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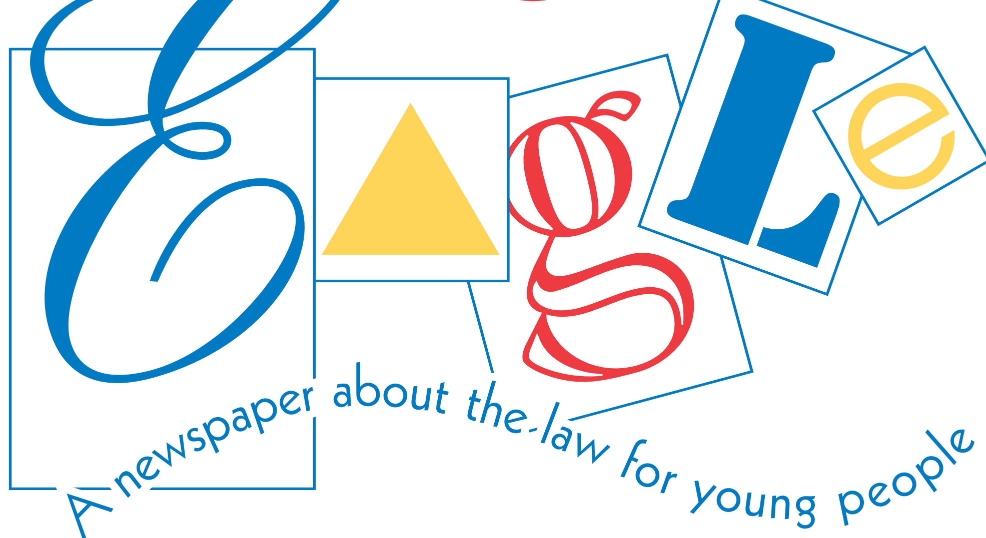


FALL 2006

Supreme Court Ends Juvenile Executions

by Phyllis Raybin Emert

A 17-year-old kills a woman because she saw his face during a burglary. A 15-year-old murders his former brother-in-law because he abuses his sister. Another 17-year-old kills two people in random sniping incidents, terrorizing the Washington, D.C. area.

These crimes, some very brutal, were all committed by those under the age of 18. Under federal law, anyone who has not reached his or her 18th birthday is considered a juvenile. Were these young men mature and responsible enough to be tried as adults and be given the death penalty as punishment for their crimes? With the landmark decision in *Roper v. Simmons*, handed down in March 2005, the U.S. Supreme Court said no.

It is no longer constitutional to execute juveniles who were under 18 at the time their crime was committed. In a 5-4 decision, the Court held that the Eighth and Fourteenth Amendments to the U.S. Constitution prohibit the death penalty for such individuals. The decision in *Roper* overturned the Court's 1989 ruling in *Stanford v. Kentucky*, which stated that the execution of 16 or 17-year-olds was not considered cruel and unusual punishment under the Eighth Amendment. The *Roper* decision resulted in the removal from death row and the re-sentencing to life in prison of 72 convicted juvenile murderers in 12 states. The state of New Jersey, it should be noted, has never executed a defendant who was under the age of 18 when his or her crime was committed.

Death penalty—history and background

Throughout history the death penalty has been instituted for various crimes. In 18th century England, more than 200 offenses were punishable by death, including stealing and cutting down a tree. In the New World, capital punishment varied from colony to colony. During colonial times in Virginia, for example, the death penalty could be sentenced for killing someone's chickens or trading with the Indians. In New York, hitting your mother or father was punishable by death. In Pennsylvania, the death penalty was limited to the crimes of murder or **treason**.

With the American Revolution came the Bill of Rights and constitutional protections. The Fifth Amendment provided for the right to due process of law, the Sixth Amendment guaranteed the right to a fair and speedy trial, and the Eighth Amendment prohibited cruel and unusual

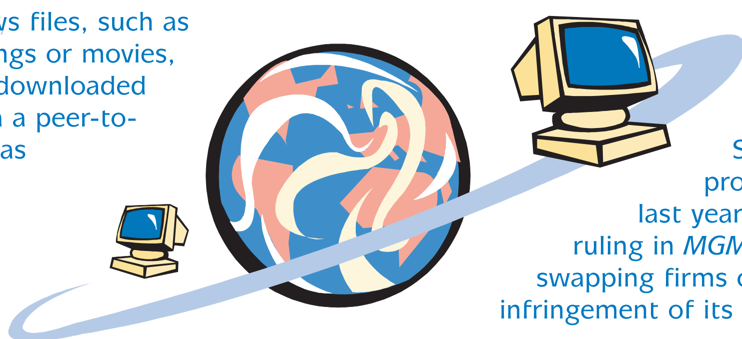
CONTINUED ON PAGE 2

The Fight Against File-Sharing Finally Pays Off

by Dale Frost Stillman

Remember when sharing with your neighbor was a good thing? Sharing may be good, but file-sharing can get you into trouble.

