

# YOU BE THE JUDGE 1

**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. She wanted to build a home on the land. Mary applied for a building permit and found out that the Iowa legislature recently passed a law preventing further construction on land designated as “protected wetlands.” Her land, it turns out, was designated as “protected wetlands,” and she was denied a building permit for any future building on the property.

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

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B. Should the State of Iowa pay Mary for the inability to use her land?

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## SCENARIO 2

The student body of Lakewood High School, a public school, took a vote. By a vast majority, they voted to conduct a student-led prayer over the public address system of their football stadium before the kick-off of each home game. They elected Paul, the student-body president, to conduct the non-denominational prayer. Jane, an atheist, objected. She was neither required to participate, nor punished for refusing. Nonetheless, Jane believed the public prayer itself to be unconstitutional.

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

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B. Should the students of Lakewood High School be allowed to vote on a prayer to be read publicly at games?

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# YOU BE THE JUDGE 1

## SCENARIO 3

Benny has been found guilty of a heinous crime: attacking and killing his boss in a fit of rage. In the sentencing phase of his trial, Benny’s lawyers produced two psychologists who testified to the fact that Benny was, in fact, mentally retarded. Benny’s lawyers and psychologists argued that the jury should not be allowed to assign the death penalty as punishment for Benny’s crimes. It was quite probable, the psychologists testified, that Benny did not fully understand the outcome of his actions, and while this fact does not absolve him of punishment, 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 assign the death penalty as punishment for Benny’s crime?

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## SCENARIO 4

Kate and Jim were ardent followers of the Amish faith, and, following Amish doctrine, did not wish to enroll their children in school beyond the 8<sup>th</sup> grade. Their state legislature, however, had passed a law requiring all children to attend school until age 16. Such a law, Kate and Jim believed, violated the duties required of them as an Amish family, and they refused to comply with the law. The state prosecuted and punished Kate and Jim for violating 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 prosecuted for refusing to send their children to school?

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# YOU BE THE JUDGE 1

## SCENARIO 5

Darren was arrested on suspicion of kidnapping and rape. He was taken to the police station, where the victim picked Darren out of a lineup. An officer pointed to a woman in the police station and asked if she was the victim. Darren told them, “Yeah, that’s her.” The police then took him to an interrogation room where he was questioned for two hours. He verbally confessed to the crime, and signed a written statement, prepared by the police, admitting his guilt. Darren’s confession included a statement that he was aware of his rights, and that any statements he made could be used against him. However, the police made little effort throughout the interrogation to allow Darren access to a lawyer, or generally notify him of his rights.

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

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B. Should Darren’s confession be allowed as evidence at trial?

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## SCENARIO 6

Elaine, a respected physician in the community, was accused of murdering her husband, Adam. Elaine continually maintained her innocence in Adam’s death. The murder trial was a media sensation—reporters were in the courtroom, and were even assigned seats between the jurors and the defendant. The story was all over the local and state press for weeks. Editorials demanded a guilty verdict. The jury was not sequestered and had access to the media coverage. Elaine was found guilty. After her conviction, Elaine claimed that the extensive media coverage tainted her prosecution, and led to an unfair guilty verdict. She appealed her conviction, arguing that the media coverage biased the opinions of those in her community, requiring that her guilty verdict be overturned.

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

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B. Should Elaine’s conviction for Adam’s murder be overturned?

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# YOU BE THE JUDGE 1

## SCENARIO 7

Sara, a public high school student, was caught smoking cigarettes in the school bathroom. The teacher who caught Sara took her to the principal's office, where a school official questioned her about whether she was smoking in the bathroom. She denied it. The principal, not believing her story, decided to take further action by looking into Sara's purse. He found a pack of cigarettes as well as a bag of rolling papers commonly associated with drug use. The official then decided to thoroughly search Sara's purse. He discovered a bag of marijuana and various papers that seemed to indicate that Sara was dealing marijuana. He placed Sara on suspension and called the police.

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

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B. Was it appropriate for the school official to examine the contents of Sara's purse?

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## SCENARIO 8

Matt was a prominent leader of the Ku Klux Klan. At a Klan rally, Matt advocated support for the Klan ideal of "white power." He gave a speech full of racial epithets. He also said, in an apparent threat, "If our President, our Congress, our Supreme Court, continues to suppress the white, Caucasian race, it's possible that there might have to be some revenge taken." He was afterwards arrested for violating a state law that prohibited the advocacy of crime, sabotage, or violence as a means of accomplishing political reform. The law also prohibited the gathering of any society or group formed to teach or advocate such messages. Matt was fined \$1,000 and sentenced to ten years in prison.

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

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B. Should Matt have been arrested for his advocacy of, and rally for, Klan ideals?

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# 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 be 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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