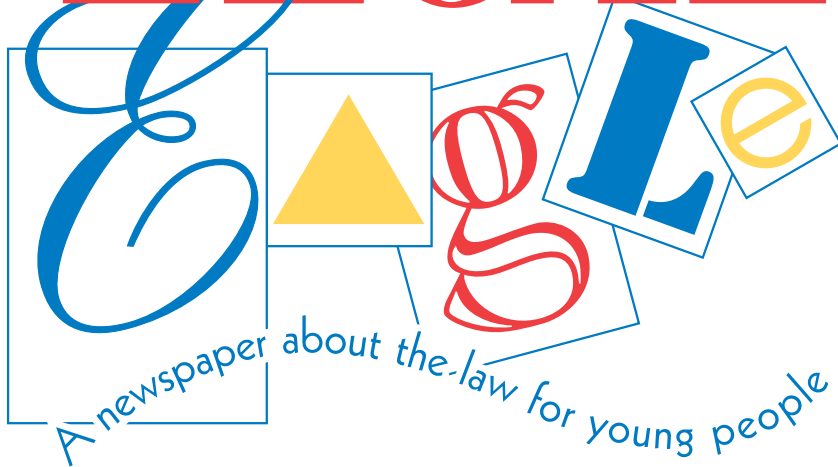


LEGAL



FALL 2011

New Conservative Curriculum Standards in Texas Outrage Historians—Should New Jersey Care?

by Phyllis Raybin Emert



With the coming school year, Texas students will be using the new textbooks produced as a result of the Texas State Board of Education (SBOE) revising its standards for social studies. In 2010, these new standards caused controversy across the nation because they emphasize a more politically conservative point of view that many historians claim distort history.

If you watch the news or have ever listened to a political discussion you've probably heard the

CONTINUED ON PAGE 4

U.S. Supreme Court Rules on Miranda Rights

by Cheryl Baisden

You have probably seen it a hundred times on TV and in the movies. The police capture a suspect, slap the handcuffs on him and proceed to dramatically read him his rights. They warn him that he has the right to remain silent and the right to an attorney. If he chooses not to remain silent, the officer continues, anything he says "can and will be used against him in a court of law."

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Puerto Rico Our 51st State?

by Phyllis Raybin Emert

The last states admitted to the United States were Alaska and Hawaii, both in 1959. Could Puerto Rico be next?

According to the Pew Hispanic Center, a **nonpartisan** research organization, there are more Puerto Ricans living on the American mainland (4.1 million) than live on the island itself (3.9 million). You may be surprised to learn that anyone who resides in Puerto Rico is considered a U.S. citizen, although they cannot vote in presidential elections and don't pay federal income taxes. The male population is eligible for the U.S. draft and thousands of Puerto Rican men have fought on behalf of the U.S. beginning with World War I.



The back story

Puerto Rico was a territory of Spain until 1898, when Spanish forces surrendered to America in the Spanish-American War. As part of the Treaty of Paris, which ended that war, Puerto Rico was ceded to the United States. American military occupied the island until 1900 when the Foraker Act established a civilian government. The U.S. president appointed the governor, executive council and Puerto Rico's Supreme Court justices. Puerto Rico's lower legislative house was the only segment of the new government elected by the Puerto Rican people, but the governor, executive council or the U.S. Congress could veto any law they passed. The Foraker Act also established the office of resident commissioner, a delegate to the U.S. House of Representatives in Washington, D.C., who spoke for Puerto Rican interests but could not vote on legislation.

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Puerto Rico—Our 51ST State? CONTINUED FROM PAGE 1

In 1917, the Jones-Shafroth Act allowed more of Puerto Rico's government to be directly elected by the people. It wasn't until 1948, however, that Puerto Ricans democratically elected their first governor, Luis Munoz Marin of the Popular Democratic Party (PDP). In 1952, the U.S. Congress passed Public Law 600, written by Munoz Marin, which allowed self-government and a new constitution that established the commonwealth of Puerto Rico. During this period of time, Nationalists, who favored independence for Puerto Rico, resorted to violence to show their opposition to the new constitution and commonwealth status. An assassination attempt on Governor Luis Munoz Marin's life failed, as did an attempt against U.S. President Harry S. Truman in 1950.

