

Ronald Reagan and the Supreme Court

When Ronald Reagan was President he reduced federal involvement in civil rights. He mandated that the individual states had to enforce busing, affirmative action, and the prosecution of civil rights violence.

Civil Rights leaders condemned this approach by the President. They claimed that is abolished all of the progress made since the *Brown v. Board of Ed. of Topeka* decision.

Reagan's actions started a growing conservative movement called the **NEW RIGHT**. Basically, the Supreme Court during the Reagan Era tried to overturn the decisions of the Warren Court. The two major targets of the New Right were the reversal of the decisions *Engel v Vitale* (banning prayer in public schools) and *Roe v. Wade* (abortion-by-choice).

They also supported stricter censorship of pornographic materials and a defeat of the Equal Rights Amendment.

President Reagan supported attempts to pass constitutional amendments allowing school prayer and banning abortions. These proposals did not receive the necessary two-thirds vote in Congress.

In response to these Congressional decisions Reagan believed that he should make the Supreme Court more conservative. Using his Presidential power of appointing Supreme Court Justices he made the following changes:

1. He named Associate Justice **William Rehnquist** to replace the retiring Chief Justice Warren Burger in 1986.
2. He named three additional conservatives to vacancies in the Court: **Sandra O'Connor** (the first woman to service on the Court) **Antonin Scalia** and **Anthony Kennedy**.

The Supreme Court and The Schools

<p><i>Engel v. Vitale</i> (1962) First Amendment – establishment clause</p>	<p>Parents and students challenged the constitutionality of recitation of a non-denominational prayer in public schools. Opponents of the Daily prayer cited the First Amendment requirement of separation of Church and State. The Court ruled the N.Y. State written prayer unconstitutional, saying the practice violated the First Amendment rights of students. Such prayer also conflicted with the establishment clause, which forbids the establishment of religion by government</p>
<p><i>Tinker v. Des Moines School District</i> (1969) First Amendment – Free Speech</p>	<p>Two students were suspended from school for wearing black armbands to protest the Vietnam War. The students said the Constitution guarantee of free speech protected this form of protest. Agreeing with the students, the Court ruled that this symbolic type of speech is protected by the First Amendment. However, speech that is disruptive of the educational process can be restricted.</p>
<p><i>New Jersey v. TLO</i> (1985) Fourth Amendment – search and seizure</p>	<p>School officials found a student smoking in school, and conducted a search of the student’s purse, in which were not just cigarettes, but drugs and drug related items were found. The student claimed this was an unreasonable search. The Court ruled in favor of the school authorities, saying that in a school, only “reasonable suspicion” (instead of probable cause) is necessary for a search. Schools have a duty to promote a safe environment for learning.</p>
<p><i>Veronia School District v. Acton</i> (1995) Fourth Amendment – search and the right of privacy</p>	<p>A school required drug testing for all students participating in athletics. One student refused, citing his right of privacy and his guarantee against unreasonable search and seizure. The school’s policy was upheld in the Supreme Court. Student athletes do not have the same privacy rights as adults. The “search” was constitutional and the importance of reducing drug use make such testing reasonable.</p>