File-sharing allows files, such as those containing songs or movies, to be available and downloaded over the Internet via a peer-to-peer network, such as Grokster or Kazaa. The trouble with file-sharing is that many users download copyrighted material without permission from the copyright owners, which may be illegal.



In July 2006, Kazaa, one of the biggest file-sharing companies, agreed to pay more than $115 million to settle **copyright infringement** lawsuits brought against it by the music and movie industries. Kazaa, which is owned by Australia-based Sharman Networks, may have been prompted to settle the suits based on last year's unanimous U.S. Supreme Court ruling in *MGM v. Grokster*, which held that file-swapping firms could be liable for the copyright infringement of its customers.

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New Jersey Puts Brakes on Cell Phones for New Drivers

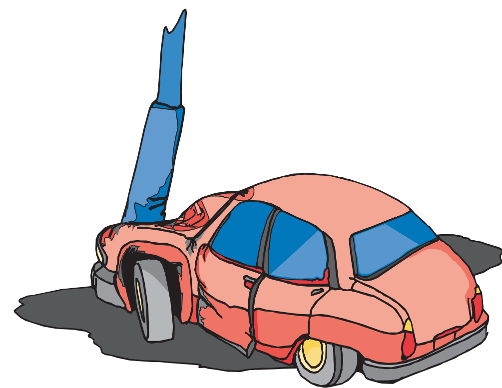
by Barbara Sheehan

Attention new teen drivers: Don't dial and drive.

New Jersey is one of a number of states to put the brakes on cell phone use by young novice drivers. This comes as cell phones occupy an integral role in teens' everyday lives. A 2005 ABC News story reported that more than half of all teens own a cell phone and in some high schools, that number jumps to 80 percent.

Driving restrictions for New Jersey teens

For New Jersey teens, driving privileges are dictated largely by the graduated driver license program, which became effective January 1, 2001. Among other things, teens under this program are eligible for a learner's permit at age 16, and a provisional license at age 17.



During both of these periods, the use of any interactive wireless communication device is prohibited. Only after completing a minimum of one year of unsupervised driving are teens eligible for a basic license that would then require "hands-free" or headset cell phone use while driving. In July 2005, New Jersey became the second state after New York to require all motorists to talk "hands-free," or with a headset.

What are other states doing?

Other states are also imposing restrictions on cell phone use behind the wheel. While the focus seems to be on teen drivers, adults, too, are facing more limitations to dialing and driving.

Much of this comes after the National Transportation Safety Board (NTSB) issued a press release in June 2003 recommending that driver education courses should include warnings about the dangers of distracted driving, and that novice drivers should be prohibited from using cell phones while at the wheel. According to a later NTSB report in September 2005, 11 states (including New Jersey) plus the District of Columbia have laws related to the use of wireless communication devices by young novice drivers. That same report noted that in 2005, 24 other states considered some form of legislation to prohibit the use of cell phones while driving.

Among those 24 states is California, where a 17-year-old driver made news headlines in June 2005 when she was killed in a car accident where she had reportedly been talking on a cell phone, speeding and not wearing a seatbelt.

"We have sent a strong message that drinking and driving do not mix,"

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A newspaper about the law for young people

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punishment. In the 20th century, these Amendments were often cited in efforts to avoid the death penalty.

By the 19th century, many states had reduced the number of capital offenses, or those crimes that would call for the death penalty. New York and Pennsylvania became the first states to eliminate public executions. In 1846, Michigan became the first state, followed by Rhode Island and Wisconsin, to abolish the death penalty for all crimes except treason.

Throughout U.S. history, death penalty support and opposition has risen and fallen, sometimes in relation to current events. Nine states abolished capital punishment, or the death penalty, between 1897 and 1917. Most of those states reinstated it by 1920 in response to World War I and the Russian Revolution. More executions occurred in the 1930s during the Great Depression than at any other time in history.