Possibilities for Puerto Rico

The U.S. Constitution allows for three possibilities for the future status of Puerto Rico—territorial status, statehood or independence. Although commonwealth is used to describe the island's significant amount of self-government, Puerto Rico's constitutional status is still that of a territory. Under the Territory Clause of the U.S. Constitution, the U.S. Supreme Court held in the 1980 case of *Harris v. Rosario* that Puerto Rico's system of government is still subject to the U.S. Congress.

Statehood would allow Puerto Ricans to vote for the U.S. president and elect two U.S. senators, as well as several voting members to the House of Representatives, based on the population after the 2010 census. The disadvantage of this option is that islanders would no longer be exempt from paying federal income taxes, but they would receive additional political rights as state residents.

If Puerto Rico became an independent country, it would no longer be subject to America's authority and would be free to have its own foreign policy. At the same time, however, the island would no longer receive financial aid and military protection from the U.S. Those born in Puerto Rico would be citizens of the independent nation of Puerto Rico and not citizens of the United States.

A modified form of independence, called a freely associated state, is also a possible fourth option. As a freely associated state, Puerto Rico would become independent after it negotiated an agreement with Congress, in which the U.S. would continue to provide military protection, security, monetary assistance and services. Puerto Rican citizens could enter the United States to live and work here, but would not have American citizenship status. Also, the U.S. could end this arrangement without the consent of Puerto Rico.

People of Puerto Rico weigh in

The issue of whether Puerto Rico will become America's 51st state is one that originated in the early twentieth century and has yet to be resolved—not on the island itself, nor in the U.S. Congress. President Barack Obama has declared that the issue must be decided by the people of Puerto Rico with the full cooperation and assistance of the United States.

President Bill Clinton first established a presidential task force to determine Puerto Rico's status in 2000. During his presidency, President George W. Bush requested a report on the task force's findings every two years. These reports suggested **plebiscites** (essentially voter surveys) continue to be held until the matter is resolved.

To date, four plebiscites dealing with the determination of the

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island's political status have been held in Puerto Rico. The first in 1967 revealed 60.4 percent of those who voted favored maintaining the commonwealth status of Puerto Rico, compared to 39 percent who voted for statehood, and only .6 percent who voted for independence.

A 1993 plebiscite showed an increase in both the number of votes for independence (4.4 percent) and those who favored statehood (46.3 percent). Those who supported the commonwealth decreased to 48.6 percent. The most recent plebiscite took place in 1998 and the PDP, which backed commonwealth status, campaigned for voters to select “none of the above” to purposely oppose the New Progressive Party, the current ruling party in Puerto Rico. A slight majority voted for “none of the above” (50.3 percent), while statehood totals remained nearly the same (46.49 percent). The percentage for independence went down (2.54 percent).

The mixed results from these surveys indicate that Puerto Rican voters are uncertain about what they want their future status to be. In her book, *The History of Puerto Rico*, Lisa Pierce Flores wrote, “A commonly stated phrase among Puerto Ricans is that in his heart every Puerto Rican desires independence but in his brain and for the good of his wallet he wants some form of continued association with the United States.” Flores also noted “at least 90 percent of Puerto Ricans say that any future form of government must allow them to retain U.S. citizenship.”

Legislative action

Introduced in the U.S. House of Representatives in 2010 by Puerto

Rican Resident Commissioner Pedro Pierluisi (the island's non-voting delegate to the House), the Puerto Rican Democracy Act followed the 2007 recommendations of the Presidential Task Force by



authorizing two options to Puerto Ricans in a non-binding plebiscite. Voters would select one of the following choices: 1) Puerto Rico should continue to have its present form of political status, or 2) Puerto Rico should have a different political status.

If the majority of voters favored the first option, additional plebiscites would take place every eight years with the results reported to the president and Congress. If the majority of the voters chose the second option, another plebiscite would be conducted, giving the voters four choices as options for Puerto Rico's status— independence, statehood, freely associated state or commonwealth/territory (the current status). If a majority of Puerto Ricans chose statehood in the second plebiscite, Congress would still have to vote to approve admission to the Union.

Similar bills have been submitted to Congress in previous sessions but have not been approved. On April 29, 2010, the bill passed the House of Representatives 223 to 169, but died in committee in the Senate when the legislative session ended. To be considered again, the bill would

need to be re-introduced in the next session of Congress.

