discuss the case with anyone.

Don't discuss the case with other jurors.

Don't have any communication with the parties, attorneys, or witnesses.

Don't post anything about the case on any social media sites (Facebook, Twitter, etc.).

Don't research the case. For example, don't visit the crime scene or look anything up on the internet.

Don't watch news reports or read articles about the case.

As the trial proceeds, the judge may give additional instructions to the jurors as issues of law arise. At the end of the trial, the judge will give the jury detailed instructions as they retire to the jury room to deliberate and come to their verdict. One of the most important parts of these final instructions include the specific listing of all of the things that must be true in order to reach a guilty verdict in a criminal case, or to find the defendant liable or at fault in a civil case. The final jury instructions will also include an explanation of the burden of proof to be used. In federal criminal cases, the jury must believe the defendant is guilty beyond a reasonable doubt in order to return a guilty verdict. This means that no reasonable person would doubt that the defendant had committed the crime. The burden of proof in civil cases is different; it is by the greater weight of the evidence (sometimes called preponderance of the evidence). This means that, in order to find the defendant at fault, the jury must believe that it is more likely than not that the defendant is liable for the plaintiff's injury. This is a less difficult burden of proof than beyond a reasonable doubt. In federal court, all jury verdicts must be unanimous.

Why is the burden of proof higher in a criminal case? Criminal cases have harsher penalties; you might be fined, jailed, or even put to death after being found guilty. But in a civil case, you can only lose money. So the courts want the jury to be sure beyond any reasonable doubt that the defendant did in fact commit the crime as charged.

Answer:

The Judge and The Jury

Question 1

Decides the verdict by deciding the facts.

- A Judge
- B Jury
- C Grand Jury
- D Attorneys for both sides

Question 2

Decides on issues of law during a trial.

- A Judge
- B Jury
- C Grand Jury
- D Attorneys for both sides

Question 3

Decides whether or not there is enough evidence to bring criminal charges.

- A Judge
- B Jury
- C Grand Jury
- D Attorneys for both sides

Question 4

Can remove potential jurors from the pool, in order to select an unbiased jury.

- A Judge
- B Jury
- C Attorneys for both sides
- D Both A and C are correct

Your 1st Amendment Rights

The 1st Amendment to the U.S. Constitution guarantees the freedoms that many consider to be the essence of America. The five freedoms guaranteed by the 1st Amendment are speech, press, religion, assembly and petition. Collectively, these are sometimes referred to as freedom of expression.

Freedom of speech is the foundation on which all other 1st Amendment freedoms are based; without it the other freedoms could not exist. The purpose of free speech is to protect the minority, often unpopular, viewpoint from being overpowered by the majority, or by the government. The minority viewpoint needs to be heard because, in the long term, it may shape public opinion.

Over the years, the courts have clarified when and how speech can, and cannot, be restricted by the government.

For example, true threats and obscenity are not protected speech

On the other hand, provocative or offensive political opinions are protected speech

The government can only regulate protected speech in very specific instances, such as protecting public safety or national security

Do you have the same rights at school?

While you don't shed your Constitutional rights when you go to school, they must be balanced with the rights of your classmates, as well as the responsibility of the school to provide a safe environment and a quality education.

Consider these questions as you study the case histories that follow:

Do I have freedom of speech at school?

Can my school restrict my speech or writing? If so, for what reason(s)?

Can I be punished for what I say or write at school?

Case Studies

Tinker v. Des Moines Independent Community School District, 1969

Case History

Three public school students wore black armbands to school to protest the Vietnam War. They were suspended from school for refusing to remove them. John Tinker and Christopher Eckhardt were high school students, and Mary Beth Tinker was in 8th grade at the junior high. Upon hearing about their plan to wear the armbands, the school district created a policy forbidding armbands. The three students wore the armbands anyway, and they were suspended from school. They sued the district for violating their 1st Amendment rights

The school did violate the students' rights. Non-disruptive, passive, symbolic speech cannot be censored just because it makes others uncomfortable. The symbolic wearing of armbands could not be shown to interfere with school discipline. The Supreme Court established the "Tinker Test", the standard that public schools must meet before legally restricting free speech or expression of students.

The free expression of public school students can only be restricted if it threatens a material and substantial disruption of the educational process, or invades the rights of others.

