

## Judicial Review in Real Life

Our last unit covered *Marbury v. Madison*, the Supreme Court case that established the court's power of *judicial review*. This activity is designed for you to further explore the power of the Supreme Court by considering the constitutional questions of the case your group chooses. You will practice by being justices who interpret the constitution according to the questions being considered for each case, and you will have the opportunity to be lawyers by arguing a case, as well. All cases argued will be actual Supreme Court cases that have been heard in the past.

### **Instructions for the assignment:**

1. Your group will present the facts of the case and both sides of the case you choose based on the constitutional questions your case entails.
2. After your presentation, the class will act as justices by determining the "majority opinion" for your case.
3. Your group will present the actual Supreme Court ruling after the class has determined their "majority opinion".

### Checklist:

- Did my group clearly outline the facts of the case?
- Did my group articulate the arguments for both sides of the case based on the questions presented?
- Did my group check in with our teacher after writing case summaries and oral arguments?
- Did my group find out about and outline the actual Supreme Court ruling in the case?

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

**Issue:** Freedom of Speech at School

**Legal Question(s):** Does a prohibition against the wearing of armbands in public school, as a form of symbolic protest, violate the students' freedom of speech protections guaranteed by the First Amendment?

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

**Issue:** Privacy Rights at School

**Legal Question(s):** Does the exclusionary rule (of the Fourth Amendment) apply to searches conducted by school officials in public schools?

**Ingraham v. Wright (1977)**

**Issue:** School Discipline

**Legal Question(s):**

1. Does paddling of students as a means of maintaining school discipline constitutes cruel and unusual punishment in violation of the Eighth Amendment
2. To the extent that paddling is constitutionally permissible, does the Due Process Clause of the Fourteenth Amendment requires prior notice and an opportunity to be heard.

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

**Issue:** School Prayer

**Legal Question(s):** 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?

**Kent v. United States (1966)**

**Issue:** Juveniles and Serious Crime

**Legal Question(s):** Was the juvenile court's waiver of jurisdiction valid?

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

**Issue:** Student Journalism and the First Amendment

**Legal Question(s):** Did the principal's deletion of the articles violate the students' rights under the First Amendment?

**Vernonia School District v. Acton (1995)**

**Issue:** Student Athletes and Drug Testing

**Legal Question(s):** Does random drug testing of high school athletes violate the reasonable search and seizure clause of the Fourth Amendment?

**West Side Community Schools v. Mergens (1990)**

**Issue:** Student Clubs

**Legal Question(s):** Was Westside's prohibition against the formation of a Christian club consistent with the Establishment Clause, thereby rendering the Equal Access Act unconstitutional?

**Grutter v. Bollinger (2003)**

**Issue:** Affirmative Action in College

**Legal Question(s):** 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?

**DeShaney v. Winnebago County Social Services (1989)**

**Issue:** Constitutional Rights at Home

**Legal Question(s):** Does a state's failure to protect an individual against private violence constitute a violation of the Due Process Clause of the Fourteenth Amendment?