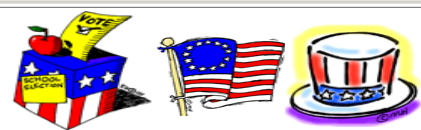


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8th Grade Lesson Links



- **Healthy Living**

freevibe.com

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[American Memory - Library of Congress](#)

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- **Presidential Election**

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- **American Revolution**

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http://www.classzone.com/disc_socialstudies.cfm

<http://www.constitutioncenter.org/>

<http://www.constitutioncenter.org/CitizenAction/GetInvolved/index.shtml><http://capwiz.com/constitutioncenter/home>

<http://www.constitutioncenter.org/CitizenAction/CivicResearchResults/index.shtml>

LINKS FOR CBAS

~~ RECENT & UPCOMING SUPREME COURT DECISIONS ~~

<http://otd.oyez.org/>

Big 6 Research Process

[Review game](#)

Website Evaluation lesson

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[Citation Maker](#)

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[Thesis Builder](#)

1st Amendment-- Freedom of Speech

Freedom of Speech for Students

Bethel School District v. Fraser (1986)

Does the First Amendment prevent a school district from disciplining a high school student for giving a lewd speech

at a high school assembly?

<http://www.abanet.org/publiced/youth/sia/holtcases/bethel.html>

<http://www.law.umkc.edu/faculty/projects/frtrial/firstamendment/bethel.html>

Tinker v. Des Moines (1969)

In *Tinker*, perhaps the best known of the Court's student speech cases, the Court found that the First Amendment protected the right of high school students to wear black armbands in a public high school, as a form of protest against the Vietnam War. The Court ruled that this symbolic speech--"closely akin to pure speech"--could only be prohibited by school administrators if they could show that it would cause a substantial disruption of the school's educational mission. Students do not, the Court tells us in *Tinker vs. Des Moines*, "shed their constitutional rights when they enter the schoolhouse door." But it is also the case that school administrators have a far greater ability to restrict the speech of their students than the government has to restrict the speech of the general public. Student speech cases require a balancing of the legitimate educational objectives and need for school discipline of administrators against the First Amendment values served by extending speech rights of students.

<http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/studentspeech.htm>

<http://www.law.umkc.edu/faculty/projects/ftrials/firstamendment/tinker.html>

http://www.bc.edu/bc_org/avp/cas/comm/free_speech/tinker.html

<http://www.landmarkcases.org/tinker/home.html>

Hazelwood School District et al. v. Kuhlmeier et al. (2007)

To what extent, consistent with the First Amendment, may educators exercise editorial control over the contents of a high school newspaper produced as part of the school's journalism curriculum?

<http://www.uscourts.gov/outreach/topics/hazelwood.htm>

<http://www.law.umkc.edu/faculty/projects/ftrials/firstamendment/hazelwood.html>

<http://aclu.procon.org/viewresource.asp?resourceID=499>

Morse et al. v. Frederick (2007)

To what extent, consistent with the First Amendment, may educators exercise editorial control over the contents of a high school newspaper produced as part of the school's journalism curriculum?

<http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/MorsevFrederick.html>

http://www.firstamendmentcenter.org/faclibrary/case.aspx?case=Morse_et_al_v_Frederick

Public Libraries Using Internet Filters

United States et al. v. American Library Assn., Inc. et al. (2003)

Do those public libraries that receive federal assistance (federal government money) and that provide Internet access have to install software to block inappropriate images?

http://www.abanet.org/publiced/preview/school/1st_ala0203.html

Dissenting Against War

Schenck v. United States(1919)

Is the First Amendment violated when Congress makes a law that punishes dissent (anti-war speech or actions) in wartime?

<http://www.abanet.org/publiced/youth/sia/holtcases/schenck.html>

<http://library.thinkquest.org/11572/cc/cases/schenck.html>

<http://faculty-web.at.northwestern.edu/commstud/freespeech/cont/cases/schenck.html>

http://www.pbs.org/wnet/supremecourt/capitalism/landmark_schenck.html

Cross Burning

Virginia v. Black (2003)

In *Virginia v. Black et al.* the Court found that Virginia's statute against cross burning done with an attempt to intimidate is constitutional because such expression has a long and pernicious history as a signal of impending violence. Justice O' Connor delivered the opinion stating, "a state, consistent with the First Amendment, may ban cross burning carried out with the attempt to intimidate." In so doing, the Court created a new area of constitutionally unprotected speech for "true threats." Under that carve-out, "a State may choose to prohibit only those forms of intimidation that are most likely to inspire fear of bodily harm."