Bethel School District v. Fraser, 1986 Case History

A public school student was suspended for giving a speech at a school assembly that included indecent content. Matthew Fraser was a high school student who gave a speech to nominate another student for a student government office. Approximately 600 other students voluntarily attended the assembly at which the speech was given. The speech included repeated use of an “elaborate, graphic, and explicit sexual metaphor,” in reference to the other student. The speech caused his fellow students to yell and make obscene gestures. He later admitted using sexual innuendo in the speech and was suspended. He was also banned from speaking at graduation. The school had a standing policy against disruptive conduct. He sued the school for violating his right to free speech. What do you think the U.S. Supreme Court decided?

The school did not violate the student’s rights. The 1st Amendment does not prevent a school district from disciplining a student for using speech that is lewd or indecent. It is the responsibility of the school to prohibit the use of vulgarity, and to teach students about the boundaries of appropriate behavior. The school district did not overstep its authority by punishing the student.

Hazelwood School District v. Kuhlmeier, 1988

Case History

A public school principal removed two articles from the school newspaper due to content he considered inappropriate. The school newspaper at Hazelwood East High School, “Spectrum,” was produced by the journalism class. The district’s Board of Education paid for the publication. Two articles were removed from an issue because the principal found their content objectionable. One story was about teen pregnancy, and the other was about divorce. Cathy Kuhlmeier and two other students from the class sued the school, claiming their 1st Amendment rights had been violated.

The school district did not violate the rights of students. Public schools can regulate, with some limitations, the content of student newspapers and other publications that are paid for by the school and bear its name. Student newspapers are considered limited public forums (as opposed to public forums), and are subject to lesser 1st Amendment protections. Educators are not in violation of the 1st Amendment when censoring school-sponsored publications, so long as their actions are reasonably related to educational concerns.

Morse v. Frederick, 2007

A public school student was suspended for displaying a banner promoting drug use at a school event. In 2002, the Olympic Torch Relay passed through Juneau, Alaska on the way to the winter games in Salt Lake City, Utah. Since it passed right in front of the public high school, students attended with their teachers as a school-sponsored event. As the runners passed by, a senior named Joseph Frederick, with the help of others, held up a 14-foot banner that read: “BONG HiTS 4 JESUS.” The principal, Deborah Morse, confiscated the banner and suspended Mr. Frederick. Mr. Frederick sued the school, and the principal, for violating his rights.

The school and principal did not violate the student's rights. Schools can regulate speech that conflicts with school anti-drug policies, or similar school policies, even if the speech doesn't directly disrupt the educational process, such as at a school-sponsored event. The school has a responsibility to provide a safe environment for students, and this includes discouraging use of illegal drugs.

Answer:

Your 1st Amendment Rights

Question 1

The ruling that schools can censor student publications if there is a legitimate educational concern was issued in which case?

- A Tinker v. Des Moines Independent Community School District
- B Bethel School District v. Fraser
- C Hazelwood School District v. Kuhlmeier
- D Morse v. Frederick

Question 2

Which case ruled that symbolic, passive student speech is not disruptive to the school?

- A Tinker v. Des Moines Independent Community School District
- B Bethel School District v. Fraser
- C Hazelwood School District v. Kuhlmeier
- D Morse v. Frederick

Question 3

The case of _____ ruled that schools can prohibit student speech if it promotes behavior that is against school policy, such as an anti-drug policy.

- A Tinker v. Des Moines Independent Community School District
- B Bethel School District v. Fraser
- C Hazelwood School District v. Kuhlmeier
- D Morse v. Frederick

Question 4

Which case ruled that schools can restrict student speech that is indecent or obscene?

- A Tinker v. Des Moines Independent Community School District
- B Bethel School District v. Fraser
- C Hazelwood School District v. Kuhlmeier
- D Morse v. Frederick

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Your 4th Amendment Rights

The 4th Amendment to the U.S. Constitution guarantees freedom from unreasonable search and seizure. This means that law enforcement agents need probable cause, and a warrant in most cases, to search your person or belongings. If there is no probable cause and you are searched illegally, any evidence collected from the search will be excluded from evidence at trial. This has come to be called the Exclusionary Rule.

Probable Cause – There must be enough evidence that a reasonable person would believe a crime was committed. This evidence is presented to a judge who must agree before authorizing the search by granting a warrant.

The purpose of the 4th Amendment is to protect people from being abused by a powerful government. There are strict rules that government agents must follow to search you and seize evidence.

