

Hazelwood School District v. Kuhlmeier | 1987

The journalism class at Hazelwood East High School wrote articles and put them together for the school paper. They gave the newspaper to their teacher, Howard Emerson. Mr. Emerson showed the newspaper to the principal. He asked the principal if it was okay to make copies and hand them out to students at the school.

Principal Reynolds did not like what he read. First, there was an article about pregnant students. It described the students, but it did not give their names. Principal Reynolds was afraid that students would be able to figure out who the pregnant students were. There was another article that Principal Reynolds did not like. This one talked about divorce. In it, one student said things about her father. For example, she said that her father went out too much. She also said that her father didn't spend enough time with his family. The father did not get a chance to tell his side of the story. Principal Reynolds thought this was unfair.

Principal Reynolds thought the paper needed to be changed. But it was almost the end of the school year. He was afraid that it would take the class a long time to change it. If it took too long, the school year would be over and the other students would not get the paper. So he told Mr. Emerson to remove the pages that had the articles about pregnancy and divorce. He said to make copies of the rest of the paper.

The students were very angry. They had spent a lot of time writing the articles. They could have fixed them if Principal Reynolds had given them a chance. Instead, he deleted two pages that also contained other articles. They felt that this was a violation of their First Amendment rights. They went to the U.S. District Court. The court did not agree with them. It said that school officials may limit students' speech in the school newspaper if their decision has "a substantial and reasonable basis." In other words, if he has a good reason, it is okay for a principal to limit students' speech.

The students appealed the decision. The Court of Appeals reversed the decision of the U.S. District Court. This court said that the school paper was a "public forum," or place where students could express their views. The judges said that the school could not censor the paper except "to avoid . . . substantial interference with school work or discipline . . . or the rights of others." They did not think that the articles about pregnancy would have interfered with schoolwork. They thought the articles should have been printed.

The school appealed the decision of the Court of Appeals. The Supreme Court of the United States thought that this was an important case. In a 5-2 ruling, the U.S. Supreme Court held that the principal's actions did not violate the students' free speech rights and that the school had a legitimate interest in preventing the publication of articles that it deemed inappropriate.

Sources: <https://www.landmarkcases.org/cases/hazelwood-v-kuhlmeier> and

<https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-hazelwood-v-kuhlmeier>



Source: https://www.mtsu.edu/first-amendment/images/Hazelwood_student_editor_with_newspaper_0.jpg

Adderley v. Florida | 1966

During the Civil Rights Movement of the 1960's, Tallahassee, Florida often received national attention for its bus boycotts, sit-ins, jail-ins, marches and protests of segregation. The civil rights activists behind most of these demonstrations were students from Florida Agricultural and Mechanical University (FAMU), a historically Black college. One of these students, Harriet Adderley, would become the lead petitioner in the U.S. Supreme Court case, *Adderley v. Florida* (1966).

On September 14, 1963, a group of FAMU students protested in front of the segregated State Theatre. They were arrested and jailed. In the days following these arrests, Adderley and the other demonstrators blocked the entrance to the non-public driveway of the jail. As such, the Leon County Sheriff warned that they were trespassing on county property and would need to leave or be arrested. Roughly 100 students, including Adderley, refused to comply with the sheriff's order. They were arrested, tried, and convicted under Florida's law for "trespassing with a malicious and mischievous intent."

Adderley, and others, appealed their convictions, which were affirmed by Florida's First District Court of Appeals. On petition to the U.S. Supreme Court, Adderley and her fellow petitioners challenged their convictions, claiming their arrest violated the First and Fourteenth Amendments to the U.S. Constitution. In a 5-4 decision, the Court ruled that Adderley's First and Fourteenth Amendment Rights had not been violated because the statute under which they were arrested was clear and applied appropriately. Further, the sheriff used his arresting power to maintain access to the jail house, not because he objected to the message of their protest. In the end, Adderley and the other protesters were convicted for unlawful blocking access to the jail, not for the content of their speech.

Source: <https://www.history.com/topics/black-history/civil-rights-movement-timeline>, <https://www.famu.edu/about-famu/index.php>, <https://www.oyez.org/cases/1966/19>, <https://www.floridamemory.com/items/show/112868>, and <https://constitution.congress.gov/constitution/amendment-1/>



Source: https://www.mtsu.edu/first-amendment/images/AP_6307190360_0.jpg

Korematsu v. U.S. | 1942

In the aftermath of the attack on Pearl Harbor (1941), the United States government took actions determined to protect and keep the nation safe. One such action was the issuance of Executive Order 9066 by President Franklin Roosevelt in February 1942. This order authorized the evacuation of all persons deemed a threat to national security from the West Coast to relocation centers further inland yet the executive order named no person or group whom the president considered a threat.

