

2015 SUPREME COURT SIMULATION CASES: American Government, Lehnhart

These cases are representative of cases that have made their way to the Supreme Court. The cases have been simplified to focus on specific constitutional issues and the names have been changed. All of the names used are fabricated. While these cases represent real cases the references are completely fictional.

1 **Chadwick v. ACLU**

Judge Ron Chadwick posted a copy of the Ten Commandments prominently in his courtroom. Despite numerous complaints, he held firm in his conviction that the posting of the Commandments did not violate the Establishment Clause of the First Amendment. The ACLU maintains that the posting of a specific religion's decrees in a public courtroom violates the First Amendment of the Constitution. After losing in state Supreme Court, Chadwick appeals his case to the U.S. Supreme Court.

2 **Pennsylvania v. Grover**

Earl Grover was convicted of sexually molesting a young girl. He pleaded no contest and was sentenced to prison. He served his time and was released from prison. In fact, a judge hearing Grover's child custody case after his release stated that he believed that Grover had been rehabilitated. Four years after Grover's release Pennsylvania enacted a sex offender registration law. The law required that all convicted sex offenders who had not completed their sentence ten years prior to the law's enactment be registered, and that communities be notified when a sex offender moves into the neighborhood. Grover sued the state of Pennsylvania saying that the requirement forcing him to register as a sex offender was in violation of the Constitution. After losing in lower court the state of Pennsylvania appealed the decision and the case heads to the Supreme Court for a final ruling.

3 **Holte v. Minnesota**

Tim Hawthorne and his family had recently moved into an all white neighborhood. They were the first black family to buy a house in the neighborhood. One evening a burning cross was placed in the yard of their house. The city of St. Paul, Minnesota recently had enacted an ordinance 292.02 which states: "Whoever places on public or private property a symbol which one knows arouses anger, alarm or resentment in others on the basis of race, color, creed or religion or gender commits disorderly conduct and shall be guilty of a misdemeanor." Doug Holte, a white supremacist skinhead, admitted to placing the cross on the Hawthorne's property and was arrested. He was found guilty of violating Ordinance 292.02. His appeal goes to the U.S. Supreme Court.

4 **Pines v. Madison County Election Board**

The Ohio state legislature passed a law requiring all voters to present government photo identification at the time of voting in order to decrease voter fraud. Tim Pines head of the local Democratic Party objected that the law placed an undue burden on the fundamental right to vote and that voter identification laws disproportionately burden minorities and voters in poverty. The district court upheld the law, and the Seventh Circuit affirmed and Pines' challenge has moved to the Supreme Court.

5 **City of New York v. Boline**

Respondent Matthew Boline, a New York City Special Investigator, applied to the mayor's office to register his personal use pistol to keep in his home for recreational purposes. Boline was denied on the grounds that New York City ordinances prohibit the registration of handguns while also banning the possession of an unregistered handgun.

"New York City law bans handgun possession by making it a crime to carry an unregistered firearm and prohibiting the registration of handguns. The ordinance authorizes the New York City Mayor to issue 1-year licenses; and requires residents to keep lawfully owned firearms unloaded and disassembled or bound by a trigger lock or similar device."

Boline filed suit, on Second Amendment grounds, to enjoin the city from enforcing the ban on handgun registration, bans on possession of unregistered firearms, and the disassembled or trigger-locking requirements for firearms in the home.

6 **Virginia v. Jones**

Jimmy Jones was arrested for drug possession after police attached a gps tracker to Jones's Jeep -- without judicial approval -- and used it to follow him for a month. A jury found Jones guilty of conspiracy, but a three-judge panel of the U.S. Court of Appeals for the D.C. Circuit ruled that the 4th amendment did not allow 24-hour surveillance without a warrant. Virginia is appealing that this surveillance doesn't violate Jones' Fourth Amendment rights?

7 **Adams v. West Falmouth CSB**

Luke Adams a Caucasian candidate for promotion in the West Falmouth, MA fire department sued various city officials in the United States District Court when the West Falmouth Civil Service Board (CSB) failed to certify two exams needed for the plaintiffs' promotion to Captain. The CSB did not certify because the results of the test would have promoted a disproportionate number of white candidates in comparison to minority candidates. The plaintiff argued that his rights under Title VII of the Civil Rights Act of 1964, and the 14th Amendment Equal Protection Clause were violated.

