**Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Government**

**Home Work due 5/2; full Notes Due by 5/4 (due on Google Docs)**

**75 points**

**Directions:**

1. Title your document Lastname \_\_ Firstname \_\_ Supreme Court Role Play
2. Complete the viewing guide questions by 5/2
3. Provide detailed notes for your role by 5/2
4. Edit and Complete detailed notes for 5/4. In other words, be ready to present first thing on 5/4

**Watch Crash Course** [**Government and Politics Episode # 18**](https://www.youtube.com/watch?v=mXw-hEB263k&index=18&list=PL8dPuuaLjXtOfse2ncvffeelTrqvhrz8H) **and answer the following questions**

1. What are the three basic functions of courts?
2. What are the four characteristics of the Federal Court System?
3. What is common law?
4. What are the three types of law? Briefly describe each.

**Watch Crash** [**Course Government and Politics Episode #**](https://www.youtube.com/watch?v=7sualy8OiKk&list=PL8dPuuaLjXtOfse2ncvffeelTrqvhrz8H&index=20) **20 and answer the following questions**

1. What is a *Writ of Certiorari* and why would the court decide to hear it? **Be Specific.**
2. What are *briefs?* Who is the *petitioner?* Who is the *respondent?*
3. What is an *Amicus Brief?*
4. Describe Oral Arguments?
5. What are the different types of opinions?

**Watch** [**Crash Course Government and Politics Episode #**](https://www.youtube.com/watch?v=QjLcLguoKC4&index=22&list=PL8dPuuaLjXtOfse2ncvffeelTrqvhrz8H) **22 and answer the following questions**

1. Describe the factors that play into judicial decisions
2. What is Judicial Activism?
3. What is Judicial Restraint?

**Optional Videos relevant to this project Crash Course Government** [**# 21**](https://www.youtube.com/watch?v=mWYFwl93uCM&list=PL8dPuuaLjXtOfse2ncvffeelTrqvhrz8H&index=21)**,** [**# 23**](https://www.youtube.com/watch?v=kbwsF-A2sTg&list=PL8dPuuaLjXtOfse2ncvffeelTrqvhrz8H&index=23)**, and** [**# 27**](https://www.youtube.com/watch?v=_4O1OlGyTuU&list=PL8dPuuaLjXtOfse2ncvffeelTrqvhrz8H&index=27)

**Research (fill in at least one page for 5/2 below):**

**The Case**

***Earls & James v Yabetterdoit School Board* Excerpts from Petition for Writ of *Certiorari***

**Supreme Justice\_\_\_\_\_\_\_\_\_\_\_\_\_**

* Read about the **Supreme Justice** to determine how he should be portrayed.
* Prepare a one-minute introduction on **Supreme Justice** answering the following questions:
  + Who nominated him or her to the Supreme Court?
  + When did he or she become a justice?
  + Read an opinion written by your justice. Find a decision written by your justice by googling your justice’s name and decision,
    - What did the opinion say as to why the court ruled the way it did?
  + After learning a bit about your justice, what philosophy does he or she have—is he or she a strict constructionist or a “living” constitutionalist?
  + Is your justice liberal or conservative? \_\_\_\_\_\_\_\_\_\_\_\_
* Read the *amicus curiae* briefs.
* Determine what questions you will ask the lawyers during the oral arguments.
  + At least two for each side

**Lawyer for *Earls & James v Yabetterdoit School*. You are on the attorney team representing the Students**

* Read the excerpts from the petition for writ of *certiorari* that contain the facts, state  the issue, and tell which party won in the lower court.
* Meet with your team to determine which amendments to the Constitution this policy violated.
* Determine who (can be more than one) will argue the case.
* Determine your “talking points” in the argument.
* Your opening oral arguments must be between 5-10 minutes long
* Prepare a written brief of 50 words or more to be delivered to the justices and the opposing side
* Look for previous cases that could support your argument and be prepared to site them in your arguments

**Lawyer for *Earls & James v Yabetterdoit School.* You are on the attorney team representing the school board**

* Read the excerpts from the petition for writ of *certiorari* that contain the facts, state  the issue, and tell which party won in the lower court.
* Meet with your team to determine arguments to counter the other side’s claim that  this policy violated the Constitution.
* Determine who (can be more than one) will argue the case.
* Determine your “talking points” in the argument.
* Your opening oral arguments must be between 5-10 minutes long
* Prepare a written brief of 50 words or more to be delivered to the justices and the opposing side
* Look for previous cases that could support your argument and be prepared to site them in your arguments
* Your opening oral arguments must be between 5-10 minutes long

**The Case**

***Earls & James v Yabetterdoit School Board* Excerpts from Petition for Writ of *Certiorari***

**The Facts**

* Yabetterdoit High School is located about 40 miles from the state capital. The school offers a variety of extracurricular activities for its students. These activities include choir, band, color guard, Future Farmers of America (FFA), and the academic team, as well as athletics, cheerleading and Pom- Pom squad. The majority of the school’s 500 students participate in one or more of these activities.
* On September 14, 2002, the school district adopted the Student Activities Drug Testing Policy. The policy required drug testing of all students who participated in any of these extracurricular activities. In order to participate in an activity, students had to sign a written consent to drug testing prior to participating in the activity, randomly during the year while participating, and at any time while participating based upon reasonable suspicion. The test that was used detected amphetamines, marijuana, cocaine, opiates, barbiturates, and benzodiazepines. The test did not detect alcohol or nicotine.
* Lindsay Earls was a member of the choir, the marching band, and the academic team. Daniel James wanted to participate in the academic team. They and their parents challenged the policy in a lower federal court and lost.

