# You Be the Judge

After hearing the background on the case, poll group members for their opinion.

Tally the results under “yes” or “no”.

Explain in writing your group’s reason(s) for reaching the majority opinion.

1. **Tinker v. Des Moines**

Tally: Yes: No:

Majority Opinion (circle one): Yes No

Why? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John and Mary Beth Tinker of Des Moines, Iowa, wore black armbands to their public school as a symbol of protest against American involvement in the Vietnam War. When school authorities asked that the Tinkers remove their armbands, they refused and were subsequently suspended.

2. **Texas v. Johnson**

Tally: Yes: No:

Majority Opinion (circle one): Yes No

Why? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In a political demonstration during the Republican National Convention in Texas, protesting the policies of the Reagan Administration and of certain corporations based in Dallas, Gregory Lee Johnson doused an American flag with kerosene and set it on fire. No one was hurt or threatened with injury, but some witnesses said they were seriously offended, and Johnson was charged and convicted with the desecration of a venerated object, in violation of the Texas Penal Code.

3. **Hazelwood v. Kuhlmeier**

Tally: Yes: No:

Majority Opinion (circle one): Yes No

Why? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Hazelwood East High School Principal Robert Reynolds procedurally reviewed the Spectrum, the school’s student-written newspaper, before publication. In May 1983, he decided to have certain pages pulled because of the sensitive content in two of the articles, and acted quickly to remove them in order to meet the paper’s publication deadline. The journalism students felt that this censorship was a direct violation of their First Amendment rights.

4. **New Jersey v. TLO**

Tally: Yes: No:

Majority Opinion (circle one): Yes No

Why? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A New Jersey high school student was accused of violating school rules by smoking in the bathroom, leading an assistant principal to search her purse for cigarettes. The vice principal discovered marijuana and other items that implied the student was dealing marijuana. The student tried to have the evidence from her purse suppressed, contending that mere possession of cigarettes was not a violation of school rules; therefore, a desire for evidence of smoking in the restroom did not justify the search.

5. **Korematsu v. United States**

Tally: Yes: No:

Majority Opinion (circle one): Yes No

Why? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

After Pearl Harbor was bombed in December 1941, the military feared a Japanese attack on the U.S. mainland and the American government was worried that Americans of Japanese descent might aid the enemy.  In 1942, President Franklin D. Roosevelt signed an executive order forcing many West Coast Japanese and Japanese Americans into internment camps.  Fred Korematsu, a Japanese American, relocated and claimed to be Mexican-American to avoid being interned, but was later arrested and convicted of violating an executive order. Korematsu challenged his conviction in the courts saying that Congress, the President, and the military authorities did not have the power to issue the relocation orders and that he was being discriminated against based on his race. The government argued that the evacuation was necessary to protect the country and the federal appeals court agreed.

6. **Gideon v. Wainwright**

Tally: Yes: No:

Majority Opinion (circle one): Yes No

Why? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In June 1961, a burglary occurred at the Bay Harbor Pool Room in Panama City, FL.  Police arrested Clarence Earl Gideon after he was found nearby with a pint of wine and some change in his pockets. Gideon, who could not afford a lawyer, asked a Florida Circuit Court judge to appoint one for him arguing that the Sixth Amendment entitles everyone to a lawyer. The judge denied his request and Gideon was left to represent himself. He did a poor job of defending himself and was found guilty of breaking and entering and petty larceny. While serving his sentence in a Florida state prison, Gideon began studying law, which reaffirmed his belief his rights were violated when the Florida Circuit Court refused his request for counsel.

7. **Miranda v. Arizona**

Tally: Yes: No:

Majority Opinion (circle one): Yes No

Why? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ernesto Miranda was arrested after a crime victim identified him, but police officers questioning him did not inform him of his Fifth Amendment right against self-incrimination, or of his Sixth Amendment right to the assistance of an attorney. While he confessed to the crime, his attorney later argued that his confession should have been excluded from trial.

8. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Tally: Yes: No:

Majority Opinion (circle one): Yes No

Why? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_