8 **Montana v. Nurse**

Richard Nurse was found guilty of killing a man over a gambling debt. The jury sentenced Nurse to death by lethal injection. His attorneys have asked for a stay of the execution on the grounds that capital punishment is cruel and unusual punishment.

9 **Welch v. United States Congress**

In Dennis Welch's daughter's school, teachers lead the students in the recitation of the Pledge of Allegiance every day. Welch sued the United States Congress because he believed that the phrase "under God" constituted an official governmental endorsement of a belief in a single God. He sued Congress because they passed a law that added the phrase "under God" to the Pledge in 1954. Dennis Welch claims that the pledge violates the establishment clause of the First Amendment.

10 Planned Parenthood v. Pennsylvania

Planned Parenthood is suing on behalf of Kim Triggs, a seventeen year-old who is intent upon going to college, who was deprived of an abortion based on a state law requiring that minors gain parental consent. Her life was not in jeopardy, consequently the hospital, citing the Pennsylvania law, refused to provide an abortion in the first trimester. They believe that the law is a violation of Roe v. Wade. After losing in lower court Planned Parenthood has appealed their case to the Supreme Court.

11 Connors v. UT

Kym Connors, a Caucasian female, applied for undergraduate admission to the University of Tennessee in 2012. The top ten percent of seniors graduating in Tennessee receive automatic admission to UT. Connors was not in the top ten percent of her class, so she competed for admission with other non-top ten percent in-state applicants, and was rejected. Connors who would have been in the top 10 % of other Tennessee high schools. claims that the University of Tennessee's use of race as a consideration in admission decisions was in violation of the equal protection cause of the Fourteenth Amendment.

12 Illinois v. Taylor

Felon Tom Taylor fled upon seeing a caravan of police vehicles converge on an area of Chicago known for heavy narcotics trafficking. When Officers Colin Barton and Steve Kullander saw him run they gave chase. Officer Barton caught him and conducted a pat-down search for weapons because in his experience there were usually weapons in the vicinity of narcotics transactions. Discovering a handgun, the officers arrested Taylor. He was subsequently convicted of unlawful use of a weapon by a felon. Tom Taylor appealed his conviction and won in State Appellate Court on the grounds that the officers had no reasonable suspicion to stop him and search him. The state of Illinois has appealed the reversal to the Supreme Court.

13 Jacobs v. Alaska

The police had suspected that Chris Jacobs was manufacturing and selling LSD. They had been unable to gather enough evidence to secure a search warrant; so, Sergeant Clay Good devised a plan to examine Jacobs's trash, which was in black trash bags in front of his house. He had trash collectors pick up Jacob's trash and turned it over to police. Experts analyzed the trash and found traces of LSD. After getting a search warrant, they searched Jacob's house where they found large amounts of LSD and arrested him. Chris Jacobs contends that his constitutional rights have been violated. His case travels to the Supreme Court.

14 Williams v. Missouri

After 14-year-old Willie Williams was convicted by a Missouri jury of capital murder in 2006, Williams was sentenced to life without parole. Williams appealed, saying a life sentence for a minor violated the Eighth Amendment protection against cruel and unusual punishment and the Fourteenth Amendment right to due process, but the appeals court upheld the sentence. Williams has appealed to the Supreme Court.

15 Missouri v. Clemens

After arresting Barry Clemens for driving with a suspended license, police officer Luke Adams handcuffed him and locked him in the back of a police car. They then searched Clemens' car. The state later used evidence from this search, introduced over Clemens' objections, to convict him on drug charges. The Missouri Supreme Court reversed, finding that the search violated the Fourth Amendment.