The Court did, however, strike down the provision in Virginia's statute which stated "Any such burning of a cross shall be *prima facie* evidence of an intent to intimidate a person or group of persons," holding that the provision was facially unconstitutional because of its "indiscriminate coverage." The state, therefore, must prove intent to intimidate.

http://www.abanet.org/publiced/preview/school/1st_ala0203.html

<http://www.csmonitor.com/2002/1211/p01s01-usju.html>

<http://www.paulsjusticepage.com/cjethics/2-limitsoflaw/virginia-v-black.htm>

Free Electronic Versions of Books Published 20 Years Ago

Eldred v. Ashcroft (2003)

In *Eldred v. Ashcroft*, publishers, who specialize in republishing books and music for which copyright protection has expired, have asked the Supreme Court to strike down the 20-year extension of the terms of all copyrights that is set forth in the Copyright Term Extension Act of 1998. The plaintiffs (including Eric Eldred, who distributes free electronic versions of books in the public domain over the Internet) argue that the 20-year extension violates both the copyright clause and the First Amendment.

<http://www.abanet.org/publiced/preview/school/copyright0203.html>

Affirmative Action

Considering Race in College Admission

Gratz v. Bollinger (2003)

Grutter v. Bollinger (2003)

In 1995, Jennifer Gratz applied to the University of Michigan's College of Literature, Science and the Arts with an adjusted GPA of 3.8 and ACT score of 25. In 1997, Patrick Hamacher applied to the University with an adjusted GPA of 3.0, and an ACT score of 28. Both were denied admission and attended other schools. The University admits that it uses race as a factor in making admissions decisions because it serves a "compelling interest in achieving diversity among its student body."

Barbara Grutter, the plaintiff in the law school case, *Grutter v. Bollinger et al.*, is a white Michigan resident who was denied admission to the school despite having earned an outstanding grade point average and a high score on the Law School Admission Test. She contended that the school had no "compelling interest" to justify its use of race in making admissions decisions.

http://www.abanet.org/publiced/preview/school/aa_bollinger.html

Regents of the University of California v. Bakke (1978)

Case Summary:

Allan Bakke filed suit after learning that minority candidates with lower qualifications had been admitted to medical school under a program that reserved spaces for "disadvantaged" applicants. The California Supreme Court ordered the school, the State-run University of California, to admit Bakke. The university then appealed to the United States Supreme Court.

The Court's Decision:

A splintered Supreme Court affirmed the judgment ordering Bakke's admission to the medical school of the University of California at Davis and invalidating the school's special admissions program. However, the Court did not prohibit the school from considering race as a factor in future admissions decisions. Justice Lewis Powell, Jr., announced the Court's judgment. Four justices agreed with his conclusions as to Bakke individually, and four other justices agreed with the ruling as to use of race information in the future.

Justice Powell wrote that "the guarantee of Equal Protection cannot mean one thing when applied to one individual and something else when applied to a person of another color." He did not, however, prohibit schools from considering race as one factor in the admissions process.

<http://www.infoplease.com/us/supreme-court/cases/ar32.html>

Considering Race in Government Jobs

Adarand constructors, Inc. v. Mineta (2001)

The Court agreed to consider arguments that there never can be a compelling interest in preferential treatment of racial groups in government contracting, an argument that is widely viewed as relevant to the ongoing affirmative-action debate in other areas, including university admissions.

http://www.abanet.org/publiced/preview/school/aa_adarand.html

Civil Rights

HISTORICAL BACKGROUND & GENERAL INFO

Between 1866 and 1875, Congress passed several civil rights acts to implement the 13th and 14th amendments. One was the Civil Rights Act of 1875, which imposed various criminal penalties against private businesses that practiced racial discrimination. Penalties were imposed on any owner of a public establishment or conveyance who practiced racial discrimination in the conduct of his or her business. Many Northerners and Southerners opposed to Reconstruction saw the law as an infringement of personal freedom of choice.

