



The Mock Oral Argument Experience
Prom Night Alcohol Test

Fourth Amendment United States Constitution

“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.”

Jack Jones v. Washington High School

After four years straight of having the prom ruined by drunk students doing foolish things, administrators at Washington High School decided to take action. For this year's prom, two officers stood at the entrance to the prom with a breathalyzer machine. After giving their tickets to school staff, students followed the officers' directions and took a breathalyzer test. Each prom ticket had a written notice that taking and passing a breathalyzer test was required to get into the prom. If the breathalyzer test results or the officers' impressions showed that any student was legally intoxicated, that student was not allowed to enter the prom.

Jack Jones, a senior at Washington High School, attended a party prior to arriving at the prom. Alcohol was served at the party. When Jack arrived at the prom, many people were happy to see him, because he was very popular at school. After talking with the two officers, Jack refused to take the breathalyzer test. Next, the school principal told Jack that he had to take the test and pass it in order to get into the prom. Jack still refused to take the test and was forced to go home.

The next day, Jack and his parents filed a lawsuit against Washington High School. The lawsuit claimed that Jack's Fourth Amendment rights were violated by forcing him to take a breathalyzer test.

In the superior court, where Jack's case went to trial, the court agreed with Jack. The superior court decided that it was unconstitutional for the school to demand a breathalyzer test without some sort of reason to believe that Jack had been drinking. The school appealed the decision to the Georgia Court of Appeals. The Court of Appeals disagreed with the superior court and reversed the superior court's decision. The

Court of Appeals said that the breathalyzer test was OK because going to the prom was a choice, and students were not required to attend. Jack and his parents appealed the case to the Georgia Supreme Court, which is now ready to hear oral arguments.

Constitutional Question:

Do mandatory breathalyzer tests for students attending prom violate their Fourth Amendment protection against unreasonable searches and seizures?

Case Study Sheet

I. What are the Facts?

II. State the Issue to be Decided:

III. Arguments for Appellant, Jack:

IV. Arguments for Appellee, Washington High School:

V. What Would You Decide?

VI. Reason/Evaluation?

VII. Mock Supreme Court Tentative Decision:

Deputy Clerk's Script

(When door opens and Justices begin to enter)

- Bang gavel twice
- Announce in a loud voice: "ALL RISE! THE HONORABLE SUPREME COURT OF GEORGIA IS NOW IN SESSION."
- Bang gavel twice more
- Announce in a loud voice: "YOU MAY BE SEATED."

(When Chief Justice rises to leave)

- Bang gavel twice
- Announce in a loud voice: "ALL RISE!"
- Once the last Justice exits the magic door, bang the gavel once (indicating everyone is free to leave)

Chief Justice's Script

The Court is ready to hear the case of Jack Jones v. Washington High School.

Are the attorneys ready to proceed?

Attorney for the Appellant may begin.

[When the Deputy Clerk calls time, tell the appellant's attorney that his/her time is up. If the attorney is in the middle of an answer when time is called then you can tell him/her that he/she may briefly finish his/her answer.]

Attorneys for the Appellee may begin.

[When the Deputy Clerk calls time, tell the appellee's attorney that his/her time is up. If the attorney is in the middle of an answer when time is called then you can tell him/her that he/she may briefly finish his/her answer.]

Attorneys for the Appellant may present rebuttal.

[When the Deputy Clerk calls time, tell the appellant's attorney that his/her time is up. If the attorney is in the middle of an answer when time is called then you can tell him/her that he/she may briefly finish his/her answer.]

Attorneys, thank you for your arguments. The Court will announce its decision shortly.

Appellant Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE APPELLANT, JACK, WHO ARGUES THAT THE SCHOOL'S POLICY VIOLATED JACKS' FOURTH AMENDMENT RIGHTS.

Jack's Arguments (*against* the breathalyzer testing) include:

1. Breathalyzer testing at the prom is wrong because it invades the student's privacy.
2. The high school prom is a very important event in a student's life. To say that prom is optional is just like saying that graduation is optional.
3. Students are required to take breathalyzer tests without any reason to believe that they had been drinking.
4. Breathalyzer tests are not 100% correct. Therefore, the school might make a mistake and refuse to let an innocent student attend prom.

Try to think of other arguments against breathalyzer testing at prom. Write these arguments on the note pad at your seat.

Appellee Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE APPELLEE, WASHINGTON HIGH SCHOOL, WHO ARGUES THAT THE POLICY DID NOT VIOLATE JACK'S FOURTH AMENDMENT RIGHTS.

The School's Arguments (*for the breathalyzer testing*) include:

1. The school is trying to keep all students safe. The breathalyzer helps reduce behavior and safety problems.
2. Students who have been drinking might embarrass or physically hurt other students.
3. Breathalyzer testing is reasonable because the test only requires that a student breathe into a machine.
4. Breathalyzer testing is reasonable because not all students have to do it; only those students who choose to participate in the school-sponsored prom.
5. If all students know that a breathalyzer test will be given at prom, they will have a good reason not to drink.

Try to think of other arguments in favor of breathalyzer testing at prom. Write these arguments on the note pad at your seat.

Sample Questions for Justices

(Each Justice may ask one question)

Questions to ask the Appellant (Jack):

1. Can't a student who has been drinking hurt himself or others?
2. Is there any way other than the breathalyzer test to determine which students are drunk?
3. Why should Jack's right to be protected from unreasonable searches and seizures be more important than student safety?
4. Are students required to go to prom, or is it optional?

Try to think of other questions for the attorney who is against breathalyzer testing at prom. Write these questions on the note pad at your seat.

Questions to ask the Appellee (School):

1. Does the school have to have a reason to believe that a certain student has been drinking before that student is tested?
2. Do school children have the right to Fourth Amendment protection against unreasonable searches and seizures?
3. Is the breathalyzer test 100% accurate?
4. Does the breathalyzer test invade a student's privacy? If so, why is that okay?

Try to think of other questions for the attorney who is in favor of breathalyzer testing at prom. Write these questions on the note pad at your seat.

Clerk's Script

(place vote sheet on Clerk's desk)

After the arguments, the Justices will vote on the case. Count the votes for the Appellant (Jack) and Appellee (School).

READ:

The Georgia Supreme Court has reached a decision in this case. By a vote of _____ to _____ the Court rules in favor of the _____.

Vote Sheet

Votes:

Chief Justice Hines

Appellant/Jack

Appellee/School

Presiding Justice Melton

Appellant/Jack

Appellee/School

Justice Benham

Appellant/Jack

Appellee/School

Justice Hunstein

Appellant/Jack

Appellee/School

Justice Nahmias

Appellant/Jack

Appellee/School

Justice Blackwell

Appellant/Jack

Appellee/School

Justice Boggs

Appellant/Jack

Appellee/School

Justice Peterson

Appellant/Jack

Appellee/School

Justice Grant

Appellant/Jack

Appellee/School