16 Larson v. Missouri

David Larson appealed his case when an all-female jury decided he fathered a baby out of wedlock and ordered him to pay child support. He claims that the exclusion of men from the jury violated his constitutional right to a trial by an impartial jury. The jury pool for the trial was narrowed by the trial judge to 23 women and 10 men, and lawyers for the state used peremptory, or automatic challenges to remove nine of the remaining men and one woman. Larson's attorneys used a peremptory strike to remove the last man from the jury pool.

17 March v. Utah

Chris and Kathy March were found guilty of involuntary manslaughter when their eight year old daughter died of appendicitis. The March's, third generation Christian Scientists, and devout members of the church of Christ, Scientist do not believe in the use of medical intervention, rather they believed that prayer would heal their child's illness. They used a Christian Scientist practitioner to give Christian Science treatment (no medication). After losing in lower court, they appealed and their case has gone to the Supreme Court.

18 Hamley v. Alaska

Les Hamley, a "homeless" man, was a suspect in an armed robbery case. Police confronted him underneath the overpass of Highway 5, where he was standing near a "refrigerator sized" cardboard box which he said was his home. Police climbed inside the box and saw an open bag which contained a gun and a large sum of money. The police arrested Hamley, and he was found guilty of armed robbery when the money was linked to the bank which had been robbed. Hamley claims his 4th amendment rights have been violated. His case goes to the Supreme Court.

19 PGA Tour, Inc. v. Jones

Lindy Jones sued the Professional Golf Association (PGA) of America after they refused to allow him the use of a golf cart when competing in their tournaments. Jones qualified for the PGA tour, but a leg disability made it impossible for him to walk the course, a requirement for competition. Jones suffers from a rare circulatory condition which does not allow blood to flow normally in his lower right leg. Whenever he stands blood tends to pool in his lower leg causing painful swelling. Doctors say that walking is not only painful, but dangerous, causing a weakening of the leg that could result in a break and possible amputation. Jones has invoked the American's with Disabilities Act (ADA) in his lawsuit and the PGA has countered that allowing him to use a cart would give him an unfair advantage. After losing in lower court the PGA has appealed to the Supreme Court.

20 Hadji v. Bush

Mustapha Hadji, a Libyan citizen, sued for habeas corpus after the U.S. detained him at Guantanamo Bay and classified him as an enemy combatant. The district court dismissed the claim for two reasons. First, Congress had enacted the Detainee Treatment Act of 2005 (DTA), which provides that "no court, justice, or judge shall have jurisdiction to hear or consider . . . an application for a writ of habeas corpus filed by . . . an alien detained . . . at Guantanamo Bay, Cuba." Second, Congress's subsequent modification to the Act through the Military Commissions Act (MCA) made the DTA apply to habeas petitions pending at the time of the DTA's enactment. The D.C. Circuit Court of Appeals affirmed for lack of jurisdiction. The Supreme Court decided to hear Hadji's case.

21 Sherman v. City of Seaside

To combat a failing economy, the city of Seaside, Rhode Island created a real estate development plan projected to create jobs, increase tax revenue, and rejuvenate downtown and waterfront areas. The city purchased, from willing owners, property needed for the development's success while exercising the power of eminent domain to acquire property, after just compensation, from unwilling owners. Dave Sherman, an unwilling property owner, argued that the city's "taking" of his land does not qualify as "public use" as enumerated in the Takings Clause of the Fifth Amendment and therefore violates his constitutional rights.

22 Miller v. Arkansas

Arkansas, like 21 other states, limited the number of terms its U.S. representatives and senators may serve. A 1992 amendment to the state constitution provided that anyone elected to three or more terms in the House of Representatives or two terms in the Senate "shall not be eligible to have his/her name placed on the ballot" for election to Congress from Arkansas. Senator John Miller, a two term senator from the state of Arkansas sued the state claiming that his constitutional rights were being violated. He claims that the Constitution expressly states what the qualifications are for being a U.S. senator, qualifications that he meets, and that nowhere does it mention that terms may be limited. He lost in the Arkansas State Supreme Court and has appealed to the Supreme Court.

