

**YOU BE THE JUDGE 2**

**Directions:** Read and discuss your assigned scenario below. Along with your group members, refer to **Handout A: The United States Bill of Rights** to identify which protection(s) and amendment(s) are called into question. Then address the constitutional issue in the second question.

**SCENARIO 1**

Mary saved for and bought a piece of land outside an Iowa town. Mary wanted to build a home on the land. Mary applied for a building permit. The government agency told her that there was a new law that says that she could not build on the land, because it is “protected wetlands.” They did not give her the permits, and she was not able to build anything on the land.

A. What protection(s) and amendment(s) are involved?

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B. Should the State of Iowa pay Mary because they will not let her use her own land?

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**SCENARIO 2**

The students at Lakewood High School took a vote. The majority voted to have a student-led prayer announced publicly before each home football game. Paul was chosen to lead the prayer. Jane, an atheist, objected. She did not have to participate. She was not punished if she refused. But she believed that prayer at public schools events was against the Constitution.

A. What protection(s) and amendment(s) are involved?

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B. Should the government be able to stop students at the high school from voting to have public prayer at the games?

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**YOU BE THE JUDGE 2****SCENARIO 3**

Benny was found guilty of a terrible crime. He attacked and killed his boss. During the trial, Benny's lawyers found two psychologists who said that Benny was mentally retarded. Benny's lawyers said that the jury should not be able to give the death penalty for Benny's crimes. The psychologists said that it was probable that Benny did not really understand his actions. Benny's lawyers said that his retardation did not make him innocent, but it did mean that he should not be put to death.

A. What protection(s) and amendment(s) are involved?

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B. Should the jury be allowed to give Benny the death penalty?

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**SCENARIO 4**

Kate and Jim were Amish. According to the Amish religion, children should not go to school past the 8<sup>th</sup> grade. But the state in which they lived had a law that said that all children must go to school until age 16. Kate and Jim said that the law violated their religious beliefs, and they refused to send their children to school. The state government punished Kate and Jim for breaking the law and refusing to send their children to school.

A. What protection(s) and amendment(s) are involved?

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B. Should Kate and Jim be punished for not sending their children to school?

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**YOU BE THE JUDGE 2****SCENARIO 5**

Darren was arrested for kidnapping and rape. He was taken to the police station and the victim picked Darren out of a group of people. A police officer pointed to a woman and asked Darren if she was the victim. Darren said yes. The police then took him and questioned him for two hours. During this time, he confessed to the crime and signed a document confessing his actions. The document said that Darren knew his rights and that his statements could be used against him. However, the police did not try very hard to get Darren a lawyer or tell him his rights.

A. What protection(s) and amendment(s) are involved?

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B. Should the confession (document) be allowed as evidence in his trial?

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**SCENARIO 6**

Elaine was a respected doctor in her community. She was accused of murdering her husband. Elaine said that she was innocent. The trial had a lot of news reporters in the courtroom. Many people in the media (TV, newspapers) said that Elaine was guilty. The jury was not separated from the public and saw news reports. Elaine was found guilty. After the trial, Elaine said that the media affected the opinions of the jury. She appealed (asked another judge to review errors in her trial) and said that the media influenced the jury's decision. She said that she should not be found guilty.

A. What protection(s) and amendment(s) are involved?

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B. Should Elaine's guilty verdict stand?

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**YOU BE THE JUDGE 2****SCENARIO 7**

Sara was a public high school student. She was caught smoking in the school bathroom. The teacher who caught Sara took her to the principal's office. A school official asked if she had been smoking in the bathroom, and Sara said no. The principal did not believe her, so the principal looked in her purse. He found cigarettes and a bag of rolling papers that are commonly connected to drug use. He then decided to completely search Sara's purse. He found a bag of marijuana and other papers. It looked like Sara was selling marijuana in school. The principal suspended Sara and called the police.

A. What protection(s) and amendment(s) are involved?

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B. Was it constitutional for the school official to search Sara's purse?

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**SCENARIO 8**

Matt was a leader of the Ku Klux Klan. At a KKK event, Matt supported the Klan's idea of "white power." He gave a very racist speech. He also said that if the government restricts the white (Caucasian) race, some people might take revenge. He was arrested for breaking a law that prohibited the public support of a crime and or violence for political change. The law also stopped any group with similar ideas from publicly gathering. Matt was fined \$1,000 and was sentenced to jail for ten years.

