



# MOCK TRIAL EXERCISES

---

FOR GRADES 7–8

*Featuring winning cases from the New Jersey State Bar Foundation's  
Law Adventure 2018 Competition*



# PREFACE

In 1995–96 the New Jersey State Bar Foundation launched a unique, law-related education program for middle school students—the Law Adventure Competition.

Students in grades seven and eight and their teachers are invited to create original mock trial cases. Each year the Foundation provides themes for cases. The cases are judged on the basis of originality and educational value in teaching students about their legal rights and responsibilities. Winners are selected in each grade level. The trials are then conducted before student audiences at special Law Adventure programs in the spring. The seventh- and eighth-grade audiences serve as juries.

Following are the winning cases from the Law Adventure 2018 Competition. The themes for the 2018 contest were (1) First Amendment or (2) consumer rights or consumer fraud.

The cases may be used as a guide to prepare a submission to the Law Adventure Competition or as a classroom exercise. Please note that some of the cases may contain “laws” created by the students for the purpose of this competition, which may not necessarily be actual laws. Since these mock trials were written by children, the content should not be considered technically accurate.

*These materials are produced for educational purposes only. All characters, names, events and circumstances are fictitious. No resemblance or reference to real individuals, events or circumstances is intended or should be inferred.*

This project is made possible by funding from the IOLTA Fund of the Bar of New Jersey.

Law Adventure has won recognition in the Associations Advance America Awards program, a national competition sponsored by the American Society of Association Executives in Washington, D.C. This prestigious award recognized innovative projects that advance American society in education, skills training, community service and citizenship.

If you would like to participate in the Law Adventure Competition, please call 732-937-7519 or e-mail [sboro@njsbf.org](mailto:sboro@njsbf.org).

*For information about other free, law-related education services available from the New Jersey State Bar Foundation, visit us online at [njsbf.org](http://njsbf.org).*

© 2018 New Jersey State Bar Foundation.  
*All rights reserved.*

# CONTENTS

Wheatley v. Chips Yoho ..... 1

Is Faith Foley too Faithful? Foley v. Genesis Board of Education ..... 4

The Case of Civil War at BBMS..... 8

Annie Mall-Byer v. Pet Supreme: A “Ruff” Purchase ..... 12

Don’t Let This Happen, America:  
Dhent v. Hazelwood Township School District ..... 16

Did Jetflix Scam Issa? Scame v. Jetflix ..... 24

The Player’s Plight: ..... 28

Sitzalot v. d’Lotz ..... 28

St. Benedict Church v. the Township of Soda Springs..... 32

Artis Phunn v. Picasso School of Design: A Real Knockout ..... 36

DACA Distress ..... 41

Net Neutrality or Not: Atomic Shock v. FastTrack..... 45

Will Beau Peep Take Her Sheep? Lambert v. Farmville ..... 48



# WHEATLEY V. CHIPS YOHO

SCHOOL	TEACHER	STUDENTS		
Belhaven Middle Linwood Grade 7 First Place	Cynthia O’Kane	Krishna Bansal Arthur Chew Luca Cocchi Peter Fabietti Evan Falk	Monica Iordanov Julianna Lubeck Saanvi Mehta Farley O’Brien Max Pisetznar	Elliot Post Emma Savov Jack Venneman Alston Wang Alex Wise

## FACTS

On Monday, December 4, 2017, National Cookie Day, Chelsea Wheatley stopped at the local ShopLeft food store to pick up some gluten-free cookies for her son, Noah Wheatley. Noah cannot eat gluten because he was diagnosed with celiac disease in 2015. Celiac disease is a genetic autoimmune disease triggered by consuming gluten, a protein found in wheat, barley, and rye. If Noah eats foods containing gluten, he suffers from severe stomach pain and vomiting.

At the food store, Ms. Wheatley scanned the aisles for certified gluten-free cookies. She noticed a new brand called Chips Yoho. The cookies seemed to have the gluten-free symbol on the front of the package. Ms. Wheatley purchased the cookies and put them in her son’s safe snack cabinet when she got home.

That evening Noah found the cookies in his safe snack cabinet. He ate half of the box while playing video games. About 10 minutes after eating the cookies, Noah began vomiting. Noah was later hospitalized for dehydration caused from excessive vomiting.