23 Alaska v. Ruane

Mitch Ruane was involved in an accident when the car he was driving strayed into the wrong lane and hit an oncoming car. He was given tickets for drunken driving and failing to keep to the right of the median. At a hearing later that month Ruane pleaded guilty to the two charges. At the hearing neither the prosecutor nor Mr. Ruane's lawyer informed the judge that the driver of the other car had died the night of the accident. Two months later, a grand jury indicted him on a charge of manslaughter. He sought to dismiss all charges of the grand jury citing fifth amendment protection against being tried twice for the same offense.

24 Orange Unified School District v. Lehnhart

Taylor Lehnhart, a seventh grader at Cerro Villa Junior High, sued the school district over their requirement that all students who wished to try out for the football team had to submit to random drug testing. Lehnhart argued that he had done nothing wrong and that the 4th amendment protection against unreasonable searches protected him against such random, suspicionless drug testing. The school district had instituted the mandatory drug testing program for all students in athletics and activities in an effort to deal with the widespread problem of drugs in their schools. The school district argued that student athletes were both "leaders of the drug culture" and "role models" for the other students; therefore, it singled them out for testing. The case has traveled to the Supreme Court.

25 U.S. v. Cullen

Dick Cullen was indicted of various firearms, racketeering, and drug charges in connection with a heroin ring in Boston. The government seized his home in Boston, his automobiles and \$35,000 in cash. Having been turned down by several attorneys he had asked to represent him because they feared they would have to forfeit their fees, he sought to recover some \$400,000 in assets so that he could retain counsel. The judge in the case refused to release any of his assets. After Cullen was convicted, he claimed the Federal law authorizing the freezing of assets of certain criminal defendants before trial was unconstitutional because it violates his 6th amendment right to counsel. The case travels to the Supreme Court.

26 Thompson v. Alaska

In an effort to improve its schools the state of Alaska instituted a voucher plan which allowed students to attend the accredited public or private school of their choice, including religious schools, and that voucher could then be redeemed by the chosen school for that student's tax dollars. Dave Thompson is suing the state claiming that public tax dollars should only be used for public education and also that the voucher system violated the establishment clause of the First Amendment. His case has traveled to the Supreme Court after Alaska's highest court upheld the voucher system.

27 Miami, et al. v. Ord

After Peter Ord was stopped at one of the city of Miami's roadblocks, where two officers conducted a search of his vehicle, he challenged the search as a violation of his 4th Amendment right to be free from unreasonable searches and seizures. The city contended it had the right to use drug roadblocks to enforce the law and keep drug traffickers out of Miami. The practice involves two officers randomly stopping cars at a roadblock where, while one officer asks drivers for their licenses and registrations, the other officer peers through the windows and leads a drug-sniffing dog around the vehicle. If the dog smells drugs, the car is searched. In this instance the search took five minutes and the driver was released. Miami's program, which has been implemented on six occasions, has resulted in 55 drug-related arrests, or a 5% hit rate. The roadblocks also resulted in 49 arrests unrelated to drugs, such as driving with expired licenses, making an overall hit rate of nine percent. After losing in Florida Supreme Court the city of Miami has appealed to the U.S. Supreme Court.

28 Boy Scouts of America v. Krause

Curtis Krause, an adult member of the Boy Scouts of America, sued the Boy Scouts after they revoked his membership after learning that he was an avowed homosexual and gay rights activist, asserting that Krause's membership was inconsistent with their value system. The State Supreme Court reversed the dismissal stating that it was an act of discrimination. The Boy Scouts are appealing to the U.S. Supreme Court.

29 Louisiana v. Crain

Robin Crain appealed his marijuana conviction on the grounds that the evidence used against him was gained illegally and under the 4th amendment's "exclusionary rule" should have been thrown out. The state Supreme Court agreed stating that the charges should be dropped. However, the state has appealed the ruling to the U.S. Supreme Court. The case centers on whether the bag of marijuana found in Crain's car constituted a legal warrantless search. A Louisiana police officer pulled Crain over due to a faulty taillight. On the authority of a computer record which he accessed via a terminal in his patrol car which showed an outstanding misdemeanor warrant for the defendant's arrest the officer asked Crain to step out of the car. While being handcuffed Crain dropped a marijuana cigarette, and a subsequent search of the vehicle turned up a bag of marijuana. Later it was discovered that the issuing court had quashed the warrant 17 days earlier, but the computer system that keeps track of such things had not been updated to reflect this fact. The state is arguing that the officer acted in reasonable reliance on the accuracy of the computer record, and thus was entitled to the good-faith exception to the exclusionary rule. In other words, the police officer pulled Crain out of the vehicle because he believed that there was a warrant for Crain's arrest, and that the marijuana was discovered legally in a lawful warrantless search of Crain's vehicle. Crain alleges that his constitutional rights have been violated.