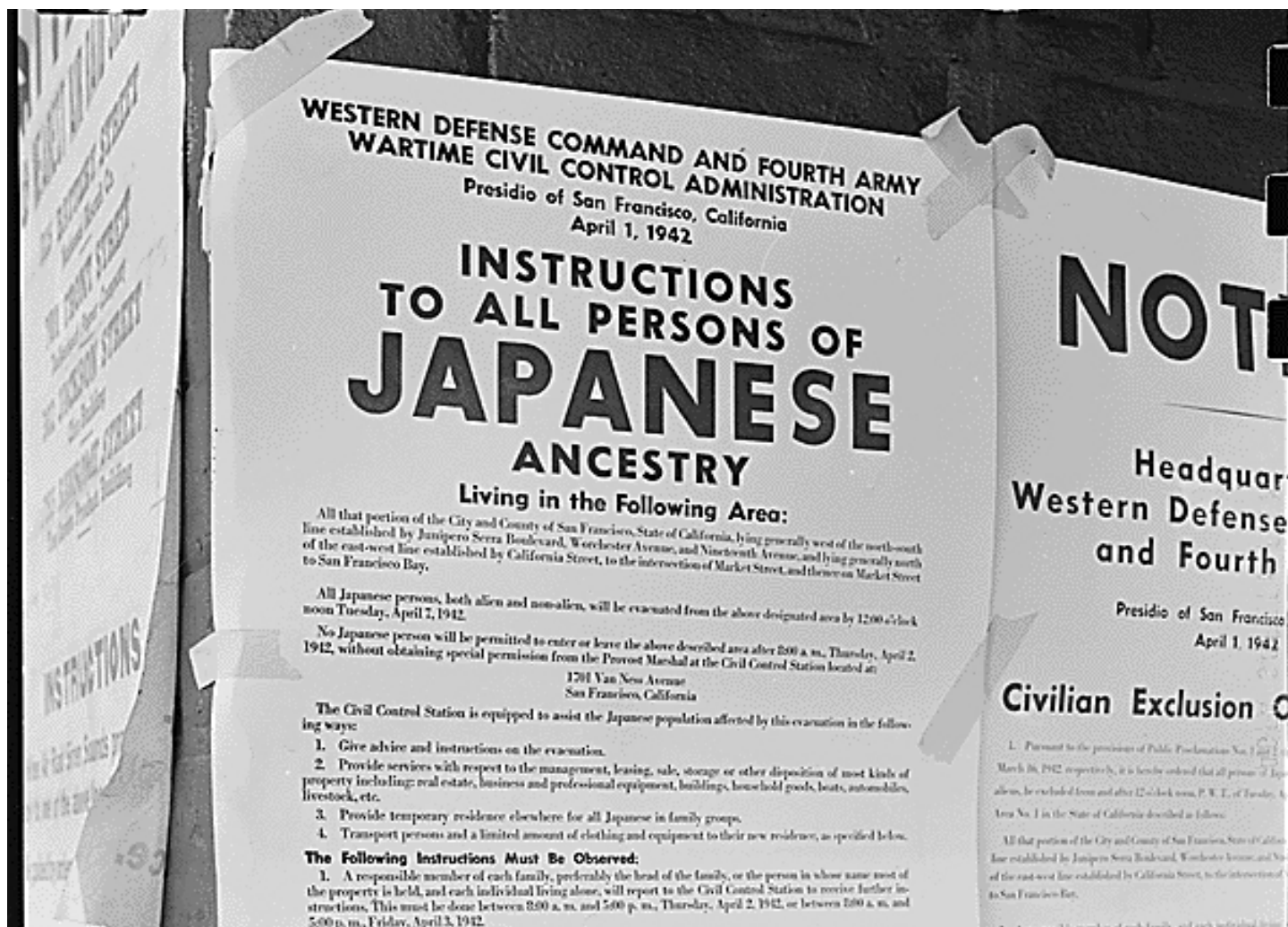
Within a week of the executive order being issued, it became clear who was considered a threat as the first of 120,000 Japanese Americans were forced from their homes, businesses, and other property to the government internment camps. Formal charges were never brought against the persons subjected to forced relocation, even though most of the interned persons were U.S. citizens. This brings us to Fred Korematsu.