The brand-new cookie company, Chips Yoho, created an ad campaign claiming their cookies were “glutton-free.” Their slogan was “Free to be a Glutton.” The cookie package had a “glutton-free,” not gluten-free, symbol on the front. The company used this play on words to show their cookies are so healthy consumers are free to be a glutton and eat more than just one cookie.

Ms. Wheatley believes the Chips Yoho cookie packaging is dangerously deceiving. The company claims they listed wheat in the ingredients and there is a warning on the back of the package stating the cookies contain wheat.

Ms. Wheatley is suing the Chips Yoho cookie company for consumer fraud due to deceptive packaging. She would like the company to pay for her son’s medical expenses and she wants the “glutton-free” slogan removed from all Chips Yoho products.

## ISSUE

Was the Chips Yoho “glutton-free” symbol deceiving enough to cause Ms. Wheatley to believe the cookies were gluten-free? Should

Ms. Wheatley be responsible for carefully reading the ingredients of the food she buys for her son?

*For the Plaintiff*

Chelsea Wheatley

Mark Etman

*For the Defense*

Charlie Ownerman

Katie Storegirl

## WITNESS STATEMENTS

*Testimony of Chelsea Wheatley*

My son, Noah Wheatley, has celiac disease. He cannot have any gluten in his diet. Noah was diagnosed with this disease in August 2015 after months of stomach issues. At that time, the doctors told us that it would take six months to fully heal his intestines. He has not had any gluten since then.

On December 4, 2017, I was food shopping on my lunch break. That was when I bought this new brand of seemingly gluten-free cookies called Chips Yoho. The logo on the package had a large GF just like the gluten-free logo.

When I brought the cookies home that night, I put them in my son's safe snack cabinet.

After helping Noah with his homework, I had to go back to work for a meeting. While I was at work, Noah ate half the box of the Chips Yoho cookies. He called me on my cell phone. I could hear he was throwing up. I rushed home and took him to the hospital. He had to stay overnight because he was very dehydrated from vomiting so much.

The deceiving "glutton-free" logo on the front of the package gave me the impression that these cookies were safe for my son to eat. The packaging on these cookies is extremely misleading and dangerous to people with celiac disease.

*Testimony of Mark Etman*

I am 25 years old. I have worked in marketing for the past four years. I was diagnosed with celiac disease when I was 15 years old.

On November 27, 2016, I purchased a box of Chips Yoho. The company's deceptive "glutton-free" logo on the front of the package was surprisingly similar to the real gluten-free logo. At first glance, the large GF in a square on the Chips Yoho package looked almost identical to the GF in a real gluten-free logo.

Shortly after I ate the cookies that night, I began vomiting. After an hour, I was still getting sick so I had to call 911. I spent the night in the hospital due to dehydration from vomiting.

I know how important packaging is to marketing a product. This "glutton-free" logo on the front of the package is very deceiving and allows consumers to believe the product does not contain gluten. Chips YoHo should get rid of this logo for the safety of their customers.

*Testimony of Charlie Ownerman*

I am the owner and creator of Chips Yoho Cookie Company. I originally created the cookies because as a child, I struggled with my weight. I loved cookies and always wanted to eat more than just one. After college, I still had weight issues, so I had the idea of making delicious yet healthy cookies. I want my customers to know that they can eat more than one of these healthy cookies and still maintain a healthy lifestyle. I liked the "glutton-free" logo because it reinforced the idea of eating more than just one cookie. Also on the front of our package is our slogan, "Free to be a Glutton." The back of the Chips Yoho box lists wheat in the ingredients. Under the ingredients it also states, "Contains Wheat" in bold print.

When I brought the first order of my cookies to ShopLeft, I specifically told the store manager to put the cookies in the health food aisle. The store does have a separate gluten-free aisle. Chips Yoho has never been shelved in the gluten-free aisle.

*Testimony of Katie Storegirl*

I am the manager of the ShopLeft food store. On December 4, 2017, Ms. Wheatley came into my store and bought a package of Chips YoHo



cookies. These cookies were not in the gluten-free aisle of the store, but rather in the health food aisle. The packaging of the Chips Yoho cookies clearly states, in bold print, that the cookies contain wheat.