<http://www.infoplease.com/us/supreme-court/cases/ar06.html>

Slavery

Dred Scott v. Sandford (1857)

Circumstances of the case:

Dred Scott was a Missouri slave. Sold to Army surgeon John Emerson in Saint Louis around 1833, Scott was taken to Illinois, a free State, and on to the free Wisconsin Territory before returning to Missouri. When Emerson died in 1843, Scott sued Emerson's widow for his freedom in the Missouri supreme court, claiming that his residence in the "free soil" of Illinois made him a free man. After defeat in State courts, Scott brought suit in a local federal court. Eleven years after Scott's initial suit, the case came before the U.S. Supreme Court.

<http://www.infoplease.com/us/supreme-court/cases/ar09.html>

http://www.pbs.org/wnet/supremecourt/antebellum/landmark_dred.html

http://www.pbs.org/wnet/supremecourt/personality/landmark_dred.html

Martial Law in the United States

Ex Parte Milligan (1866)

Does an armed conflict within the United States justify imposing military law?

<http://www.abanet.org/publiced/youth/sia/holtcases/milligan.html>

Racial Segregation in Public Places

Plessy v. Ferguson (1896)

Circumstances of the Case:

Homer Adolph Plessy was a successful Louisiana businessman living in Baton Rouge. Comfortable in the society of both racial groups, Plessy had had one African-American grandparent. Although he did not consider himself African American, Louisiana law defined him as "octoroon"—one-eighth African American.

Plessy, acting on behalf of a committee that had been formed to challenge Jim Crow laws, intentionally broke the law in order to initiate a case. Returning by rail from New Orleans to Baton Rouge, Plessy was asked by railroad officials to sit in the segregated area of the train. He refused. Arrested and charged, Plessy petitioned the Louisiana Supreme Court for a writ against Ferguson, the trial court judge, to stop the proceedings against him for criminal violation of the State law. But the Louisiana State Supreme Court refused. Convicted and fined, Plessy then appealed to the Supreme Court of the United States law?

<http://www.infoplease.com/us/supreme-court/cases/ar29.html>

Racial Discrimination in Private Businesses

Heart of Atlanta Motel v. U.S. (1964)

Under the Constitution, can Congress pass a law preventing private businesses from discriminating against people because of their race or color?

<http://www.abanet.org/publiced/youth/sia/holtcases/atlanta.html>

<http://www.infoplease.com/us/supreme-court/cases/ar14.html>

Racial Desegregation in the Schools

Brown v. Board of Education (1954)

Circumstances of the Case:

Linda Brown, an eight-year-old African-American girl, had been denied permission to attend an elementary

school five blocks from her home in Topeka, Kansas. School officials refused to register her at the nearby school, assigning her instead to a school for nonwhite students some 21 blocks from her home. Separate elementary schools for whites and nonwhites were maintained by the Board of Education in Topeka. Linda Brown's parents filed a lawsuit to force the schools to admit her to the nearby, but segregated, school for white students.

Constitutional Issues:

The central question addressed to the Court involved the Equal Protection Clause of the 14th Amendment. "Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children...of equal educational opportunities?" In short, the Court was asked to determine whether the segregation of schools was at all constitutional.

<http://www.infoplease.com/us/supreme-court/cases/ar04.html>
<http://www.abanet.org/publiced/conversations/brownvboard.pdf>

Discrimination During Wartime

Korematsu v. United States (1944)

Case Summary:

Fred Korematsu refused to obey the wartime order to leave his home and report to a relocation camp for Japanese Americans. He was arrested and convicted. After losing in the Court of Appeals, he appealed to the United States Supreme Court, challenging the constitutionality of the deportation order.

The Court's Decision:

The Supreme Court upheld the order excluding persons of Japanese ancestry from the West Coast war zone during World War II. Three justices dissented.

Justice Hugo Black delivered the opinion of the Court. He began with the observation that legal restrictions on the rights of a single racial group will always be "suspect" and that "courts must subject them to the most rigid scrutiny." However, they are not necessarily unconstitutional. The exclusion order imposed hardships "upon a large group of American citizens. ...But hardships are part of war....Compulsory exclusion of large groups of citizens from their homes, except under circumstances of direst emergency and peril, is inconsistent with our basic governmental institutions. But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger."