Most recent recommendations

The 2011 Report by the President's Task Force on Puerto Rico's Status was released in March. The report made many of the same recommendations as the 2007 report, including a two-stage plebiscite with the same four options for Puerto Rico's status. One notable difference from the previous recommendations is that in the 2011 report the task force proposed allowing only those residing on the island to vote in the plebiscite. In all previous plebiscites anyone who was born in Puerto Rico but now resided in the U.S. was eligible to vote on the island's status by absentee ballot.

In addition, the report recommended that should the people of Puerto Rico choose an option that results in the island's independence, the president and Congress should “commit to preserving U.S citizenship for Puerto Rican residents who are U.S. citizens at the time of any transition.”

Statehood pros and cons

Beyond the legal implications of granting Puerto Rico statehood, there are political issues as well. While Republicans in Congress appear divided on the issue, there is one school of thought that statehood would benefit Democrats. At least one columnist has suggested the opposite. In a column for the *Miami Herald* in 2010, George Will noted that a Puerto Rican state could help the Republican Party. He quoted Puerto Rican Governor Luis Fortuno as saying that Puerto Ricans are “culturally conservative—78 percent are pro-life, 91 percent oppose gay marriage, and

terms left or right to describe someone's political affiliation. While it is customary to refer to someone on the left as "liberal" and someone on the right as "conservative," there is no real black-and-white definition as to what it means to be liberal or conservative, and it often varies geographically and also by issue. While people tend to think of Democrats as liberal and Republicans as conservative, there are also liberal Republicans and conservative Democrats. It is often the case that state boards are required to have a mixture of Democrats and Republicans to at least provide a perception of balance.

In 2010, the 15-member Texas SBOE was comprised of 10 Republicans and five Democrats. The majority of the Republicans on the board were ultra conservative and usually voted in a block.

Texas Education Today listed some of the more controversial issues that were approved by the SBOE. Eighth grade U.S. history students will be analyzing Abraham Lincoln's inaugural addresses and the Gettysburg Address along with the inaugural address of Confederate President Jefferson Davis. Other changes include discussions on the soundness of the Social Security and Medicare programs, described as "long term entitlements," and the comparison of the violent Black Panthers civil rights group with Martin Luther King Jr. and his pacifist beliefs. In addition, Texas students must now study efforts by global organizations, such as the United Nations, to undermine United States **sovereignty** through the use of treaties, and to understand how government taxation and regulation can restrict business expansion. Texas students will also now study the Contract with America movement, the Moral Majority, and the National Rifle Association as part of the conservative resurgence movement.

In a 2010 press statement, Terri Burke, executive director of the American Civil Liberties Union (ACLU) of Texas, said, “The State Board of Education has abused its power by inserting members’ narrow, personal beliefs into the development of what should be a world class program of study. A public school curriculum should promote academic integrity, not **ideological** agendas.”

Should New Jersey care?

So, should what happens in Texas stay in Texas or should residents of New Jersey care about education standards passed halfway across the country?

With nearly five million public school students, Texas is the nation's second largest school system after California. Because they purchase so many

textbooks, the Texas school board has a lot of influence over publishers as to the content of the books. According to the ACLU, as many as 45 states use textbooks based on Texas curriculum.

“Because of its purchasing power [Texas] has unique force with educational publishers,” Gilbert T. Sewall, director of the American Textbook Council, a research group in New York, told *Texas Insider*. “Publishers want to use as much of the Texas edition as possible in what they’re selling nationwide.”

Fritz Fischer, chairman of the National Council for History Education, told *The Washington Post*, “The books that are altered to fit the standards become bestselling books, and therefore within the next two years they’ll end up in other classrooms. It’s not a **partisan** issue, it’s a good history issue.”

On the PBS show, *Religion and Ethics Newsweekly*, Fischer, who is also a historian at the University of Northern Colorado, stated that revising Texas' standards should be left to professionals not dictated by government officials. "Theoretically something like this could happen from the left some day as well as from the right. It's to focus on what is good history teaching and what is the purpose of history in the classroom. It's to teach judgment and critical thinking. It's not to teach a particular political version of the past."

In New Jersey, textbook selection is left up to the local school districts and their librarians, but in an email

Alexander Shalom, policy counsel for the ACLU of New Jersey, wrote, “We’re all in this together. When someone threatens to replace a student’s right to a good education with a political agenda, we are all worse off: whether that student lives in Austin or Asbury Park, Brownsville or Bloomfield, Corpus Christi or Camden.” According to Shalom, “Supporting fair standards in Texas is the only way New Jersey students can ensure that their district will have access to books with a fair view of history.”