When the owner of the Chips Yoho company, Mr. Ownerman, delivered the cookies to my store, he told me specifically to place his cookies in the health food aisle. We always place Chips Yoho cookies in the health food aisle, not the gluten free aisle. It is the customer's responsibility to check the package label for any ingredients they cannot consume. I am always here for any questions my customers may have about our store products.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that Charlie Ownerman's product logo on the Chips Yoho cookie package did unconscionably deceive consumers to believe the product did not contain gluten. Consumer fraud must be proven by clear and convincing evidence, fraud as defined by the Consumer Fraud Act (NJS 56:8-2).

## SUB-ISSUES

1. Was the "glutton-free" logo an unconscionable act of deception, fraud, and/or misrepresentation that misled consumers to believe the product did not contain gluten?
2. Is the consumer responsible for checking the product's ingredients?
3. Is the logo too close an image to the certified gluten-free logo, causing confusion to consumers?
4. Was the product shelf placement an indication of the possible ingredients?

## CONCEPTS

1. Burden of proof/preponderance of evidence.
2. Credibility of witnesses.
3. Consumer fraud.
4. Customer responsibility.

## LAWS

According to the Consumer Fraud Act- NJ Division of Consumer Affairs 56:8-2: Fraud, etc, in connection with sale or advertisement of merchandise or real estate as unlawful practice. The act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise or real estate, or with the subsequent performance of such person as aforesaid, whether or not any person has in fact been misled, deceived or damaged thereby, is declared to be an unlawful practice.

## BIBLIOGRAPHY

1. "Consumer Fraud Act." *NJ Legislature*, revision 2/10/2016, 10 Feb. 2016, [www.njleg.state.nj.us/](http://www.njleg.state.nj.us/). Accessed 10 Jan. 2018.
2. "What Is Gluten?" *Celiac Disease Foundation*, edited by Celiac Disease Foundation's Medical Advisory Board, 1998, [celiac.org/celiac-disease/understanding-celiac-disease-2/what-is-celiac-disease/](http://celiac.org/celiac-disease/understanding-celiac-disease-2/what-is-celiac-disease/). Accessed 11 Jan. 2018.



# IS FAITH FOLEY TOO FAITHFUL? FOLEY v. GENESIS BOARD OF EDUCATION

## SCHOOL

Bloomfield  
Middle  
Bloomfield  
Grade 7  
Second Place

## TEACHER

John Shanagher

## STUDENTS

Charlotte  
Bruwer  
Alexander Capet  
Arianna Erraez  
Darlene  
Espinoza

Alexandr Klena  
Logan Kudla  
Jack Leard  
Matthew Lesko  
Alexander  
Malanaphy

Keya Naik  
Victory  
Odundoyin  
Erin Reilly  
Rabab Shaban

## FACTS

Faith Foley is a fourth-grade teacher at Genesis Elementary School. On December 2, 2016, the school was holding parent/teacher conferences. The last conference of the night was with Madalyn Murphy O'Hara, mother of William O' Hara. At the end of the conference, Ms. O'Hara asked Ms. Foley for a paper-clip. Ms. Foley told her to take one from the container on her desk. While at Ms. Foleys's desk, Madalyn noticed a set of rosary beads. She was surprised to see a religious object out in the open in a public school.

On the way home, she remembered a conversation with William where he brought up a discussion about Christianity in his classroom. When she returned home, she asked William about that conversation. According to Ms. O'Hara, William said that Ms. Foley taught him how to say the Rosary and discussed the important role that religion played in her life. Ms. O'Hara felt this was

inappropriate and decided to call Mr. Buster Wrights, the school's principal.

The principal spoke to Ms. Foley and asked her to keep her rosary beads in her desk drawer. Ms. Foley indicated that while she normally did that, she wasn't willing to promise that they would never be on her desk. After several other parents called the school about the issue, Mr. Wrights directed Ms. Foley to either keep the rosary beads out of the students' sight or face disciplinary action.

Ms. Foley has filed suit against the Genesis Board of Education for denying her First Amendment right to freedom of religion.

## ISSUE

Did the Genesis Board of Education improperly interfere with Faith Foley's First Amendment right to freedom of religion when Buster Wrights ordered her to hide her rosary beads?