<http://www.infoplease.com/us/supreme-court/cases/ar18.html>

Rostker v. Goldberg (1981)

Case Summary :

In 1980, Robert Goldberg challenged the U.S. draft registration policy by bringing suit against Bernard Rostker, the director of the Selective Service System. When Goldberg won in federal court, Rostker appealed to the Supreme Court.

The Court's Decision:

In a 6-3 decision, the Court ruled that it was constitutional to register only men for the draft. Justice William Rehnquist wrote the majority opinion. He noted that "the question of registering women for the draft not only received considerable national attention and was the subject of wide-ranging public debate, but also was extensively considered by Congress in hearings, floor debate, and in committee. Hearings held by both Houses of Congress in response to the President's request for authorization to register women adduced extensive testimony and evidence concerning the issue."

Congress specifically determined that in wartime, the primary purpose of a draft would be to provide combat troops. "Since women are excluded from combat, Congress concluded that they would not be needed in the event of a draft, and therefore decided not to register them." He went on to say: "Men and women, because of the combat restrictions on women, are simply not similarly situated for purposes of a draft or registration for a draft."

<http://www.infoplease.com/us/supreme-court/cases/ar36.html>

Fair Housing

Meyer et al. v. Holley et al. (2003)

In *Meyer et al. v. Holley et al.*, the Ninth Circuit affirmed that employees of Triad Realty in Twenty-Nine Palms, Calif., had violated the Fair Housing Act, (1968) by discriminating against an African-American home buyer on the basis of her race.

In October 1996, Emma and David Holley were on the market for a new house. So the African-American woman, her white husband, and their African-American son, Michael, went to Triad Realtors in Twentynine Palms, Calif., to look at new homes listed between \$100,000 and \$150,000. The Holleys saw Grove Crank, a Triad agent, showed them four houses in the area, all asking more than \$150,000.

About a month later, the Holleys found a home on their own that happened to be listed by Triad. They went to the realtor again, this time meeting with agent Terry Stump, who told them the asking price for the house was \$145,000. The Holleys offered to pay the amount and to put down \$5,000 to hold the house until April or May 1997, when they would close on their existing home.

The Triad salesman is alleged to have prevented the Holleys from buying the house for racially discriminatory reasons.

<http://www.abanet.org/publiced/preview/school/fairhousing0203.html>

Death Penalty

Atkins v. Virginia (2002)

The Supreme Court voted 6-3 that the execution of mentally retarded criminals is a form of "cruel and unusual punishment" prohibited by the Eighth Amendment.

The case involved an emotional issue, and emotions ran suitably high. While Justice Stevens wrote for the majority that the punishment violates the "evolving standards of decency that mark the progress of a maturing society," Justice Scalia's caustic dissent contended that "seldom has an opinion of this Court rested so obviously upon nothing but the personal views of its members," and Chief Justice Rehnquist vigorously denounced the majority's decision to place weight (albeit in a footnote) on "foreign laws, the views of professional and religious organizations, and opinion polls."

http://www.abanet.org/publiced/preview/school/dp_atkins.html

Double Jeopardy

Sattazahn v. Pennsylvania (2003)

The question David Allen Sattazahn posed in *Sattazahn v. Pennsylvania* was whether the Due Process and Double Jeopardy Clauses are violated when a defendant's first-degree murder conviction and life sentence are reversed but the defendant is then convicted in a second trial and sentenced to death. In answering that question in the negative, Justice Scalia wrote for the Court that an "acquittal" at a trial-like sentencing phase, rather than the mere imposition of a life sentence, is required to give rise to double-jeopardy protections. <http://www.abanet.org/publiced/preview/school/jeopardy0203.html>

Freedom of Information Act

United States Department of the Treasury, ATF Bureau v. City of Chicago (2002)

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http://www.abanet.org/publiced/preview/school/dp_atkins.html

http://www.cs.cmu.edu/afs/cs/usr/wbardwel/public/nfalist/city_of_chicago_v_atf.txt

Gun Control

Printz v. United States (1997)

Case Summary:

Jay Printz, a law enforcement officer from Arizona, sued to challenge the constitutionality of the Brady Act provision that required him and other local chief law enforcement officials (CLEOs) to conduct background checks on prospective gun purchasers. Printz and other officials won at the district court, but the Court of Appeals found the Brady Act constitutional. They then appealed to the Supreme Court.