What's all the fuss?

Every 10 years, the Texas SBOE takes a look at their state's public school curriculum. They hear from a

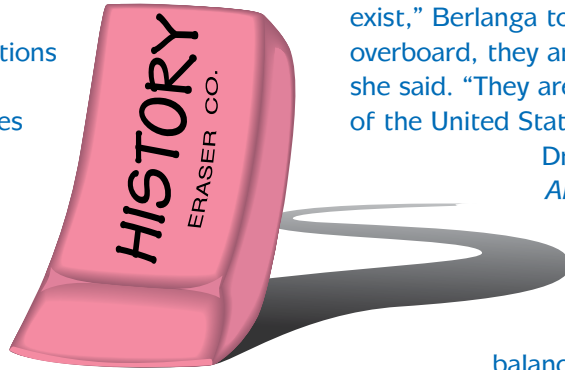
panel of teachers and academic experts about what should and should not be taught to students. The board then suggests amendments [changes] and votes on them. In 2010, the Board took advantage of their 10-5 conservative majority and decided to change what they believed was a liberal trend in the curriculum to be more conservative and balanced. While the panel of experts only proposed a



few minor changes to the standards, the Board proposed and debated more than 300 amendments to the K-12 curriculum.

Besides the changes mentioned above, the Board dropped an amendment that President Obama be referred to as Barack Hussein Obama in social studies textbooks. They also backed down in their efforts to replace the phrase “slave trade” with “Atlantic triangular trade.” At one point, the first black Supreme Court Justice Thurgood Marshall and Hispanic activist and supporter of rights for migrant workers, Cesar Chavez, were going to be dropped from the curriculum but in the end the board voted to keep them.

The SBOE rejected recommendations of the curriculum-writing team to drop Christmas from a world cultures course and to add hip-hop to a discussion of influential music in a pop culture course. The board deemed the lyrics of hip-hop music crude and inappropriate for students.



Biggest argument over religion

While Thomas Jefferson, one of the original Founding Fathers, was kept in the standards after widespread public criticism about his removal, the most heated debate among board members came over the discussion of the separation of church and state. Students in government courses will now examine the Founding Fathers' protection of religion in the First Amendment and contrast this to the phrase “separation of church and state,” first used by Jefferson.

Dr. Don McLeroy, a dentist who served on the Texas SBOE for 12 years, said “We need to have students compare and contrast this current view of separation of church and state with the actual language in the First Amendment.” Social conservatives, like Dr. McLeroy, who is part of the board's conservative block, believe separation of church and state is not a right guaranteed by the U.S. Constitution but a law enacted by activist judges. Mavis Knight, who is one of the five Democrats on the board, was vehement in her opposition to this particular amendment. “[It] implies there is no such thing as the legal doctrine of separation of church and state despite numerous rulings from the U.S. Supreme Court that have firmly linked the requirement to the First Amendment.”

Knight told *The Dallas Morning News*, “The Board has made these standards political and had little academic discussion about what students need to learn. I am ashamed of what we have done to the students and teachers of this state.”

In referring to the conservative members, Mary Helen Berlanga, another Democrat on the board, told *The Huffington Post*, “They talk about the Founding Fathers

like they were all Christians...” (Jefferson was believed to be a deist, who believed that God or an intelligent power created the universe and then took no further interest or interaction in it). “When you vote against them you almost seem like an atheist, so you gotta be real careful,” Berlanga said. “I’m Catholic...but I don’t think we can be forcing our religion down anybody’s throat.”

Berlanga was one of several board members who wanted the new standards to include more Latino role models in a state that has a large number of Hispanic schoolchildren. Her amendments were rejected. “They can pretend this is a white America and Hispanics don’t exist,” Berlanga told *The New York Times*. “They are going overboard, they are not experts, they are not historians,” she said. “They are rewriting history, not only of Texas but of the United States and the world.”

Dr. McLeroy admitted in *The New American*, “It’s true that we are challenging the leftist ideology. We’ve added balance to the standards and removed bias,” he contended. “From the left, they look at it as bias. Really, it’s just a balance between big government and limited government.”