## WITNESSES

### *For the Plaintiff*

Faith Foley

Kumara Singh

### *For the Defense*

Madalyn Murphy O'Hara

Buster Wrights

## WITNESS STATEMENTS

### *Testimony of Faith Foley*

I have been a teacher at Genesis Elementary School for over 10 years. In the past, I did not consider myself a particularly religious person. However, recently my aging mother has become increasingly ill and urged me to pray for her health. She asked me to pray the Rosary every day for one month. With three small children at home, I rarely have the time to sit quietly and pray. So I have been using my lunch hour to honor my mother's request. There are no children in my room during lunch, and I always finish before they return from the lunchroom.

Usually, I keep my rosary beads in my desk but there are times when the children return suddenly or the phone rings, or any of the many distractions which are a daily part of a teacher's life happen and I leave them on my desk. My desk is located in the back of my classroom and I almost never use it when teaching. I tend to circulate around the room all day. I have a small table next to my smartboard and, if I'm not moving around the room, I can usually be found standing or sitting there. My point being that students rarely have a reason to be at my desk.

I have to say that while I do try to make it a habit to put my rosary beads in my desk drawer, I do not consider it to be a problem when I do not. While it would be wrong to teach my religion to the children, or to ask them to join me in prayer, I have every right to have rosary beads on my desk. Staff members and students wear religious jewelry all the time. No one asks them to cover up their jewelry so why should I need to hide my rosary beads?

On parent-teacher conference night, my last conference was with William's mother. The conference went well and, while exiting with several of William's assignments in hand, Ms. O'Hara asked for a paper-clip. I told her that they were on my desk and she could grab one while I was cleaning up. When Ms. O'Hara walked back over, she had a concerned look on her face. I didn't think anything of it until Mr. Wrights walked into my class Monday morning before school and asked me about my rosary beads. I explained to Mr. Wrights that I normally keep them in my desk drawer, but that I was called to the office during lunch and left them on the desk that afternoon. He asked me to make sure that they were not on my desktop when children or parents were present so there wouldn't be another issue. I said that while that was my usual practice, I was unwilling to promise that I would always do so. I believe the Constitution guarantees me protection against interference with my religious practice. Having rosary beads on my desk is not forbidden by any federal, state or local law. Mr. Wrights wasn't pleased but he left without any further discussion on the matter.

On Thursday morning, Mr. Wrights entered my classroom once again and told me other parents had complained that their kids claimed that I taught them how to do the Rosary. Of course this wasn't true. But I remembered that one afternoon, William had stayed after school for extra help. He placed his work on my desk and saw the rosary beads. When he asked me what they were, I explained that they were something I use to help me pray. He asked how and I gave him a very short explanation. The entire conversation took less than three minutes and up until that moment, I had completely forgotten about it. I tried to explain what happened to Mr. Wrights, but he became annoyed and said that I had to either agree to keep the beads hidden or I would face disciplinary action. This is America and people in authority can no more order me to hide my rosary beads than they can order someone else



to remove a Star of David pendant.

### *Testimony Of Kumara Singh*

I am a math specialist who works at Genesis Elementary School. My job is to work with individual students in various classrooms throughout the day. I am usually in Ms. Foley's room at least once per day. I have never heard Ms. Foley refer to her religious beliefs or practices in the classroom. I am testifying today for two main reasons. First of all, Ms. Foley is one of the most professional women with whom I have ever had the pleasure to work. She genuinely cares for her students and works tirelessly to help them reach their full potential. I refuse to believe that she would ever do something as unprofessional as preach her personal religious views to young children.

My second reason for testifying is personal. As a member of the Sikh religion, I want to make sure that my religious beliefs are never interfered with by the school administration. Women Sikh wear a chola. Students have asked me about my chola. I give them a short explanation, which includes some information about my faith. I'm not trying to convert them, but as a teacher, when a student asks me a question, it is my job to answer them. I'm sure that is exactly what happened with Ms. Foley.

The United States is a diverse nation and it is our responsibility as educators to respect and honor that diversity. If we ban rosary beads today, how long before we ban cholas?

### *Testimony of Madalyn Murphy O'Hara*

My son William is an excellent student. I care very much about his education. As a typical fourth-grader, my child is impressionable. He thinks highly of his teacher and tends to believe everything she says. I am on top of William's homework at night, and always ask him what he learned in school each day. I am definitely impressed with Ms. Foley, and my son loves her.

