

Judges, Courts, and the Law

Name: _____

Constitutional Challenge on Due Process

Directions: Answer all of the following questions by marking the best choice or filling in the blank.

1. Where in the Constitution is the phrase “due process” mentioned?
 - _____ a. The Fifth Amendment
 - _____ b. The First Amendment
 - _____ c. The Fifth and Fourteenth Amendments
 - _____ d. The Fourteenth Amendment
2. What are the two kinds of due process?
3. Procedural due process governs how laws are enforced. True or False
4. Name two procedural due process rights.
5. To make a search under the requirements of the Fourth Amendment, a police officer must obtain a _____ supported by _____.
6. Name two exceptions to this requirement.
7. Which of the following was **not** a fact in the *New Jersey* versus *T.L.O.* Supreme Court case?
 - _____ a. A student’s purse was searched for cigarettes and a drug pipe was found.
 - _____ b. The search was conducted with a warrant.
 - _____ c. The student was arrested and charged with selling marijuana.
 - _____ d. The case was finally decided by the United States Supreme Court.

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8. In the decision by the United States Supreme Court, justices ruled that the search conducted by school authorities in the TLO case violated due process rights in the Fourth Amendment.

True or False

9. Under the Supreme Court ruling in the T.L.O. case, a search in a school setting without a warrant is constitutional if the search is (1) _____ under the circumstances and (2) the search is not excessively _____ on the basis of a student's sex, age, and suspected violation.
10. **You Be the Judge:** When making a decision about whether a law or procedure violates due process rights, judges must follow precedent. For example, they must follow previous decisions of the U.S Supreme Court. As described in the animated presentation and in question 9 above, the court established rules to determine whether a school search without a warrant is valid.

Imagine you are a judge asked to decide a case about this school search.

In Middleville High School a \$100 bill was missing from the student activity fund. The money had been kept in a metal box in a cabinet in the Student Government room. It disappeared sometime between periods 2 and 3. During 3rd period, with all of the members of student council present, the vice principal entered the room and asked everyone to empty the contents of their backpacks, pockets, and purses on the desks. Kaitlin H. refused to empty her purse on the desk, but the vice principal searched her purse anyway and found a \$100 bill. Kaitlin claimed she had found it on the sidewalk that morning, but she was charged with the theft.

It is your job to decide whether the search of Kaitlin H.'s purse was a valid search. Once you have decided, you must write a brief opinion explaining your decision. Your opinion must include:

Facts of the case: Restate the facts of the case.

Law of the case: Explain the rules the U.S. Supreme Court has laid out to decide such cases.

Decision: State whether the search was or was not a violation of the Fourth Amendment.

Reasoning: Give your reasons for your decision based on the facts and the law.

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**You Be the Judge
Opinion**