According to a 1936 Gallup Poll, 62 percent of the American public supported the death penalty, but after World War II and the Holocaust, those numbers began to decrease. With the civil rights movement and the spotlight focusing on injustice against African-Americans in the South, only 42 percent of Americans supported capital punishment in 1966. Between 1967 and 1972, no executions were carried out in the United States.

Suspension, then reinstatement

The death penalty is always a source of controversy and the U.S. Supreme Court has taken both sides in the issue. In 1972, with a 5-4 vote, the Court decided in the case of *Furman v. Georgia* that the death penalty was unconstitutional and a violation of the U.S. Constitution's Eighth Amendment. The Court held that Georgia's death penalty law, which gave the jury complete sentencing power without specific guidelines, resulted in "**arbitrary** and **capricious** sentences."

The decision in *Furman*, which made the death penalty unconstitutional, didn't last long. State legislatures quickly passed laws to make the administration of capital punishment more equitable, thus satisfying the objections of the High Court. In the next few years, 37 states enacted new death penalty laws to eliminate the problems noted in *Furman*.

In another landmark U.S. Supreme Court case, 1976's *Gregg v. Georgia*, the death penalty was declared to be constitutional as the Court upheld Georgia's revised death penalty law. Georgia's law allowed for two separate proceedings, the first to determine guilt or innocence. The second proceeding determined the actual sentence. **Aggravating** and **mitigating factors** (which supported or opposed the defendant) could be introduced at that time and the jury decided on death or a lesser penalty. Sentencing was also reviewed by the State Supreme Court to prevent cruel and unusual punishment abuses.

The *Roper* decision

In his **majority opinion**, published in March 2005, for *Roper v. Simmons*, Justice Anthony Kennedy repeatedly referred to the Court's 2002 decision in *Atkins v. Virginia*, which held that executions of the mentally retarded constituted cruel and unusual punishment. Just as *Atkins* showed a national consensus against the death penalty for the mentally retarded, Kennedy declared that there is a national consensus against the death penalty for juveniles. He noted that in the past 10 years, only three states, Oklahoma, Texas, and Virginia, had executed someone under 18.

"It is not so much the number of these states that is significant," wrote Kennedy, " but the consistency of the direction of change" away from juvenile executions.

There are three main factors that separate juveniles from adults, Kennedy explained. First, those under 18 have "a lack of maturity and an underdeveloped sense of responsibility," and these qualities may result in reckless and rash behavior. Second, juveniles are more likely than adults to be open to peer pressure and outside negative influences, and may have less control over themselves and what's going on around them, and third, juveniles are still developing and struggling with their own identities.

"As individuals mature," wrote Kennedy, "the recklessness that may dominate in younger years can subside…Life imprisonment without the possibility of parole is itself a severe sanction, in particular for a young person."

As to the question of juveniles who commit crimes with uncommon brutality, Kennedy reasoned that even a heinous and terrible crime committed by a juvenile is not evidence of a lost,

evil person. The government can take away a juvenile's basic liberties, but "the State cannot extinguish his life and his potential to attain a mature understanding of his own humanity."

Justice Kennedy admitted in his written opinion that the qualities of a juvenile do not automatically disappear when that person turns 18 and officially becomes an adult. Some 18-year-olds are very immature and some 16 and 17-year-olds have attained a high level of maturity, he noted.

"However, the line must be drawn," wrote Kennedy. "The age of 18 is the point where society draws the line for many purposes between childhood and adulthood. It is…the age at which the line for death eligibility ought to rest."

Another factor Kennedy noted in his opinion was the international community. One of the United States' closest allies, the United Kingdom, prohibited the execution of juveniles under 18 in 1933. Today, the UK has completely abolished the death penalty.

"The United States is the only country in the world that continues to give official sanction to the juvenile death penalty," Kennedy wrote.

Since 1990, other than the United States, only seven countries have executed juveniles— Iran, Pakistan, Saudi Arabia, Yemen, Nigeria, the Congo and China. Most of these countries have either prohibited or are in the process of eliminating the death penalty for those under 18.

"It is fair to say," declared Kennedy, "that the United States now stands alone in a world that has turned its face against the juvenile death penalty." He made it clear that acknowledging the opinion of the international community does not control the decisions of the U.S. Supreme Court, but instead provides confirmation and support of the Court's conclusions.