Born in Oakland California to Japanese immigrant parents, 23-year old Fred Korematsu refused to comply with the Order. In May 1942, while walking down the street, he was arrested on the suspicion that he had defied the Order. He was tried under a law that made it a crime to ignore a military relocation order and was found guilty and sentenced to join his Japanese family in an internment camp.

Korematsu would appeal his conviction with the help of the American Civil Liberties Union, citing Fifth Amendment due process violations. In a note to his lawyer, Korematsu wrote: "These people should have been given a fair trial in order that they may defend their loyalty at court in a democratic way."

After the Court's decision, Korematsu never spoke about his ordeal for many decades. Then forty years later in 1983, this changed when lawyer and historian Peter Irons, filed a writ of coram nobis to overturn Korematsu's conviction based on his discovery that the government had withheld key documents and evidence during the trial phase of his case. After his overturned conviction, Fred Korematsu devoted the rest of his life to fighting for civil liberties and justice. He would be awarded the Presidential Medal of Freedom for his pursuits. Through his civil-rights activism, Congress passed the Civil Liberties Act of 1988, which formally apologized to the internment camp detainees and provided some compensation for their losses. Despite these victories, Korematsu remained concerned that the U.S. government could repeat its past mistakes. Even the late Associate Justice Antonin Scalia agreed. Speaking at the University of Hawaii law school in 2014, Justice Scalia said, "Well, of course, Korematsu was wrong... But you are kidding yourself if you think the same thing will not happen again."

Source: <https://catalog.archives.gov/id/5730387>, <https://www.archives.gov/historical-docs/todays-doc/?dod-date=219>, <https://www.loc.gov/pictures/collection/manz/>, https://biotech.law.lsu.edu/cases/pp/korematsu_II.htm, <https://www.aclu.org/about-aclu>, https://www.law.cornell.edu/wex/writ_of_certiorari, <https://korematsuinstitute.org/freds-lifetime-awards/>, <https://www.britannica.com/topic/Civil-Liberties-Act>



Source: "Exclusion order posted at First and Front Streets in San Francisco directing removal of persons of Japanese ancestry from the first section of the city to be affected by evacuation. Evacuees will be housed in War Relocation Authority centers for the duration." from the National Archives

President Lincoln's Suspension of Habeas Corpus |1861

At the beginning of the Civil War, President Abraham Lincoln suspended the writ of habeas corpus. Known as the great writ, the writ of habeas corpus is a constitutional protection, guaranteed to the people under Article I, Section 9 of the U.S. Constitution. Under the Constitution the writ of habeas corpus may not be suspended, except in cases of “rebellion or invasion the public safety may require.”

Since President Lincoln was facing a rebellion of the southern states, he believed as commander-in-chief, he had the power to suspend the writ, so on April 27, 1861, the president issued an executive order granting his military commanders the authority to arrest and detain anyone they saw as a threat to military operations.

Less than a month after President Lincoln issued his order, John Merryman, a Maryland farmer, was arrested for leading a Baltimore mob responsible for destroying telegraph lines. He was detained at Ft. McHenry, where he filed a suit for his release under the writ of habeas corpus. Chief Justice of the United States, Roger B. Taney, was the federal circuit court judge to hear Merryman's case. The chief justice ruled in Ex parte Merryman, that the president of the United States did not have the power to suspend the writ of habeas corpus, that only the Congress had the power to do so. Taney's rationale was simply that the prohibition of the suspension of the writ was found in Article I of the Constitution. Since the Framers included this prohibition in the legislative article, only the legislative branch of government could suspend it.

Lincoln largely ignored Taney's opinion and took his case directly to Congress. In a July 4th address, the president said:

“...the Constitution itself is silent as to which or who is to exercise the power; and as the provision was plainly made for a dangerous emergency, it cannot be believed the framers of the instrument intended that in every case the danger should run its course until Congress could be called together...”

Lincoln continued suspending the writ of habeas corpus. In 1863, the Congress granted him the authority to do so for the duration of the war, so long as the public safety required it.

