

OUTCOME DISCUSSION CARDS **1****SCENARIO 1**

**Court Ruling:** In *Lucas v. South Carolina Coast Council* (1992), the Supreme Court ruled that Lucas must be justly compensated for residential land that he had purchased in 1986. Lucas was prevented from constructing “habitable structures” under a 1988 South Carolina law designed to prevent erosion and destruction of the State’s barrier islands, where Lucas owned his land. The Court declared that “when the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good...he has suffered a taking...” and must be justly compensated as required by the Fifth Amendment.

***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 ruled that the school district had violated the Establishment Clause of the First Amendment by a policy authorizing, via a vote of the student body, a student-led, student-initiated prayer over the public address system prior to a football game. The school policy made the prayer “public speech,” because it took place on government property, with government approval, at a government-sponsored event. “[T]he realities of the situation plainly reveal that [the district’s] policy involves both perceived and actual endorsement of religion.” The Court noted that the voting process did not make the prayer permissible. In fact, the vote caused religious coercion of the minority by the majority.

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

**SCENARIO 3**

**Court Ruling:** In *Atkins v. Virginia* (2002) the Supreme Court ruled that the execution of mentally retarded individuals constituted “cruel and unusual punishment.” The Court reasoned that since many states have discounted death as an appropriate punishment for the mentally retarded, due to their lessened accountability, an ‘evolving standard of decency’ dictated that it be deemed a violation of the Eighth Amendment. “[W]e therefore conclude that such a punishment is excessive and that the Constitution places a substantive restriction on the state’s power to take the life of a mentally retarded offender.”

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

**SCENARIO 4**

**Court ruling:** In *Wisconsin v. Yoder* (1972), the Supreme Court determined that the Wisconsin law mandating public school attendance until age sixteen violated the Exercise Clause by punishing those who chose not to send their children to school for religious reasons. The Court ruled that the individual right to free exercise of religion outweighed the state’s interest in ensuring that school children received what the state deemed a proper education, and that the values and curriculum of the public school setting were “in sharp conflict with the fundamental mode of life mandated by the Amish religion.”

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

**SCENARIO 5**

**Court ruling:** In *Miranda v. Arizona* (1966), the Supreme Court ruled that police had to notify the accused of their rights to counsel and freedom from self-incrimination prior to any criminal interrogation. Further, the Court barred prosecutors from using any evidence obtained during illegal interrogation against defendants at trial. “The modern practice of in-custody interrogation is psychologically rather than physically oriented” and “the blood of the accused is not the only hallmark of an unconstitutional inquisition.”

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

**SCENARIO 6**

**Court Ruling:** In *Sheppard v. Maxwell* (1966), the Court ruled that the pre-trial publicity, as well as the behavior of the media during the trial itself, had so biased the jury that jurors were rendered incapable of providing a fair and impartial decision. “Due process requires that the accused receive a trial by an impartial jury free from outside influences.” The Court reasoned that while the press plays an important role in the preservation of a “public” trial, it cannot be so intrusive that it fundamentally prevents the administration of justice. The Court noted that Sheppard’s trial judge should have taken measures to “place the interest of justice first,” ahead of the demands of the news media.

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

**SCENARIO 7**

**Court ruling:** In *New Jersey v. T.L.O.* (1985), the Supreme Court ruled that the search and seizure was constitutional and did not violate the student's Fourth Amendment rights. The Court decided that a lighter standard of "reasonableness" could be applied (as opposed to the "probable cause" the Fourth Amendment requires for search warrants to be issued) due to the nature of the school environment. "The initial search for cigarettes was reasonable ... the discovery of the rolling papers then gave rise to a reasonable suspicion that respondent was carrying marijuana ... and this suspicion justified the further exploration that turned up more evidence of drug-related activities."

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

**SCENARIO 8**

**Court ruling:** In *Brandenburg v. Ohio* (1969), the Supreme Court ruled that Ku Klux Klan leader Brandenburg's right to free speech had been violated by an Ohio law that sought to criminalize public speech that advocated "crime, sabotage, violence ... as a means of accomplishing ... political reform." In its ruling, the Court applied a two-part test, allowing such speech to be prohibited only if it is (a) "directed at inciting or producing imminent lawless action," and (b) "likely to incite or produce such action." The Court reasoned that since Ohio's law made the mere advocacy and teaching of such doctrine illegal without taking into consideration whether the speech would actually lead to "imminent lawless action," the law was too broad and criminalized speech in a manner that violated the First Amendment.

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

**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?***

**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?***

**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?***

**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?***