Justices dissent

Justice Sandra Day O'Connor, who is now retired from the Court, wrote a **dissenting opinion** in *Roper v. Simmons*. O'Connor, disagreeing with the majority, stated there is no proven national consensus against capital punishment for juveniles. She also wrote "some 17-year-old murderers are sufficiently mature to deserve the death penalty in an appropriate case."

Justice Antonin Scalia wrote an additional dissenting opinion, joined by the late former Chief Justice William Rehnquist and Justice Clarence Thomas. Scalia questioned a national consensus against the juvenile death penalty, as well, and declared that states and individual juries should make the decision about capital punishment. He wrote that "murders committed by individuals under 18…[that] involve truly monstrous acts…[are]… deserving of death."

According to Scalia, "the basic premise of the Court's argument—that American law should conform to the laws of the rest of the world—ought to be rejected out of hand. Either America's principles are its own, or they follow the world; one cannot have it both ways."

According to an article in *The New York Times*, the Court's decision in *Roper* is an indication to death penalty activists and prosecutors alike that the next legal conflict will be the issue of life in prison for juvenile offenders. There are numerous questions. Should offenders who committed crimes as teenagers live out their entire lives behind bars or can they be rehabilitated and live normal lives? If someone commits or participates in a crime at the age of 14 or 16, do they deserve a chance at freedom when they're 35 or 40? Currently, states and parole boards determine the answers to those questions on a case-by-case basis.

Can Speaking Your Mind Land You in Jail?

by Cheryl Baisden

With the war in Iraq raging on, you or your parents may have definite opinions about the conflict. Some feel it is our duty to continue fighting to guarantee the freedom of the Iraqi people. Others believe we need to bring our troops home, or that the military never should have entered the country in the first place.

Regardless of which side of the war your opinions fall, under the U.S. Constitution you may believe that you and your parents have every right to publicly express your views. The truth is, that while the First Amendment guarantees Americans the freedom to express their opinions, that right can be denied under certain circumstances.

"Laws that are known as sedition laws make it illegal to speak out about something if it can threaten the safety of the country," explains Brian M. Cige, a constitutional attorney in Somerville. "Sedition is the crime of revolting against the government or pushing others to revolt. Whether an act is seditious has pretty much always depended on timing," Cige said. "Historically, in times of war or possible war, charges of sedition have always been more likely."

The U.S. first enacted a sedition law in 1798, when the recently formed government feared war was brewing with France. When the threat came to an end in 1801, so did the federal law. Prior to the Civil War, when the north and south first began debating the future of slavery, many southern states passed sedition laws to prevent people from speaking out against slavery. A short time later, Congress passed similar laws designed to deny southern residents the right to discuss seceding from the U.S. and forming the Confederacy.

Sedition in the 20th Century

It wasn't until World War I that sedition laws began to seriously limit a citizen's First Amendment right to free speech. When a Montana rancher who criticized President Woodrow Wilson and said he believed Germany should win the war could not be found guilty under existing federal laws, the state passed a strict sedition law that made it a crime to criticize America, the president, the government, the flag or the war. In order to enforce the new law, neighbors began eavesdropping on each other's conversations and turning in those who spoke out against the government or the war.

Following in Montana's footsteps, 26 other states, including New Jersey, enacted sedition laws during World War I. Most of these state laws expired after the war. Congress modeled the Federal Sedition Act of 1918 after the Montana law. Hundreds of people were charged under the federal act, but Montana's law was the toughest on free speech. A total of 150 people were charged with sedition under the state law between 1917 and 1918; more than 75 were convicted of the crime. These people spent between one and 20 years in prison and paid fines ranging from $200 to $20,000.

In researching a book on sedition, Clemens P. Work, director of graduate studies at the University of Montana School of Journalism, found that while some of those charged and found guilty of sedition had strongly criticized the war, others simply refused to buy government-issued war bonds

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File-Sharing CONTINUED FROM PAGE 1

MGM v. Grokster

Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd. involved copyright infringement claims made by the **plaintiffs** or content owners against software companies, Grokster, Ltd. and StreamCast Networks, Inc. The content owners, which include record companies, motion picture studios and music publishers, claim **liability** on the part of the software companies, charging that they are responsible for their users' infringement via contributory infringement and/or vicarious infringement. In other words, like the Court's decision with the *Napster* case in 2000, these companies were enabling people to trade music on their sites, allowing copyright infringement to occur.

