

The "Supreme" in Supreme Court

Name: _____



PART ONE: Ben's Case. Use your experience playing the game *Supreme Decision* to help you match the question and the correct answer.



1. Why did the justices argue about whether Ben's t-shirt was speech?



2. Why did the justices argue about whether political speech gets more protection than cultural speech?



3. Why did the justices argue about what happened in the *Tinker* case?



4. Why did the justices care whether the t-shirts were disruptive?

- A. The right to freedom of speech has limits, and people might have more freedom with some kinds of speech than with others.
- B. The First Amendment says people have "freedom of speech," so if something isn't speech, there is no right.
- C. *Tinker* was a precedent case about freedom of speech in schools. If Ben's case was just like the *Tinker* case, the Court would have to decide the same way as *Tinker*. If Ben's case was different, the Court could decide differently.
- D. The *Tinker* case gave one factor for deciding when students have freedom of speech in schools: whether the speech is disruptive to school activities. This factor is part of the law because the Supreme Court had already decided *Tinker*, so the justices had to look at that factor in Ben's case.



PART TWO: Savana's Case. Read how the Court decided a different case involving a student, and then follow your teacher's color-coding instructions.

What Happened

Savana Redding's school principal heard Savana had been giving pills to other students. He talked to Savana, and then ordered the school nurse and a female school employee to search Savana. They told Savana to take off her outer clothing and shake out her underwear. They didn't find any pills.

How the Supreme Court Decided

The Fourth Amendment protects people from "unreasonable searches." Nobody argued that what happened to Savana was not a search. But the Constitution puts a limit on the right to not be searched: it only protects people from unreasonable searches.

How does the Court know when a search is unreasonable? It looks for a similar case that was already decided, called a precedent case. A **precedent case** usually gives factors that must be considered in future cases.

To decide Savana's case, the Court looked at a case called *New Jersey v. T.L.O.*, where a school was allowed to search a high school student's purse after she was caught smoking. In the *T.L.O.* case, the Supreme Court had said that whether a search in school is unreasonable depends on two factors:

- 1) whether the school had a good reason to believe the search needed to be done
- 2) whether the search went too far.

Using these factors, the Court decided that the school did have a good reason to believe they should search Savana, but that a strip search went too far.