On *Religion and Ethics Newsweekly*, Dr. McLeroy stated “I would like to see the importance of religion [in the curriculum] to make sure that the role it played in the founding of our country and the acknowledgement of the founders’ dependence upon God that they wrote into the documents to make sure that that’s clearly presented.” Dr. McLeroy went on to say, “Conservatives on our board are the only ones—the Christian conservatives—that are able to sit there and to think for themselves and say, well, wait. Is this really good policy? Should we just trust what’s being brought to us? Should we rubber-stamp it?”

Widespread criticism

A letter signed by 800 college history professors in April 2010 stated that the board’s curriculum revisions “misrepresent[ed] and even distort[ed] the historical record and the functioning of American society.” According to an article in the *Austin American Statesman*, the historians are concerned with Board “efforts to tidy up American history, emphasizing the positive and downplaying the darker periods. There have also been repeated conflicts over how minorities and women are portrayed in both U.S. and Texas history.” The professors are worried that students are not being properly prepared for college-level work.

Six of the nine professionals appointed by the Texas SBOE to initially review the curriculum standards (two college professors and four high school teachers) released a statement before the board voted to approve the new standards. “We feel that the SBOE’s biased and unfounded amendments undercut our attempt to build a strong, balanced

Miranda Rights

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That often-portrayed scene is an example of someone being read their Miranda rights. And while it plays out the same in almost every TV and movie arrest, many of those scenes are not entirely accurate.

“Everyone shows suspects being read their rights the same way, so we all think we know what the Miranda rights involve,” said Darren Gelber, a criminal defense attorney from Woodbridge. “But the truth is that there are a lot of misconceptions about what those rights really are and who they apply to and when.”

According to Gelber, basic questions like your name, address and Social Security number do not qualify for Miranda protection, and someone can be questioned without being read their rights if they are not an actual suspect in a crime. But even suspects may not automatically be entitled to be read their Miranda rights when they are arrested or questioned by the police. In fact, Miranda warnings are only required to be read to individuals who are both in custody *and* being questioned by the police.

“For example, if a police officer walks up next to you on the street and asks you questions, but you are not in custody, Miranda rights don’t apply,” Gelber explained. “And if you are put in handcuffs and brought to the police station but not questioned, Miranda rights don’t apply then either.”

Although the concept of actually reading someone their rights has only been around for a little over 40 years, since the U.S. Supreme Court decided the case of *Miranda v. Arizona*, the actual rights themselves are built into the Fifth Amendment to the U.S. Constitution. The Founding Fathers believed that individuals charged with a crime should have to be proven guilty, rather than have to prove themselves innocent. Part of that protection, according to Gelber, is the right to legal representation and not to be forced to testify against themselves, or **incriminate** themselves.

The requirement that suspects actually be read their rights in certain circumstances is the result of a 1966 U.S. Supreme Court decision. The case was brought to the nation’s highest court by Ernesto Miranda, who was arrested in 1963 and accused of kidnapping and raping an 18-year-old woman. Although he confessed to the crime during police questioning, his attorney argued that Miranda was not informed that he did not have to speak to police, or that he could request an attorney. The U.S. Supreme Court threw out his conviction and ruled that his confession could not

be used as evidence because he was not advised of his rights.

In a second trial police relied on other evidence against him and prosecutors won a conviction that stuck, but Ernesto Miranda’s legal battle changed the way the Fifth Amendment right to remain silent in order to avoid self-incrimination would be handled by law enforcement and the courts from that point on. Since that time suspects who are in custody and being questioned must be read their rights or any statements they make during questioning can be ruled inadmissible at trial.

“Of course there is another misconception in that,” said Gelber. “People think that if the police don’t read someone their rights the case against them will be thrown out. In fact, that’s not the case at all. If you aren’t read your rights the prosecutor can’t use the statements *you* made against you in the case, but any statements made by *other* people or any evidence gathered can still be used to try the case.”

Remaining really silent

In July 2010, the U.S. Supreme Court added a new layer to the Miranda process. In *Berghuis v. Thompkins*, the Court ruled 5-4 that criminal suspects must specifically *tell* the police that they want to remain silent or want a lawyer before their Miranda rights are invoked.

“What the decision does is add an extra step to the process so that there is no misunderstanding,” Gelber explained. “After the police properly advise you of your rights, you then need to assert those rights by saying

you want an attorney or want to remain silent. In the past there has been a gray area, where a suspect is read his rights, says he understands them, and then starts answering questions. Well, naturally, if you are talking to the police you are giving a mixed message, and you need to realize you are forfeiting the right to remain silent by talking.”