U.S. Supreme Court Justice David H. Souter wrote in his majority opinion for the Court, "one who distributes a device with the object of promoting its use to infringe copyright, as shown by the clear expression or other affirmative steps taken to foster infringement, is liable for the resulting acts of infringement by third parties."

Justice Souter is referring to Grokster and StreamCast's marketing plan, which involved targeting former Napster users. The Court saw the marketing plan as active inducement or evidence of "active steps to encourage direct infringement of copyrights." In addition, the Court found that Grokster and StreamCast demonstrated active inducement in other ways as well, including the companies' failure to implement technology that would prevent copyright infringement.

Justice Souter's opinion states, "there is no evidence that Grokster…made an effort to filter copyrighted material from users' downloads or otherwise impede the sharing of copyrighted files."

What does the Kazaa settlement mean?

While the music and movie industries are claiming victory, some analysts say little will change in terms of file-sharing as a result of Kazaa settling its lawsuits. Eric Garland, an analyst and CEO of BigChampagne, a privately-held company that tracks online media, told CNN the bottom line is that the software to download music and movies illegally still remains on millions of computers and he claims that more people are using file-sharing programs today than ever.

"The profiteers have been taken out of the equation," Garland told CNN, "but file-sharing certainly hasn't gone away."

According to BigChampagne, approximately 10 million people use file-sharing and more than one billion songs are offered for trading on a monthly basis. These statistics are contrary to a 2004 study conducted by the Pew Internet and American Life Project, a non-profit organization that explores the impact of the Internet on families and communities. That study reported that nearly six million people have stopped downloading illegal tunes because of the lawsuits the Recording Industry Association of America (RIAA) brought against individuals.

Michael Goodman, an analyst with the Yankee Group, another company that tracks media technology, agrees with Garland and doesn't see the Kazaa settlement as a victory for the music and movie industry.

"From a legal perspective, this is a yawner," Goodman told *The Los Angeles Times*. "They won the battle, but the battlefront moved on about three years ago. That's the problem with court systems. Technology and markets move way faster than courts can typically keep up with them. By the time you win the battle, who cares?"

Focusing on "schoolyard piracy"

A recent article in *The Los Angeles Times* reported that the RIAA and the Motion Picture Association of America (MPAA) are focusing on stamping out "schoolyard piracy," which has become an even greater problem than illegal peer-to-peer downloading. Schoolyard piracy is when "copies of physical discs (CDs or DVDs) are given to friends or classmates." According to the article there is a misperception that if you buy an original CD, you have the right to copy that CD for "a few friends."

While there are **fair use** defenses in copyright, Mark Radcliffe, a copyright expert for a California law firm, told *The Los Angeles Times*, "A strict interpretation of the law says that if making a copy robs the marketplace of a sale, it is prohibited. So, anyone giving a copy to a friend could technically be sued," he said. "But there is a some sentiment that as long as people are only giving copies to families and a few friends, it's probably okay. But how many friends should one person have?"

It's a slippery slope, according to New York entertainment lawyer Ronald Bienstock. On the one hand, he says, "you don't want to chill word of mouth so that an artist can develop a fan base, but you also want to control giving away free product."

Bienstock, who lectures to young students about these issues, asks them if piracy is a moral issue or a legal one. The majority of the students, Bienstock says, claim the issue is one of morality. When asked why, the kids say, "all of the artists and the record companies are rich." Bienstock tries to dispel the myth of the "rock star" lifestyle portrayed on MTV, as that is not the norm.

"Many artists use money from record sales to provide food for their families," Bienstock says. "People who don't pay for copyrighted songs are hurting those artists."

Bienstock makes the point that file-sharing and file-copying affects other aspects of the music and movie industries as well. For example, the price of tickets and other merchandise skyrocket because the record companies and movie studios try to recoup some of the money lost to piracy. In addition, lost sales to file-sharing or file-copying can translate to a record company not allowing a young band or artist, maybe one that you like, to release a second CD because the first one did not generate enough revenue.

For their part, the RIAA and the MPAA are sponsoring programs for students to convince them that any type of copying, or "songlifting," as they call it, is a crime. The lesson plans, developed for middle school students, liken "songlifting" to shoplifting.