30 Henriksen v. Miscovich

President of the United States Phil Miscovich claims that the civil case against him should not be heard while he is holding the highest office in the land. While he was governor of the state of California, Miscovich allegedly sexually harassed Kelly Henriksen. Ms. Henriksen filed her suit after Miscovich had been serving as president for a year. The lower court ruled that requiring a President to defend himself against a civil lawsuit would amount to "constitutional harassment" of the President. Ms. Henriksen feels her constitutional rights have been violated.

31 Fagerstrom v. Krusz

Brent Fagerstrom, who was a candidate for state senator in Georgia, objected that the State's drug testing requirement constitutes an unconstitutional search in violation of his constitutional rights. Georgia law requires, as a condition for running for office, that every candidate for statewide or legislative office must file a certificate stating that the candidate has been tested for illegal drugs within 30 days prior to filing for office and that the result of the test was negative. Bev Krusz is the Governor of the state of Georgia and is in charge of enforcing this policy. After losing in lower court, Mr. Fagerstrom appeals to the U.S. Supreme Court.

32 South Dakota v. Buckley

Police officers Ross Thompson and Shawn Wille accompanied Peggy Buckley to the trailer where she lived with her husband Marty. After removing her personal things she told the police her husband had marijuana hidden under the couch in the trailer. Buckley denied there were drugs inside and refused the officers request for a warrantless search of the trailer. While officer Wille went off to get a warrant, officer Thompson refused Buckley access to the inside of his trailer alone. He did go inside the trailer a couple of times to get cigarettes and use the phone, but officer Thompson was with him at all times. When officer Wille returned with a warrant the trailer was searched and marijuana discovered under the couch where Buckley's wife said it would be. Buckley is appealing his conviction on the grounds that police had no right to deprive him of access to his residence which amounted to an unreasonable seizure and search.

33 Sullivan v. Dallas School District

Clint Sullivan, a high school student occupying the office of student council chaplain, delivered a Christian prayer over a p.a. system prior to every football game. After the recent election of three new School Board members, the Board voted to terminate the pregame prayer stating that it violated the establishment clause of the first amendment. Sullivan then filed suit claiming his First Amendment rights were being violated. His case has traveled to the U.S. Supreme Court.

34 California v. Sakowski

Vincent Sakowski was sentenced to 25 years to life in prison after being convicted of attempting to shoplift golf clubs from a pro shop in El Segundo, California. According to police, he stuffed the clubs down his pants leg and limped off toward his car before being stopped. Mr. Sakowski had several prior convictions for residential burglary and robbery with a knife. At the time he attempted to steal the golf clubs, he was on parole. He won't be eligible for parole again until he is 63. Sakowski is challenging California's three-strikes law, providing for a twenty-five year-to-life prison term for a third strike conviction, when applied to a defendant whose third strike conviction is for petty theft with a prior theft-related conviction. Sakowski's crime, stealing, was technically a misdemeanor, but under the three-strikes law it was elevated to a felony because of the defendant's previous criminal record. After Sakowski won on appeal California has appealed to the Supreme Court.

36 Bush v. Powers

Craig Bush was convicted in Texas of murdering a store clerk during an armed robbery and sentenced to death. He received his sentence three years after the Supreme Court reinstated the death penalty. While in prison, Bush was diagnosed as psychotic. The court ordered a stay of execution after this diagnosis. Joe Powers, the head of the Texas Dept. of Corrections, ordered Bush to be medicated until he could be considered "cured." Once Bush was "cured" he could be executed for his crime. Sometimes Bush took his medication voluntarily, sometimes he was forced to take it. Sometimes it helped; other times it didn't. Bush is appealing to the Supreme Court on the grounds that given his mental competency putting him to death is "cruel and unusual punishment". The state counters that he was not found to be psychotic until after he was convicted and therefore they should be able to medicate him in order to carry out the sentence.