**Questions Presented to the Court**

Petitioners ask the Court to decide whether the policy violates the Constitution:

* Is it constitutional for the School Board to undertake broad drug testing of students without showing a severe drug problem in the school?
* What balance should be struck between the privacy rights of the students and the important interest of the school district in detecting and preventing drug use among its students?

**How the Drug Testing Works**

The students to be tested are called out of class in groups of two or three. The students are directed to a restroom, where a faculty member serves as a monitor. The monitor waits outside the closed restroom stall for the student to produce the sample. The monitor pours the contents of the vial into two bottles. Together the faculty monitor and the student seal the bottles. The student is given a form to sign, which is placed, along with the filled bottles, into a mailing pouch in the presence of the student. Random drug testing was conducted in this manner on approximately eight occasions during the 2002-2003 school year.

At the time of the test the monitor also gives each student a form on which he or she may list any medications legally prescribed. This list is also submitted to the testing lab but is not seen by the school district. Results of the testing are kept in files separate from the students’ other educational records. Students who refuse to submit to the test cannot participate in the activity.

The consequences of a positive drug test escalate with each positive test. After the first positive test, a student may participate in an extracurricular activity if the student agrees to drug counseling and follow-up testing. After the second positive test, the student is suspended from competitive activity for 14 days and may return to the activity if the student participates in four hours of substance-abuse education and follow-up testing. No positive results are reported to law enforcement officials or carry criminal consequences

***Amicus Curiae* Brief Solicitor General**

A student's privacy interest is limited in a public school environment where the State is responsible for maintaining discipline, health, and safety. School children are routinely required to submit to physical examinations and vaccinations against disease. Securing order in the school environment sometimes requires that students be subjected to greater controls than those appropriate for adults. In the *New Jersey v T.L.O.* (1985) school search and seizure case, Justice Powell said, "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."

The main purpose of our schools should be education, but because of the spread of illegal drug use our schools have become the front lines of the war on drugs. We as a nation need to have as many tools as possible to fight the evils of illegal drug use. We ask this Court to uphold the Student Activities Drug Testing Policy.

***Amicus Curiae* Brief Drug-Free Schools Coalition**

Because the Yabetterdoit school officials have estimated that about five per cent of their students abuse drugs, we petition the Court to uphold the Student Activities Drug Testing Policy.

Because a 2000 government survey showed that 54 percent of high school seniors reported some illegal drug use in their lifetime, and because nearly 25 percent said they had used drugs within the last month, we petition the Court to uphold the Student Activities Drug Testing Policy.

Furthermore, because the school was operating on the theory that by voluntarily representing the school, the students involved in the extracurricular activities opened themselves to greater scrutiny than other students, we ask the Court to uphold the Student Activities Drug Testing Policy.

Finally, because during the two years since this law has been implemented, four students have so far tested positive for illegal drug use, and even one student is one too many, we ask the Court to uphold the Student Activities Drug Testing Policy.

***Amicus Curiae* Brief  The National Education Association**

It is a proven statistic that students who are involved in extracurricular activities are more likely to attend college and graduate. Belonging to clubs, sports, and music groups creates a well-rounded adult. The National Education Association is a group of teachers from around the country who would like to speak out against the Yabetterdoit Student Activity Drug Testing policy. We feel that this policy unfairly targets students participating in extracurricular activities, and even school officials acknowledge those young people are unlikely to use illegal narcotics. We feel the policy hurts more than it helps by curtailing the number of students signing up for the extracurricular activities because they don’t want to take the drug test.

As educators we see that the biggest drug abuse among the students is the use of alcohol and nicotine. However, the test does not target these two drugs.

As a “friend of the court,” we ask the Court to rule that the Yabetterdoit Student Activity Drug Testing Policy is unconstitutional.

***Amicus Curiae* Brief Watch Dog Institute**

(The Watch Dog Institute is a conservative “think tank” that publicizes excessive government spending.)

The Watch Dog Institute petitions the Court to find the Student Activities Drug Testing Policy unconstitutional because the schools are spending their monies on things that do not pertain to education.

Even though school administrators acknowledge minimal use of drugs at this school, the school board at Yabetterdoit School District passed this policy. Since its implementation two years ago, only four students have tested positive. Eight students have been tested, and each drug test costs the district $25.00. The policy also says that students who test positive will be offered counseling, which is more excess spending.

School districts are always strapped for money, so by implementing this policy tax money that has been designated for education is being diverted to the war on drugs. The Watch Dog Institute believes the Yabetterdoit School District is misleading its taxpayers. This is why we ask the Court to rule that the Student Activities Drug Testing Policy is unconstitutional.

**Relevant cases to Research:**

* *Morse v. Frederick (2007)*
* *Ingraham v. Wright (1977)*
* *Tinker v. Des Moines School District (1969)*
* *New Jersey v. T.L.O. (1985)—T.L.O*
* *Hazelwood School District v. Kuhlmeier (1988)*
* *Boroff v. Van Wert City Board of Education (1997)*
* *in Re Gault (1966)*
* *West Side Community Schools v. Mergens (1990)*
* *DeShaney v. Winnebago County Social Services (1989)*
* *Kent v. United States (1966)*