Future of file-sharing

File-sharing for a fee is becoming more and more popular. With the Kazaa settlement, Sharman Networks announced that it would work with the music and movie industry to develop a system, similar to Apple's iTunes, where music and movies would be distributed legally over the Kazaa service.

According to *USA Today*, Kazaa's switch to legal downloading leaves Morpheus as the last remaining "big player" in file-sharing. Morpheus, according to the article, "vows to continue fighting the studios and labels in court."

Cell Phones CONTINUED FROM PAGE 1

California Assemblywoman Bonnie Garcia told *The Los Angeles Times*, "and now we have to send the message to our teenagers that yakking on a cell phone while driving doesn't mix either."

Driving while distracted

A 2004 University of Utah study of 18- to 25-year-old drivers found that when young drivers are talking on their cell phones while driving, their reaction time is comparable to that of a 70-year-old.

In addition to cell phones, driver distractions overall contribute to a large number of accidents each year. In January 2004, the National Highway Traffic Safety Administration (NHTSA) estimated that driver distraction is a contributing cause of 20 to 30 percent—or 1.2 million—accidents per year. The American Automobile Association (AAA) puts that number at 4,000 to 8,000 crashes daily, and attributes distracted driving for as many as one half of the six million U.S. crashes reported annually.

New Jersey first to enact drowsy driving law

In addition to enacting cell phone legislation, New Jersey has also taken the lead in passing a law addressing drowsy drivers. According to the NHTSA, 37 percent of the driving population say they have nodded off for at least a moment or fallen asleep while driving at some time in their life.

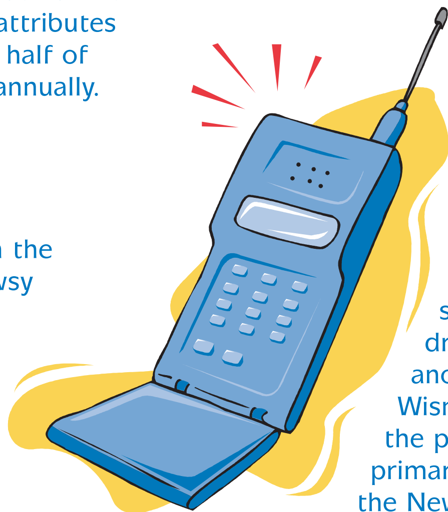
Passed in August 2003, "Maggie's Law," named after Maggie McDonnell of Turnersville, who died in 1997 at age 20 after a driver dozing off at the wheel hit her, is the first state law in the nation that makes it a crime to cause death by drowsy driving. Drivers convicted under this law could receive a sentence of up to 10 years in prison and a $150,000 fine.

On the national level, in February 2003, New Jersey Representative Robert E. Andrews proposed the federal Maggie's Law: National Drowsy Driving Act of 2003. If passed, this would authorize the Secretary of Transportation to enter into agreements with, and make grants to, state highway offices and other driving safety organizations to obtain and distribute national, state and local drowsy driving education programs and supporting materials. This federal legislation is still awaiting committee consideration.

Should lawmakers do more?

Does cell phone legislation pave the way for laws about other common driving distractions? New Jersey Assemblyman John S. Wisniewski believes lawmakers need to take a broader look at other activities that take drivers' eyes off the road.

In December 2005, Wisniewski introduced a comprehensive distracted driving bill that expands the prohibition on driver activities beyond hand-held cell phones to "any activity… that interferes with the safe operation of the vehicle."



Additionally, the bill increases the offense of driving with a hand-held wireless phone and creates a specified fine of $100 for violations. Currently, the prohibition on using hand-held wireless telephones "can only be enforced as a secondary action when the driver has been detained for another motor vehicle offense." Wisniewski's bill would allow the police to enforce the law as a primary offense. In other words, if the New Jersey Legislature passes the bill, a police officer could pull a motorist over simply for using his or her hand-held cell phone.

In an interview on the topic of distracted driving legislation, Assemblyman Wisniewski suggested it is not his aim to prevent people from simply drinking a cup of coffee while driving down the road, but rather to address more deliberate cases of distracted driving. With that in mind, he said he believes the law should be flexible enough to allow law enforcement discretion to make decisions about what does and does not constitute distracted driving on a case-by-case basis.