37 Frederick v. Morse; Juneau School Board

Senior Joe Frederick was suspended for 10 days by principal Deborah Morse following the displaying of a banner at the 2002 Winter Olympics' torch parade sponsored by Coca-Cola. The banner, which said in large letters "Bong Hits 4 Jesus," was held up across the street from the high school as the torch went by and in view of the TV cameras. The streets were lined with JDHS students who had been released from their classes for this historic moment. Frederick, who had never made it to school that day, argues that Principal Morse should not have confiscated his sign and should not have suspended him, claiming his first amendment rights have been violated.

38 United States v. Kuhlman

Jim Kuhlman was convicted in a Pennsylvania federal district court for "knowingly selling depictions of animal cruelty with the intention of placing those depictions in interstate commerce for commercial gain." His conviction stems from an investigation into the selling of videos related to illegal dog fighting. Mr. Stevens appealed his conviction arguing that the law, was unconstitutional because it violated the Free Speech Clause of the First Amendment. The U.S. Court of Appeals agreed with Mr. Kuhlman and reversed his conviction, holding unconstitutional the law. The court reasoned that the dog fighting videos he sold were protected speech and that the law did not serve a compelling governmental interest.

39 Air Serv International v. United States

Air Serv International is a Non-Governmental Organization (NGO) that receives federal funding that helps it provide relief aid in other countries. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act requires that ASI adopt an explicit anti-prostitution policy to receive this funding. ASI argues that this requirement violates its First Amendment rights. Does a requirement that non-governmental organizations institute an explicit anti-prostitution policy in order to receive federal funding violate the First Amendment?

40 Kurland Bioinformatics v. Smith Pharmaceuticals

Smith Pharmaceuticals holds patents on two genes, LIF and LCK, which are important to a type of diagnostic test for leukemia. Kurland Bioinformatics argue that these genes are products of nature and therefore ineligible for patent, and that by granting the patents the U.S. Patent Office is inhibiting scientific progress and violating its constitutional rights.

41 Texas v. Struthers

Police received an anonymous and unverified tip that Colin Struthers was growing marijuana in his residence. Detective Alex Newton brought a trained narcotics-sniffing dog to the front door of the residence without obtaining a search warrant. The dog signaled that it detected the scent of narcotics, and the detective prepared an affidavit and obtained a search warrant. The subsequent search confirmed that marijuana was being grown in the home. Struthers challenged the use of the narcotics-sniffing dog without a search warrant as a violation of his Fourth Amendment right against unreasonable search and seizure.

42 McLeod v. Federal Election Commission

Congress established the Bipartisan Campaign Reform Act (BCRA), which created two sets of limits to campaign contributions. The base limit placed restrictions on how much money a contributor—defined broadly as individuals, partnerships, and other organizations—may give to specified categories of recipients. The aggregate limit restricted how much money an individual may donate in a two-year election cycle. The limits were periodically recalibrated to factor in inflation. Rob McLeod is an Alaskan resident who is eligible to vote. In the current election cycle, he donated to the Republican National Committee, other Republican committees, as well as individual candidates. He wished to donate more in amounts that would be permissible under the base limit, but would violate the aggregate limit. McLeod sued the Federal Election Commission, arguing that it violated the First Amendment.

43 Gunkel v. Georgia

Luke Gunkel is a descendant of a Confederate Army soldier, and works with an organized coalition of Civil War historians who are dedicated to preserving the heritage of the South. Gunkel applied through the State of Georgia to have an official commemorative license plate made that included two Confederate flags in the design. The State of Georgia rejected the proposal, claiming that because license plates are a form of government speech, the state can "refuse to create a new specialty license plate if the design might be offensive to any member of the public." Gunkel sued, claiming that his First and Fourteenth Amendment rights were violated.