The case before the Court involved Van Chester Thompkins, who was arrested in 2001 in connection with a Michigan murder. While in police custody he was read his rights and he told police he understood them. During nearly three hours of questioning he mostly remained silent, until one officer asked him if he prayed for forgiveness for “shooting that boy down.” When Thompkins responded “Yes,” his statement was used against him in court and he was sentenced to life in prison.

Thompkins fought in court to have his statement thrown out, claiming he had invoked his Miranda right by generally



remaining silent throughout his interrogation. But in its review of the facts of the case, the U.S. Supreme Court disagreed. The Court ruled that once a suspect is read his rights and acknowledges he understands those rights, if he then responds to police questions his right to remain silent is automatically waived.

“Thompkins did not say that he wanted to remain silent or that he did not want to talk to police,” Justice Anthony Kennedy wrote in the Court decision. “Had he made either of these simple, **unambiguous** statements, he would have invoked his ‘right to cut off questioning.’ Here he did neither, so he did not invoke his right to remain silent.”

University of Maryland law school professor Sherrilyn Ifill viewed the ruling as a blow against suspects’ rights. In the online magazine *The Root*, Ifill wrote after the ruling that “police officers may now interrogate detainees for hours on end—no limit is suggested by the Court—and so long as the detainee does not use the magic words that expressly indicate a refusal to answer questions or the desire for an attorney, any words uttered—no matter how few—may be used against him.”

U.S. Supreme Court Justice Sonia Sotomayor took the same view of the matter. In her **dissenting opinion** she wrote: “Today’s decision turns *Miranda* upside down. Criminal suspects must now unambiguously invoke their right to remain silent—which counterintuitively requires them to speak. At the same time, suspects will be legally presumed to have waived their rights even if they have given no clear expression of their intent to do so.”

The majority of the Court indicated that not requiring suspects to state their intentions makes the job of law enforcement more difficult, since police are forced to guess about a suspect’s intentions.

“What is important when it comes to Miranda matters,” concluded Gelber, “is to keep in mind that you need to be clear with the police about what rights you want to exercise. Being arrested and questioned by the police can be an overwhelming experience, and it can be easy to feel pressured. But you have to keep in mind that the right to remain silent and the right to legal representation are rights we all had before the 1966 *Miranda* decision and rights we still have after the *Thompkins* decision. Being read your rights reminds you that they exist. Saying you want to exercise those rights indicates you want to take advantage of those protections.”

Kids and Miranda

While the U.S. Supreme Court may have limited Miranda rights for adults, the Court expanded those rights for juveniles with a June 2011 ruling in the case of *J.D.B. v. North Carolina*.

The case concerned a seventh-grader (J.D.B.) suspected of being involved in two in-home burglaries. The 13-year-old was taken out of class by a police officer and questioned with another police investigator and a school official

present. During the 30-minute closed-door interview, J.D.B. confessed to the crimes after pressure from the school’s assistant principal to “do the right thing” and from the police investigator who strongly suggested that J.D.B. would face juvenile detention before his case ever went to court. Only after his confession was J.D.B. advised that he did not have to answer any more questions.

A lower court in North Carolina, as well as an appeals court and the North Carolina State Supreme Court, found that J.D.B. was never in custody so a Miranda warning was not necessary. The courts also did not find that J.D.B.’s age was relevant.

The U.S. Supreme Court **reversed** those decisions. In the Court’s **majority opinion**, Justice Sotomayor wrote, “children cannot be viewed simply as miniature adults....a reasonable child subjected to police questioning will sometimes feel pressured to submit when a reasonable adult would feel free to go....courts can account for that reality without doing any damage to the objective nature of the custody analysis.”


In his dissenting opinion, Justice Samuel Alito expressed concern that the Court’s ruling regarding age would complicate Miranda and open it up to more challenges.

“I have little doubt that today’s decision will soon be cited by defendants—and perhaps prosecutors as well—for the proposition that all manner of other individual characteristics should be treated like age and taken into account in the Miranda custody calculus,” Justice Alito wrote. “If Miranda’s rigid, one-size-fits-all standards fail to account for the unique needs of juveniles, the response should be to rigorously apply the constitutional rule against coercion to ensure that the rights of minors are protected. There is no reason to run Miranda off the rails.”