According to a July 2005 report by AAA, Connecticut, the District of Columbia, and New Hampshire already have distracted driving laws in place. Under New Hampshire's law, drivers face fines of up to $1,000 if police find that any distracting activity was the cause of an accident.

More important than penalties and fines, Wisniewski says, is the need for an education campaign to help people — especially young people — appreciate the risks associated with driving. Drivers, he said, need to appreciate the "physics" of operating a "two-ton piece of steel at 60 miles per hour."

"Things may occur before you can react," Wisniewski says. "That's something all of us forget."

Driving Facts and Findings

According to the National Transportation Safety Board (NTSB):

- Motor vehicle crashes remain the leading cause of death for 15- to 20-year-olds.
- From 1995 through 2004, almost 64,000 youth aged 15 through 20 died in traffic crashes — 122 each week.
- In 2003, teen drivers constituted only 6.3 percent of licensed drivers, but were involved in 13.6 percent of all highway fatal crashes.
- The risk of a crash involving a teenage driver increases with each additional teen passenger in the vehicle.
- A 2001 study, *Driver Situational Awareness and Carphone Use*, reported that drivers who are engaged in wireless conversations were unaware of traffic movements around them.
- Research by the National Highway Traffic Safety Administration has shown that drivers who use a wireless telephone while driving can lose situational awareness and experience "inattention blindness," suggesting that the cognitive effects, as well as the physical demands of hand-held telephone use are dangerous.

Speaking Your Mind CONTINUED FROM PAGE 3

or kiss the American flag. Simply speaking German or reading a book about Germany was enough to cast suspicion in Montana.

"Montana's law was probably the harshest anti-speech law in the history of this country," Work told *The New York Times*.

Although the Montana law expired at the end of World War I, the guilty verdicts remained against 78 residents until this past May, when a group of law and journalism students from the University of Montana convinced Governor Brian Schweitzer to pardon them.

"Across this country, it was a time in which we had lost our minds," Schweitzer said when he announced the pardons. "So today in Montana we will attempt to make it right. In Montana we will say to an entire generation of people, we are sorry. And we challenge the rest of the country to do the same."

Schweitzer went on to say, referring to the Montana politician who approved the sedition law in 1918, "I'm going to say what Governor Sam Stewart should have said. I'm sorry, forgive me, and God bless America, because we can criticize our government."

Sedition in today's world

Sedition charges are rarely brought against people today, according to Cige, mostly because the country has become more comfortable with the First Amendment right to free speech.

"Years ago, people were more likely to overreact to statements or actions they saw as unpatriotic or threatening because the world was different then," Cige explains. "They didn't have TV, or talk radio, or the Internet to expose them to different views or inform them of what was going on around the world. Americans didn't have the understanding of the world we have today, so they didn't realize that differing opinions are just opinions, not threats."

Some people, however, like Montana journalism professor Work, worry that the terrorist attacks of Sept. 11, 2001, along with the war in Iraq, may be leading to renewed efforts to stifle free speech. He told *The New York Times*, "the hair on the back of my neck stood up" after hearing people say "either you're with us or against us" and seeing the U.S. pass the Patriot Act, which increased the government's rights to spy on Americans and reduced citizens' rights to privacy.

According to Governor Schweitzer, the Montana pardons may help prevent future sedition charges from being filed in the U.S.

"It is not the American way for Americans to spy on neighbors," he said when issuing the pardons. "Today we ask that we never forget the mistakes that we have made so that we don't make them again."

aggravating factors — any circumstance that increases the harshness of a crime. These factors are needed in order for a prosecutor to request the death penalty. An example of an aggravating factor is killing a child under the age of 14.

arbitrary — random or subjective.

capricious —impulsive or fickle.

copyright infringement — using any previously published material without the author's permission.

dissenting opinion — a statement written by a judge or justice that disagrees with the opinion reached by the majority of his or her colleagues.

fair use —typical personal use of music.

liability — an obligation of responsibility for an action or situation, according to the law.

majority opinion — a statement written by a judge or justice that reflects the opinion reached by the majority of his or her colleagues.

mitigating factors — circumstances that may lessen accountability, but do not excuse a defendant from guilt. Examples of mitigating factors could be the age of the defendant or the state of the defendant's mental health.

plaintiff — person or persons bringing a civil lawsuit against another person or entity.

treason — the offense of attempting to overthrow the government.