Source: <https://www.history.com/this-day-in-history/lincolns-suspension-of-habeas-corpus-is-challenged#:~:text=On%20April%2027%2C%201861%2C%20Lincoln,deemed%20threatening%20to%20military%20operations>

Whereas, it has become necessary to call into service not only volunteers but also portions of the militia of the States by draft in order to suppress the insurrection existing in the United States, and disloyal persons are not adequately restrained by the ordinary processes of law from hindering this measure and from giving aid and comfort in various ways to the insurrection;

Now, therefore, be it ordered, first, that during the existing insurrection and as a necessary measure for suppressing the same, all Rebels and Insurgents, their aiders and abettors within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice, affording aid and comfort to Rebels against the authority of the United States, shall be subject to martial law and liable to trial and punishment by courts

Kohl v. United States | 1875

The Fifth Amendment to the U.S. Constitution grants the national and state governments the power to take private property, for public use, provided they pay fair market value to the land owner. This is known as the “Takings Clause” and reads as:

“...nor shall private property be taken for public use, without just compensation.”

5th Amendment to the U.S. Constitution

This power is known as eminent domain, and it was first challenged in federal court by Mary R. Kohl. Mary Kohl was a resident of Cincinnati, Ohio. She owned a plot of land that the national government took to build a post office, customs house, and other governmental offices for the people of Cincinnati and southern Ohio. Unhappy with the taking, Mrs. Kohl sued the national government because she felt that the government could not take her land without proper legislation from the U.S. Congress or without what she believed was proper compensation for her land.

Her lawsuit was first heard in the Federal District Court for the Southern District of Ohio. Here the district court ruled in favor of the national government because the taken land was being used for a public purpose, namely the building of a post office and customs house, and under the 5th Amendment, the government had the authority to do so. Mrs. Kohl appealed to the U.S. Supreme Court because she felt that she should be given a separate trial to get a fair assessment of her property value. The justices granted a writ of certiorari to hear her case.

In his opinion for the Court, Justice William Strong, ruled in favor of the national government. He reasoned that the land could be taken in support of public facilities because of the eminent domain provision in the U.S. Constitution, and that Congress may develop legislation to further define eminent domain, but that legislation is not required to make use of the power. Regarding the just compensation claim, Justice Strong said that the assessor of property is determined by law and as such the property value may be assessed by the government. The taking of private property with just compensation is constitutional and does happen, but it does not happen without reason, and that reason is the taking must fulfill a public need or good. Only then may an individual's property rights be infringed upon by the government.

Sources: <https://www.thoughtco.com/eminent-domain-cases-4176337>, https://www.law.cornell.edu/wex/eminent_domain, and <https://www.lexisnexis.com/community/casebrief/p/casebrief-kohl-v-united-states>



Source: <https://s3.amazonaws.com/s3.timetoast.com/public/uploads/photo/7135269/image/8c37d1e01327d3c619b6f8b8018ff0c4>

Rationing During Wartime | 1942

When the United States entered World War II, the need for certain supplies increased in order to help the troops overseas. In order to best support the war efforts, a restriction of goods for the American people was put into place. The national government put a rationing system together to ensure that the troops would have the highest priority over goods that were necessary to support the war efforts. Some examples of the supplies were: food, shoes, metal, paper, and rubber.

In January 1942, weeks after the attack on Pearl Harbor and the United States entry into World War II, the rationing began. The first supply to be rationed was tires. The American people could no longer buy new tires and were encouraged to patch or repair their existing tires. There were certain professionals that were allowed to purchase new tires such as doctors, nurses, fire, police, delivery trucks, and farmers. In order to obtain new tires, people would have to apply at their local rationing board for approval. In the following month, car manufacturers switched their factories to produce military jeeps, ambulances, and tanks which made buying a new car very difficult. By May 1942, gasoline began to be rationed and made it very difficult for the average American to get around.

Also in May 1942, certain foods began being rationed in the United States. The first food to be rationed was sugar. By November, coffee was added to the list of rationed materials. Very quickly meats, fats, canned fish, cheese, and canned milk were added to the list and restricted. Due to the limitations, the national government started a campaign to urge Americans to start “victory gardens” to grow their own vegetables to allow for factories to provide food for the troops.

Even with the limitations on certain supplies, most of the American people supported the government’s rationing restrictions and felt they were doing their civic duty to support the troops and war efforts.

Sources: <https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=3556&context=mulr> and <https://www.nationalww2museum.org/war/articles/rationing>



Source: "Ration Coupon for Meat, Fish, and Cheese" from the National Archives

Source: "To learn how to shop with point stamps, these youngsters in a Fairfax County, Virginia, grade school have set up a play store, complete with point value table and informational material on point rationing." from the National Archives