<http://www.infoplease.com/us/supreme-court/cases/ar31.html>

Immigration Issues

Nguyen v. INS (2001)

Does it violate equal protection to impose tougher requirements for transmission of citizenship on U.S. fathers than on U.S. mothers?

Decision: No. The Court ruled 5-4 that that 8 U. S. C. §1409(a) is consistent with the constitutional guarantee of equal protection.

From the opinion by Justice Kennedy (joined by Chief Justice Rehnquist and Justices Stevens, Scalia, and Thomas):

To fail to acknowledge even our most basic biological differences—such as the fact that a mother must be present at birth but the father need not be—risks making the guarantee of equal protection superficial, and so disserving it. Mechanistic classification of all our differences as stereotypes would operate to obscure those misconceptions and prejudices that are real. The distinction embodied in the statutory scheme here at issue is not marked by misconception and prejudice, nor does it show disrespect for either class. The difference between men and women in relation to the birth process is a real one, and the principle of equal protection does not forbid Congress to address the problem at hand in a manner specific to each gender. By a narrow majority, the United States Supreme Court has upheld the constitutionality of section 309 of the Immigration and Nationality Act, which governs the acquisition of U.S. citizenship by persons born abroad to one U.S. citizen parent and one noncitizen parent when the parents are unmarried.

http://www.abanet.org/publiced/preview/school/immigration_nguyen.html

<http://www.nilc.org/immlawpolicy/natzcitzshp/nc033.htm>

Zadvydas v. Underdown (later changed to Zadvydas v. Davis (2001));

Kestutis Zadvydas, was a resident alien who was born, apparently of Lithuanian parents, in a displaced persons camp in Germany in 1948. When he was eight years old, Zadvydas immigrated to the United States with his parents and other family members, and he has lived here ever since.

Zadvydas has a long criminal record, involving drug crimes, attempted robbery, attempted burglary, and theft. He has a history of flight, from both criminal and deportation proceedings. Most recently, he was convicted of possessing, with intent to distribute, cocaine; sentenced to 16 years' imprisonment; released on parole after two years; taken into INS custody; and, in 1994, ordered deported to Germany. See [8 U.S.C. § 1251\(a\)\(2\)](#) (1988 ed., Supp. V) (delineating crimes that make alien deportable).

In 1994, Germany told the INS that it would not accept Zadvydas because he was not a German citizen. Shortly thereafter, Lithuania refused to accept Zadvydas because he was neither a Lithuanian citizen nor a permanent resident. In 1996, the INS asked the Dominican Republic (Zadvydas' wife's country) to accept him, but this effort proved unsuccessful. In 1998, Lithuania rejected, as inadequately documented, Zadvydas' effort to obtain Lithuanian citizenship based on his parents' citizenship; Zadvydas' reapplication is apparently still pending.

The INS kept Zadvydas in custody after expiration of the removal period. In September 1995, Zadvydas filed a petition for a writ of habeas corpus under [28 U.S.C. § 2241](#) challenging his continued detention. In October 1997, a Federal District Court granted that writ and ordered him released under supervision. *Zadvydas v. Caplinger*, 986 F. Supp. 1011, 1027—1028 (ED La.). In its view, the Government would never succeed in its efforts to remove Zadvydas from the United States, leading to his permanent confinement, contrary to the Constitution. *Id.*, at 1027. The Fifth Circuit reversed this decision. *Zadvydas v. Underdown*, 185 F.3d 279 (1999). It concluded that Zadvydas' detention did not violate the Constitution because eventual

deportation was not "impossible," good faith efforts to remove him from the United States continued, and his detention was subject to periodic administrative review. *Id.*, at 294, 297. The Fifth Circuit stayed its mandate pending potential review in this Court.
http://www.abanet.org/publiced/preview/school/immigration_zadvydas.html
<http://www.law.cornell.edu/supct/html/99-7791.ZO.html>

Jury Selection

Miller-El v. Cockrell, Director of the Texas Dept. of Criminal Justice (2001)