Contrary to popular belief, the right to privacy is not specifically mentioned in the U.S. Constitution. Over the years, the courts have interpreted the 4th Amendment, along with other Amendments such as the 9th, to protect privacy in many situations.

Do you have the same rights at school?

While you don't shed your Constitutional rights when you go to school, they must be balanced with the rights of your classmates, as well as the responsibility of the school to provide a safe environment and a quality education.

Consider these questions as you study the case histories that follow:

Am I protected from unreasonable search and seizure at school?

Does the school need probable cause to search me or my belongings? Does the school need a warrant?

What can my school search, and when?

Case Studies

Weeks v. United States, 1914

Police officers in Kansas City, Missouri went to the house of Mr. Fremont Weeks and used his hidden key to enter and search his home. While there, they took papers, letters, books, and other items. They did not have a search warrant. These items were used in court to find Mr. Weeks guilty of sending lottery tickets through the U.S. mail.

The judgment of the district court was reversed. The evidence collected during the illegal search was in violation of the 4th Amendment and was thus inadmissible at the trial. In a criminal investigation, in order for a search to be legal, there must be probable cause. The probable cause must be used to gain a search warrant. If not, the search will be illegal and evidence collected as a result of the search can't be used in court. The Weeks decision was the birth of a new legal doctrine – The Exclusionary Rule.

New Jersey v. T.L.O., 1985

A female student was searched at school, and the evidence collected was used by the state in her delinquency trial in juvenile court. T.L.O. are the initials of the 14-year old girl who was caught smoking in the bathroom at school. Later, in the assistant vice principal's office, she denied smoking. The assistant vice principal demanded her purse, and found a pack of cigarettes, rolling papers, marijuana, a pipe, plastic bags, a large amount of money, and a list of students who owed her money. The evidence was used by the New Jersey Juvenile Court to find her guilty of delinquency.

Students do have 4th Amendment rights at school, but they are balanced with the school's responsibility to maintain a safe and educational environment. The U.S. Supreme Court reversed the New Jersey Supreme Court, holding that school officials can search a student if they have reasonable suspicion. School officials do not need to have probable cause or obtain a search warrant. Reasonable suspicion is a lower standard than the probable cause required for police searches of the public at large.

Vernonia School District v. Acton, 1995

A school district adopted a policy authorizing random drug testing of student athletes. There was a known drug problem in the school district. Student athletes were among the drug users and dealers. Along with the drug problem came serious student behavior issues. By 1989, disciplinary actions had reached 'epic proportions,' motivating the district to introduce the Student Athlete Drug Policy. James Acton, a 7th grader, refused the testing, and his parents refused to consent to the testing. Because of this, he was not allowed to participate in football. He sued the school district for violating his rights.

The drug testing policy is reasonable and does not violate the 4th Amendment rights of the students. Students do have rights at school, but those rights must be balanced with the school's responsibility to provide a safe environment.

Safford Unified School District v. Redding, 2009

Savana Redding was a 13-year-old student. A male student reported that another girl, Marissa Glines, had given him a prescription-strength ibuprofen pill. A search of Marissa's day planner and pockets revealed more of the pills and some weapons. Marissa then reported the day planner belonged to Savana, and that Savana had given her the pills. Savana was then searched – a search which included not only her backpack and pockets, but also inside her undergarments. She sued the school district for violating her rights.

The strip search by school officials in this case was not legal. It was unreasonable considering the nature of the offense and the facts of the case.

Answer:

Your 4th Amendment Rights

Question 1

The decision that drug tests for student athletes are reasonable was made in which case?

- A Weeks v. United States
- B New Jersey v. T.L.O.
- C Vernonia School District v. Acton
- D Safford Unified School District v. Redding

Question 2

Which case decided that strip searching a student is not reasonable in a case where there was no indication of danger?

- A Weeks v. United States
- B New Jersey v. T.L.O.
- C Vernonia School District v. Acton
- D Safford Unified School District v. Redding

Question 3

The exclusionary rule for criminal investigations was established by which case?

- A Weeks v. United States
- B New Jersey v. T.L.O.
- C Vernonia School District v. Acton
- D Safford Unified School District v. Redding

Question 4

Which case established reasonable suspicion as the standard for searches at public schools?

- A Weeks v. United States
- B New Jersey v. T.L.O.
- C Vernonia School District v. Acton
- D Safford Unified School District v. Redding