

Bill of Rights Practice

Directions: For each scenario, read what happens and refer to you notes on the Bill of Rights. Determine what amendments are involved and what should the court rule in each question?

#1 Mary inherited a parcel of land on the outskirts of an Iowa town that has been in her family for generations. Even though her family has never utilized the land, she now wishes to build, along with her brothers, a small family restaurant on the inherited land. Mary applies for a building permit, and finds out that the Iowa legislature recently passed a law preventing further construction on land designated as “protected wetlands.” Her land, it turns out, is now designated as “protected wetlands,” and she is denied a building permit for any future building on the property.

1. What protection(s) and amendment(s) are involved?
2. Should the State of Iowa pay Mary for the inability to use her land?

#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 believes the public prayer itself to be unconstitutional.

3. What protection(s) and amendment(s) are involved?
4. Should the students of Lakewood High School be allowed to vote on a prayer to be read publicly at games?

#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.

5. What protection(s) and amendment(s) are involved?
6. Should the jury be allowed to assign the death penalty as punishment for Benny’s crime?

#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 8th 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.

7. What protection(s) and amendment(s) are involved?
8. Should Kate and Jim be prosecuted for refusing to send their children to school?

#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 of him of his rights.

9. What protection(s) and amendment(s) are involved?
10. Should Darren's confession be allowed as evidence at trial?

#6 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.

11. What protection(s) and amendment(s) are involved?
12. Should Elaine's conviction for Adam's murder be overturned?

Answer Key

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.

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,” not private, taking place on government property, with government sanction, 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, but in fact constituted religious coercion of the minority by the majority.

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.”

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.”

SCENARIO 5

Court ruling: In *Miranda v. Arizona* (1966), the Supreme Court ruled that police were obligated 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, at trial, any evidence obtained during interrogation if it could not be shown that the police had made the accused aware of his rights under the Constitution. “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.”

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.

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. Citing a less-strict standard than is generally applicable to search and seizure claims, the Court decided that a standard of “reasonableness” 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.”

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.