Typically a juvenile is considered to be anyone under the age of 18. During oral arguments in the case, Justice Alito expressed concern over the young age of the defendant in this particular case and that the Court’s decision would affect older defendants in the future.

“Sympathetic cases can make bad case law,” Justice Alito said. “Take the same set of facts and let’s hypothesize that this is a 15-year-old. Would the 15-year-old appreciate that he could go?”

The majority of the Court was not persuaded by his argument. In her opinion, Justice Sotomayor wrote, “Though the State and the dissent worry about gradations among children of different ages, that concern cannot justify ignoring a child’s age altogether.”

It is interesting to note that this is not the first time the U.S. Supreme Court has made exceptions for juveniles. The Court’s 2005 ruling in the case of *Roper v. Simmons* banned the death penalty in juvenile cases and its 2010 decision in *Graham v. Florida* declared life sentences for juveniles unconstitutional. 

and diverse set of standards,” the statement read. “Texans should be outraged at how the board rewrote the standards without regard to standard historical interpretations.”


Alexander Shalom of the ACLU of New Jersey stated, “The presentation of biased or unbalanced views of history leaves all students with holes in their education. When students don’t agree with the perspectives in the textbook, they often feel alienated from the subject and their peers.” Shalom explained that if “students think they are being provided with biased information they should not ignore it; they should seek more information. [They] should look

for alternative sources and read everything with a critical eye.”

Latest from Texas

Dr. McLeroy narrowly lost his spot on the Texas SBOE in the March 2010 primary, defeated by Bill Ratliff, a moderate Republican. While still Republican-controlled, the complexion of the Texas SBOE no longer contains the ultra conservative block it once did. That was evident in July 2011 when the Texas SBOE gave final approval to a supplemental high school science text and other electronic media and online texts that teach evolution and do not include any mention of creationism or intelligent design. Two years ago, the

Texas SBOE came under fire when it adopted science standards mandating that science textbooks must “explore all sides” of the theory of evolution, including creationism and intelligent design.

Kathy Miller, president of the Texas Freedom Network, a group that supports the teaching of evolution, told *The Washington Post*, “Today we saw Texas kids and sound science finally win a vote on the State Board of Education.” 

Puerto Rico—Our 51ST State? CONTINUED FROM PAGE 3

30 percent of the 85 percent who are Christian are evangelicals.” Such conservatives are more likely to vote Republican than Democrat.

A state of Puerto Rico would be allowed two U.S. senators and up to six or seven House members. If the 435-seat cap on the House of Representatives were to be maintained, other states would need to give up seats to the new state.


Another issue of concern is that in Puerto Rico only a small minority of the population (one in five) speak English fluently. In all previous states admitted to the union, English was always the one official language. As territories, Arizona, New Mexico and Oklahoma all had large non-English-speaking populations, but upon admission to the union, English became the one official language. Of all the states admitted to the union to date, California had the lowest English proficiency rate (80 percent). Puerto Rico’s English proficiency rate

is substantially lower at 20-25 percent. The 2011 Report by the President’s Task Force on Puerto Rico’s Status suggested that if Puerto Rico were to achieve statehood, “the English

language would need to play a central role in the daily life of the island.”

Despite having one of the higher standards of living in the South American/Caribbean area, Puerto Rico would become the poorest American state if admitted. There would be an immediate increase in health and welfare expenditures by the federal government to the new state, which could be a problem for the already burdened American economy. Some of the burden, however, would be offset by the payment of federal income taxes, which are now exempt.

Professor Christina Duffy Burnett of Columbia Law School described the situation during the 2010 hearings held before the President’s Task Force on Puerto Rico’s Status. “[There are] four million citizens of the United States who have absolutely no voice—no voting representation whatsoever—in the federal government, and who have been in this position...for a very long time.”

The issue of Puerto Rico’s political status has been debated for over a century and is hardly closer to being decided. How much longer it will take and what details will be determined is anybody’s guess. 



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

ideological — a way of thinking that is characteristic of a political system.

incriminate — to show proof of a person’s involvement in a crime.

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

nonpartisan — not adhering to any established political group or party.

partisan — someone who supports a party or cause with great devotion.

plebiscite — a vote expressed by an entire people on vital issues.

reverse — to void or change a decision by a lower court.

sovereignty — supremacy of authority over a defined area or population.

unambiguous — clear-cut, unmistakable.