



Judicial Decision-Making and the Constitution

OVERVIEW: The goal of this activity is to understand how judges make decisions through the interpretation and application of law. In this lesson, students will apply the Constitution and case precedent to a real case scenario. The balancing of security/order with individual rights/liberty will be explored.

OBJECTIVES:

Upon successful completion of this activity, student will be able to:

- Analyze the Fourth Amendment;
- Apply the Fourth Amendment and case precedent to specific case studies; and
- Weigh issues of public safety/security with individual rights from a constitutional framework;

MATERIALS NEEDED:

Copy of Fourth Amendment handout A
PowerPoint Presentation
Supreme Court Case Study Form/Handout B
Safford Unified School District v. Redding/ Handout C
Constitutional Question/Handout D
Court Decisions (for facilitator only)
Supplemental cases (for facilitator only)

TIME REQUIRED: 90 minutes recommended. Can be shortened or lengthened. Can also be divided into two lessons.

SUNSHINE STATE STANDARDS:

Grades 6-8

Grades 9-12:

SS.C.1.3(3)

SS.C.2.4(3)

SS.C.1.3(5)

SS.C.2.4(5)

ACTIVITIES:

1. Discuss with students that today you will be letting them experience the judicial branch first hand. Today they will become judges.
2. Ask participants what knowledge, skills, and qualities they think judges should have. Discuss their answers. Should judges be influenced by public opinion when deciding cases? Use PowerPoint to guide presentation.
3. Dissect the Fourth Amendment with students. Using the PowerPoint, have a student read a section of the Fourth Amendment (Handout A). Discuss each section and ask questions to generate interest.



Amendment IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

4. Example of discussion: Have student begin reading: “The right of the people to be secure in their persons, houses, papers, and effects...”

STOP—ask students:

Is an apartment covered?

How about a hotel room?

Do the police have the right to search your trash?

How about your urine—is that covered? Can a school require a football player to submit to a urine test before playing on the high school football team?

5. Using the case study form and case abstract, review the attached case with the full group. Have the group read silently and underline all relevant facts. Initiate a dialogue to review the facts. Ask participants if the Fourth Amendment rights of S.R. were violated. Lead a discussion to elicit arguments for both sides. Call upon students to act out a hearing before the trial court. Follow the PowerPoint. Discuss the trial court decision as well as the circuit court of appeals’ decisions sequentially. DO NOT announce the decision of the U.S. Supreme Court. Frame the question before the U.S. Supreme Court. Ask participants individually and without discussion to determine how they would rule on the case and to list three reasons. See constitutional question.

6. Divide participants into groups of five to simulate a Supreme Court conference. In this Supreme Court conference activity, each group should:

- Select a Chief Justice in each group to maintain order and lead discussions. Remaining participants are associate justices.
- Discuss in each group why the search was constitutional or unconstitutional based on participants’ knowledge of the Fourth Amendment
- The Chief Justice will poll the justices to determine the final decision of the Court. This will be discussed to try and reach a unanimous court decision. Give at least 10-15 minutes.

7. Have each group’s Chief Justice come to the front and present the decision of their court. Tally response. Debrief with the actual U.S. Supreme Court decision.



COURT DECISIONS: FOR THE FACILITATOR

The federal trial court granted the school board and Wilson's motion to dismiss, concluding that there was no Fourth Amendment violation.

A panel of three judges on the circuit court of appeals affirmed the trial court's decision and determined that the search was legal.

The entire circuit court of appeals granted rehearing en banc and reversed, holding that the strip search of S.R. was unjustified under the Fourth Amendment test for searches of children by school officials.

DO NOT ANNOUNCE UNTIL CONCLUSION OF THE ACTIVITY:

The U.S. Supreme Court concluded that the strip search of S.R. for prescription-strength ibuprofen and over-the-counter pain medication violated the Fourth Amendment. (*Safford Unified School District v. Redding* was argued April 21, 2009 and decided June 25, 2009. 2009 WL 1789472).



FOURTH AMENDMENT – UNITED STATES CONSTITUTION

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Case Study/Supreme Court Conference

I. What are the Facts? _____

II. State the Issue to be Decided: _____

III. Arguments For Petitioner/Appellant: _____

IV. Arguments For Respondent/Appellee: _____

V. What Would You Decide? _____

VI. Reasons/Evaluation: _____

VII. Mock Supreme Court Conference Decision: _____

VIII. Actual Decision of the Court: _____



Safford Unified School District v. Redding

In October of 2003, assistant principal Kerry Wilson entered a math class at Safford Middle School and asked a student, referred to as S.R., to accompany him to his office. When they arrived, Wilson showed S.R. four white prescription-strength ibuprofen pills and one over-the-counter naproxen pill, all of which were banned under the school rules without advanced permission. When Wilson asked S.R. if she knew anything about the pills, S.R. stated that she did not. Wilson then informed S.R. that he had received a report that S.R. was giving the pills to other students. S.R. denied this assertion and permitted Wilson to search her belongings. Nothing was found in S.R.'s backpack.

Wilson then instructed a female assistant to take S.R. to the nurse's office. The assistant and the school nurse asked S.R. to remove all of her clothing except for her underwear. S.R. was instructed to pull her bra away from her body and to the side and shake it. S.R. was also directed to pull the elastic of her underpants away from her body. No pills were discovered.

One week before the search of S.R. occurred, a student had informed the principal and Assistant Principal Wilson that "certain students were bringing drugs and weapons on campus," and that the student became sick after he took pills that were obtained from a classmate.

S.R.'s mother, April Safford, filed a civil lawsuit in federal court against the school district and Wilson, contending that S.R. was strip searched in violation of her Fourth Amendment rights.



Issue

Is the Fourth Amendment violated when a school official orders a strip search of a student to recover over-the-counter pain medication and prescription-strength ibuprofen?