When selecting a jury in a criminal trial, attorneys for both the state and the defendant will question the potential jurors in the jury pool. They then can "strike" (remove) any number of them "for cause"—that is, for a good legal reason, such as evidence that the juror would be biased against their client. Moreover, in many states, including Texas, an attorney also has the opportunity to strike a fixed number of additional jurors without having to provide any reason for doing so. The Constitution places some limitations on these so-called peremptory strikes, however, and forbids using them to remove jurors on the basis of their race or gender. In *Miller-El v. Cockrell, Dir., Texas Dept. of Criminal Justice*, No. 01-7662, which has now come before the Supreme Court, Thomas Jo Miller-El was sentenced to death for the execution-style murder of a Dallas motel employee in the course of a robbery. At his trial, the state used peremptory challenges to remove 14 jurors in addition to those it had already struck for cause. Miller-El is African American, as were 10 of the 14 jurors the state removed. Only one African American ended up serving on the jury.

<http://www.abanet.org/publiced/preview/school/juryselection0203.html>
<http://otd.oyez.org/cases/2004/miller-el-thomas-v-dretke-doug-director-texas-dept-criminal-justice-correctional-institut>

Native American Cases

United States v. White Mountain Apache Tribe (2002);

United States v. Navajo Nation

Another legal doubleheader took place December 2, 2002, when the Court heard back-to-back arguments in two important Native American Indian rights cases that ask the Court to clarify the "trust relationship" between Native American tribes and the federal government.

In one case, the *United States v. White Mountain Apache Tribe*, No. 01-1067, the tribe seeks damages for the U.S. failure to protect and preserve Fort Apache. In the other, *United States v. Navajo Nation*, No. 01-1375, the Navajo Nation seeks damages for the government's mismanagement of a tribal mineral lease.

<http://www.abanet.org/publiced/preview/school/home.html>

Medical Cases

Sell v. United States (2003)

Sell v. United States is a landmark decision in which the United States Supreme Court imposed stringent limits on the right of a lower court to order the forcible administration of antipsychotic medication to a criminal defendant who had been determined to be incompetent to stand trial for the sole purpose of making him competent and able to be tried.

<http://www.abanet.org/publiced/preview/school/med0203.html>

Cruzan v. Director, Missouri Dept. of Health (1990)

Historical Background:

At the time of the *Cruzan* case, about 10,000 Americans were living in a persistent, comatose state. No one was sure who, if anyone, had the authority to end these people's lives. Healthy older people became depressed by the possibility of living in such a condition during the last years of their lives. Under such circumstances, does a person have a personal, private right to choose when to end his or her life? Does this right override any compelling State interest in the prevention of suicide?

Circumstances of the Case:

Twenty-five year-old Nancy Cruzan was in an automobile accident in 1983. Massive injuries resulted in her falling into an unconscious state, unresponsive to outside stimulation. She was placed on life-support equipment and was fed intravenously. After emerging from a three-week long coma, Nancy remained in a "persistent vegetative state," a condition in which an unconscious person displays motor reflexes but exhibits no indications of significant cognitive function. Although doctors felt that she could endure many more years in her present condition—that is, with her life functions carried out by machine support—her own doctor said she had no chance of recovery.

<http://www.infoplease.com/us/supreme-court/cases/ar08.html>

Parental Issues

Troxel v. Granville (2000)

Do parents have a fundamental constitutional right to limit visitation of their children with third persons, including their children's grandparents?

Decision: Yes. The Court ruled 6-3 that a Washington state law providing that "any person may petition the court for visitation rights at any time" and that "the court may grant such visitation rights whenever "visitation may serve the best interest of the child" unconstitutionally infringes on parents' fundamental right to rear their children.

From the plurality opinion by Justice O'Connor (joined by Chief Justice Rehnquist and Justices Ginsburg and Breyer):

In an ideal world, parents might always seek to cultivate the bonds between grandparents and their grandchildren. Needless to say, however, our world is far from perfect, and in it the decision whether such an intergenerational relationship would be beneficial in any specific case

is for the parent to make in the first instance. And, if a fit parent's decision of the kind at issue here becomes subject to judicial review, the court must accord at least some special weight to the parent's own determination.

http://www.abanet.org/publiced/preview/school/parental_troxel.html

Privacy Issues

Reno v. Condon (2000)

Case Summary:

The Driver's Privacy Protection Act of 1994 (DPPA) prohibited States from disclosing or selling a driver's personal information without the driver's consent. Data sold by the States had often fallen into the wrong hands and, in at least one case, had resulted in the murder of a woman who was being stalked. South Carolina, led by Attorney General Condon, sued to block enforcement of the act. The District Court and Court of Appeals ruled for the State, and United States Attorney General Janet Reno asked the Supreme Court to reverse this decision. The issue at the heart of the case was the safety of individuals and, in turn, their right to privacy.

