ESSENTIAL QUESTION: How have the decisions of the Supreme Court impacted individual rights, government powers, and policies over time?

PROCEDURES:

**Day 1:** Please complete the background reading on Brown v. Board of Education and answer the 4 questions that follow in the box labeled “Assignment #1”.

**Day 2:** Please complete the background reading on New Jersey v. T.L.O. and answer the 4 questions that follow in the box labeled “Assignment #2”.

**Day 3:** Please complete the background reading on Tinker v. Des Moines and answer the 4 questions that follow in the box labeled “Assignment #3”.

WORK TO BE RETURNED: Assignment 1-3: Answer the 4 questions posted in the box for each assignment.

RESOURCES: Reading Excerpts from Street Law Inc. on the following Supreme Court cases:
- Brown v. Board of Education
- New Jersey v. T.L.O.
- Tinker v. Des Moines

TIME ALLOCATED:

**Day 1**-15 minutes

**Day 2**-15 minutes

**Day 3**-30 minutes

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**Brown v. Board of Education (1954)**

In Topeka, Kansas in the 1950s, schools were segregated by race. Each day, Linda Brown and her sister, Terry Lynn, had to walk through a dangerous railroad switchyard to get to the bus stop for the ride to their all-black elementary school. There was a school closer to the Brown’s house, but it was only for white students.

Topeka was not the only town to experience segregation. Segregation in schools and other public places was common throughout the South and elsewhere. This segregation based on race was legal because of a landmark Supreme Court case called *Plessy v. Ferguson*, which was decided in 1896. In that case, the Court said that as long as segregated facilities were equal in quality, segregation did not violate the Constitution.

However, the Browns disagreed. Linda Brown and her family believed that the segregated school system did violate the Constitution. In particular, they believed that the system violated the 14th Amendment guaranteeing that people will be treated equally under the law.

The Supreme Court in Brown v. Board of Education (1954) unanimously held that the racial segregation of children in public schools violated the Equal Protection Clause of the Fourteenth
Amendment. Although the decision did not succeed in fully desegregating public education in the United States, it put the Constitution on the side of racial equality.

Assignment #1
Directions: After reading the excerpt about Brown v. Board of Education please answer the following questions.

1. What problem(s) did the Brown family have with segregated schools?

2. What was the Supreme Court’s decision on segregation in public schools?

3. Critical Thinking Question (not found in the reading): How does the decision of the Supreme Court in Brown v. Board of Education impact you as a student in a public school?


In 1980, a teacher at a high school in New Jersey found two girls smoking in a bathroom. The teacher took the two girls to the principal's office. There, they met with Assistant Vice Principal Theodore Choplick. One of the girls was T.L.O., a 14-year-old freshman. T.L.O. said she had not been smoking and said that she did not smoke at all. The second girl admitted that she had been smoking.

Choplick took T.L.O. into his office. He told her to give him her purse. When he opened the purse, he found a pack of cigarettes. He also found a package of cigarette rolling papers. In his opinion, this meant that T.L.O. might be using marijuana. He decided to search T.L.O.’s purse some more. When he did so, he found some marijuana, a pipe, and empty plastic bags. He also found one-dollar bills, a list of students who owed T.L.O. money, and some letters. In the letters, there was information that showed that T.L.O. was selling marijuana.

Choplick then called T.L.O.’s mother and the police. They both came to the school. Choplick gave the items from the purse to the police. The police asked the mother to take T.L.O. to the police station. At the police station, T.L.O. admitted that she had been selling marijuana at school. The State of New Jersey brought charges against T.L.O. The evidence they used was T.L.O.’s admission and the items from her purse.

T.L.O. said that the search violated the Fourth Amendment protection against unreasonable search and seizure. She tried to have the evidence from her purse kept out of court. She also argued that her confession should be suppressed, because it happened as a result of the unreasonable search.

In a 6-3 decision, the Supreme Court ruled in favor of New Jersey and the school, and against T.L.O. The Court decided that school officials do not need to have probable cause to believe that a student has violated school rules in order to initiate a search, even though probable cause is required for police to initiate a search of children or adults outside of school. Instead, school officials are only required to have a “reasonable suspicion” that a student has violated school rules in order to search that student.
Tinker v. Des Moines (1969)
John and Mary Beth Tinker attended public school in Des Moines, Iowa in 1965. Their school did not allow students to wear armbands to protest the Vietnam War. However, the Tinkers decided to wear armbands to school anyway. The school officials asked the Tinkers to remove their armbands, but the Tinkers refused. John and Mary Beth Tinker were suspended from school until they agreed to remove the armbands.

The Tinkers sued the school district in the U.S. District Court. The Tinkers believed that the Des Moines school district violated their right to free speech under the First Amendment to the U.S. Constitution. Even though the students were not speaking with their voices, they believed that wearing armbands was like speaking. This is called symbolic speech.

In 1968, the Supreme Court of the United States agreed to hear the case of Tinker v. Des Moines. They issued their decision in 1969. In a 7-2 decision, the Supreme Court ruled in favor of the Tinkers ruling that students retain their constitutional right of freedom of speech while in public school.

The Court ruled that students are entitled to exercise their constitutional rights, even while in school. The justices reasoned that neither “students (n)or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” Because student expression is protected by the First Amendment even while in school, school officials must provide constitutionally valid reasons for regulating student expression.
2. According to the Tinkers, how was wearing an armband a violation of their 1st amendment right to freedom of speech?

3. What was the Supreme Court’s decision on freedom of speech in public schools?

4. Critical Thinking Question (not found in the reading): How does the decision of the Supreme Court in Tinker v. Des Moines impact you as a student in a public school?