A. What protection(s) and amendment(s) are involved?

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B. Should Matt be arrested for speech and actions at the KKK gathering?

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HANDOUT D

## OUTCOME DISCUSSION CARDS 2

### SCENARIO 1

**Court Ruling:** In *Lucas v. South Carolina Coast Council* (1992), the Supreme Court said that Lucas must be compensated (paid) for land he bought in 1986. Lucas could not build anything because of a 1988 South Carolina law banning construction on beach-front property. Lucas lost the value of his property because of a government restriction. Therefore, the state had to compensate Lucas.

***Did the Court make the right decision?  
Why or why not?***

### SCENARIO 2

**Court Ruling:** In *Santa Fe Independent School District v. Doe* (2000), the Supreme Court said that the school district violated the First Amendment through its policy of allowing students to vote on whether to pray. The policy made the prayer “public speech” on government property and at a government-sponsored event. This showed government support of a religion. The Court also said that the voting did not make the prayer ok. Voting provides for the majority to rule, but one purpose of the First Amendment was to protect the rights of individuals from majorities.

***Did the Court make the right decision?  
Why or why not?***

OUTCOME DISCUSSION CARDS **2****SCENARIO 3**

**Court Ruling:** In *Atkins v. Virginia* (2002) the Supreme Court said that putting mentally-retarded people to death was “cruel and unusual punishment.” The Court noted that many states have stopped the death penalty for mentally-retarded people, who do not have the same accountability for their actions. The Court said that the punishment was too extreme and that the Constitution restricted the power of the state to execute a mentally-retarded person.

*Did the Court make the right decision?  
Why or why not?*

**SCENARIO 4**

**Court Ruling:** In *Wisconsin v. Yoder* (1972), the Supreme Court said that the law to make all children go to school until age 16 violated the Free Exercise Clause of the First Amendment because it punished people who did not send their children to school for religious reasons. The Court said the individual freedom of religion was stronger than the state’s idea of a proper education. The values and practices of the school system were in conflict with the way of life required in the Amish religion.

*Did the Court make the right decision?  
Why or why not?*

HANDOUT D

## OUTCOME DISCUSSION CARDS 2

### SCENARIO 5

**Court Ruling:** In *Miranda v. Arizona* (1966), the Supreme Court said that police had to tell accused people about their right to a lawyer and right to remain silent before any interrogation. If police did not tell accused people their rights, they could not use evidence against them from the interrogation. They said that interrogations are often scary and people being questioned may feel like they are being forced to confess.

*Did the Court make the right decision?  
Why or why not?*

### SCENARIO 6

**Court Ruling:** In *Sheppard v. Maxwell* (1966), the Supreme Court said that news before the trial and the actions of the media during the trial had affected the jury. The jury was not able to make a fair and impartial decision; therefore, the guilty verdict against Dr. Sam Sheppard for murdering his wife could not stand. Sheppard received a new trial in which he was found innocent. The Court said that the media was important. However, the media could not intrude and harm the right of accused persons to a fair trial. The Court also said that the trial judge should have acted to protect the judicial process

*Did the Court make the right decision?  
Why or why not?*

HANDOUT D

## OUTCOME DISCUSSION CARDS 2

### SCENARIO 7

**Court Ruling:** In *New Jersey v. T.L.O.* (1985), the Supreme Court said that searching the girl's purse did not violate the Constitution's Fourth Amendment. The Fourth Amendment meant that public school officials could search students if they had "reasonable suspicion" of wrong-doing. In the *T.L.O.* case, strong cigarette smoke made it reasonable to suspect the student was smoking. The presence of rolling papers made it reasonable to suspect drug use, and the full search of her purse was reasonable.

**Did the Court make the right decision?  
Why or why not?**

### SCENARIO 8

**Court Ruling:** In *Brandenburg v. Ohio* (1969), the Supreme Court said that Ohio had violated the Ku Klux Klan leader's right to free speech. The Court used a two-part test. They said that speech was illegal only if (a) it encouraged illegal actions AND if (b) it was likely to cause illegal actions to happen right away. The Court said that the Ohio law was too general and violated the free speech rights of citizens protected by the First Amendment.

**Did the Court make the right decision?  
Why or why not?**