<http://www.infoplease.com/us/supreme-court/cases/ar34.html>

School Issues

Board of Education of Independent School District No. 92 of Potawatomi County v. Earls (2002)

The Supreme Court voted 5-4 to uphold a school-district policy requiring all middle- and high-school students to consent to urinalysis drug testing in order to participate in any extracurricular activity.

Justice Thomas' opinion expands schools' drug-testing authority well beyond that announced in the court's 1995 decision in *Vernonia School District v. Acton*, 515 U.S. 646, which upheld a random drug-testing policy that was limited to student athletes. Many commentators believe the opinion implies that secondary schools may now conduct suspicionless urinalysis drug tests on every enrolled student.

http://www.abanet.org/publiced/preview/school/edu_earls.html

<http://aclu.procon.org/viewresource.asp?resourceID=616>

Santa Fe Independent School District v. Doe (2000)

Can a school district permit "student-led, student-initiated" prayer before high school football games?

Decision: No. The Court ruled 6-3 that even when attendance is voluntary and the decision to pray is made by students, pre-game prayers are not private speech, and a football game is not a public forum for unbridled free expression.

From the majority opinion by Justice Stevens (joined by Justices O'Connor, Kennedy, Souter, Ginsburg, and Breyer):

Contrary to the District's repeated assertions that it has adopted a "hands-off" approach to the pregame invocation, the realities of the situation plainly reveal that its policy involves both perceived and actual endorsement of religion.

http://www.abanet.org/publiced/preview/school/1st_santafe.html

Ingraham v. Wright (1977)

Case Summary:

Two Florida students who were paddled in school brought suit in federal court arguing that the paddling was "cruel and unusual punishment" and that students should have a right to be heard before physical punishment is given. They lost in the trial court and at the Court of Appeals, and then appealed to the Supreme Court.

The Court's Decision:

In a 5-4 decision, the Supreme Court decided that public school students could be paddled without first receiving a hearing.

<http://www.infoplease.com/us/supreme-court/cases/ar17.html>

Agostini v. Felton (1997)

Case Summary:

A federal district court and Court of Appeals ruled against New York City, stating that the city could not have public school teachers provide supplemental instruction to disadvantaged students at religious schools during regular school hours. The city then sought Supreme Court review.

<http://www.infoplease.com/us/supreme-court/cases/ar01.html>

Zelman v. Simmons-Harris (2002)

The Supreme Court voted 5-4 to uphold an Ohio program that provides tuition aid for low-income Cleveland students to attend participating public or private schools of their parents' choice.

Because 96 percent of Cleveland voucher recipients have elected to enroll in private religious schools, opponents argued that the program causes taxpayer dollars to be spent in support of religion in violation of the First Amendment's establishment clause. The majority opinion, written by Chief Justice Rehnquist, disagreed, however, saying that "the constitutionality of a neutral educational aid program simply does not turn on whether and why, in a particular area, at a particular time, most private schools are religious, or most recipients choose to use the aid at a religious school."

http://www.abanet.org/publiced/preview/school/voucher_zelman.html

The Good News Club v. Milford Central School (2001)

The question in this First Amendment case is, Can a public school that permits clubs—such as the Boy Scouts, Girl Scouts and 4-H club—to use its facilities after hours to "promote the morals of children" then forbid clubs that seek to promote the morals of children through religious instruction?

http://www.abanet.org/publiced/preview/school/1st_goodnews.html

Lorillard Tobacco Co. v. Reilly (2001);

Altadis U.S.A., Inc. v. Reilly (2001)

Issue: Tobacco Advertising Restrictions

Do Massachusetts' regulations violate tobacco companies' First Amendment right to free commercial speech?

Case: The Supreme Court has previously held that *commercial speech*—speech that advertises a product or service for profit—is entitled to some protection under the First Amendment, but not so much as noncommercial speech. In this case, the Massachusetts Attorney General issued regulations that (1) banned most outside tobacco advertising within 1,000 feet of elementary or secondary schools, public playgrounds, or public parks with a playground by permitting only so-called "tombstone" signs—black-and-white signs that state: "Tobacco products sold here"; (2) required warning labels on cigar packaging; and (3) required for all in-store tobacco advertising to be placed at least 5 feet high (so as not to be in children's direct line of vision).

http://www.abanet.org/publiced/preview/school/1st_tobacco.html

Search and Seizure

Kyllo v. United States (2001)

The Fourth Amendment protects only against "unreasonable" searches and seizures. The question of *when* a search is unreasonable, like the question of *when* the police must obtain a warrant before conducting a search or seizure, has been the subject of much discussion in the courts, a trend that has only accelerated as the police seek new ways to wage the "war" on drugs.

Drug War Technology:

By scanning the outside of a house with a thermal imaging device, police can determine whether there are unusual "hot spots" that may indicate the use of high-intensity grow lights, which are often used in indoor marijuana growing operations.

The question posed in this case is whether police must obtain a search warrant before using these thermal imaging devices to scan a home. Ultimately, the defendant says, the question is "whether the 4th Amendment's guarantee of personal security in your home must yield to scientific advances that make traditional barriers of privacy obsolete."

http://www.abanet.org/publiced/preview/school/4th_kyllo.html

Indianapolis v. Edmond (2000)

Drug Roadblocks: Are they unreasonable searches and seizures? The Supreme Court previously has upheld roadblocks to check for the presence of illegal aliens (*United States v. Martinez-Fuerte* [1976]) and to check for signs of impaired driving (*Michigan Dept. of State Police v. Sitz* [1990]). In *Indianapolis v. Edmond*, the Court was asked to look at the use of police roadblocks for the purpose of interdicting drugs.

The Case: The case arose when the city of Indianapolis, Indiana, began setting up roadblocks on the highways to stop a predetermined number of vehicles. The officers at these roadblocks would ask for a driver's license and registration and then explain to the driver that he or she had been stopped at a drug checkpoint. The police looked for signs of driver impairment and then visually inspected the outside of the vehicle.

http://www.abanet.org/publiced/preview/school/4th_edmond.html

Illinois v. Wardlow (2000)

Can police detain an individual solely because the police observed that upon spotting them the individual ran away?

Decision: Yes. The Court voted 5-4 that the defendant's presence in an area of heavy narcotics trafficking, combined with his unprovoked flight upon noticing the police, provided the police with justifiable suspicion that he was involved in criminal activity and, therefore, in investigating further.

From the majority opinion by Chief Justice Rehnquist (joined by Justices O'Connor, Scalia, Kennedy, and Thomas):

"Headlong flight—wherever it occurs—is the consummate act of evasion: it is not necessarily indicative of wrongdoing, but it is certainly suggestive of such."

http://www.abanet.org/publiced/preview/school/4th_illinois.html

<http://www.infoplease.com/us/supreme-court/cases/ar16.html>

Sentencing

Ewing v. California (2003):

Lockyer v. Andrade (2003)

California's three-strikes law provides for a 25-years-to-life prison term for a "third strike" conviction. The question in the cases of *Lockyer v. Andrade* and *Ewing v. California*, is whether that law violates the Eighth Amendment's prohibition against cruel and unusual punishment when applied to a defendant whose third-strike conviction was for a relatively minor offense.

The triggering offense in *Ewing v. California*: walking out of an El Segundo, Calif., shop with three golf clubs (worth \$399 each) concealed in one's trouser leg. The punishment: 25 years to life.

<http://www.abanet.org/publiced/preview/school/sentencing0203.html>

Owasso Independent School District v. Falvo (2002)

A unanimous Supreme Court emphatically ruled that The Family Educational Rights and Privacy Act of 1974 (FERPA) does not prohibit teachers in presecondary public schools from telling students to grade each other's homework papers, quizzes, and tests while the teacher reviews the answers in class out loud.

In oral arguments held November 27, 2001, the lawyers in this case debated whether Congress, in enacting the FERPA, intended to prohibit the common practice of student "peer grading" of routine homework papers, quizzes, and tests.

http://www.abanet.org/publiced/preview/school/edu_owasso.html

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