My parent conference with Ms. Foley was

scheduled for the evening of December 2, 2016. I was anxious to hear about William's progress. The conference went well. I gathered up the examples of William's work that Ms. Foley had given me, and asked her for a paper-clip. She told me to help myself to one from her desk as I was leaving the room. I was surprised to see rosary beads on her desk where anyone could see it. I wasn't shocked but I was a little concerned.

As I was driving home, I remembered William talking about religion in relationship to some discussion he had at school. When I got home, I asked William if he remembered that conversation. He told me that he saw the rosary beads on Ms. Foley's desk, and asked her what they were. According to William, Ms. Foley said that she used them to pray. William said he didn't know what that meant, so Ms. Foley showed him the purpose of each bead and space on the rosary. He also said that she taught him the prayers that one says when praying the Rosary. I thought this was inappropriate so I called Mr. Wrights in the morning, and expressed my concern. He said that he would speak to Ms. Foley, and then get back to me.

He called me that afternoon, and said that Ms. Foley agreed that she would not make a habit of leaving the rosary beads on her desk. When I asked him about teaching my son how to pray, he said that Ms. Foley denied teaching prayer, and thought that perhaps William had misunderstood their conversation. My son is very bright, and I don't think he misunderstood what happened at all. So I called several other parents, and explained what I knew. I asked them to talk to their children. That evening, a couple of parents called me back, and said that based on their conversations with their children, they too would be calling Mr. Wrights. I have nothing against Ms. Foley or the Catholic religion. However, her personal religious practices do not belong in a public school classroom. Mr. Wrights did the correct thing when he asked Ms. Foley to keep her views to herself.

### *Testimony of Buster Wrights*

On the morning after parent-teacher conferences, I received a phone call from Madalyn Murphy O'Hara. Ms. O'Hara is the mother of William O'Hara, one of our students. Ms. O'Hara said that she had spoken to her son about rosary beads that she noticed on Ms. Foley's desk during her conference. Her son stated that Ms. Foley had taught him how to pray the Rosary. I found this to be very concerning so I went to Ms. Foley's room to speak to her. Ms. Foley explained that Ms. O'Hara must have seen the beads on her desk while looking for a paper-clip. She completely denied ever "teaching" William how to pray. Hoping to avoid any further conflict, I asked Ms. Foley to make sure that she placed her rosary beads in her desk whenever students were in the room. To my surprise, Ms. Foley said that she normally did exactly that, but she was not going to promise that the beads would never be on her desk during the school day. She talked to me about her First Amendment rights. I told her to be very careful about what she said to her students regarding religion, and I left the room.

Several days later I started receiving phone calls from other parents who expressed concern about Ms. Foley teaching prayers to their children. I returned to Ms. Foley's classroom and told her what I had heard. Ms. Foley denied ever having "taught" prayers to her students. I faced a problem. Either I could write up Ms. Foley for inappropriately teaching religion in her classroom or I could assume that there was some validity to what both sides were saying. Rather than discipline Ms. Foley, I instructed her to keep the rosary beads out of sight when students were in the room. I also told her that if there were any further complaints from the parents, I would have to refer the situation to the superintendent of schools. Ms. Foley told me that she had every right to keep rosary beads on her desk and would continue to do so in the future so I had no choice but to charge her with insubordination. I am a Catholic myself. I am very active in my church

and have raised my children in the faith. However, when I am in school, it is not my job to teach religion to children whose parents did not send them here for religious instruction.

Ms. Foley has the right to pray whenever, for whomever she wants. She does not have the right to force her beliefs on her students. I didn't make the rosary beads an issue, Ms. Foley did. This isn't about freedom of religion; this is about a teacher refusing to follow directions.

## **INSTRUCTIONS**

The plaintiff must prove by a preponderance of the evidence that the Genesis Board of Education violated Faith Foley's First Amendment right to freedom of religion.

## **SUB-ISSUES**

1. How many parents called to complain about Ms. Foley's rosary beads?
2. Does William have a history of not telling the truth?
3. Does Ms. O'Hara have a personal vendetta against people of the Catholic faith?
4. Does Ms. O'Hara have a history of issues with William's teachers?

## **CONCEPTS**

1. Burden of proof: preponderance of the evidence.
2. Credibility of the witnesses.
3. Freedom of religion.

## **LAW**

### *First Amendment to the Constitution of the United States*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.



# THE CASE OF CIVIL WAR AT BBMS

## SCHOOL

Warren Township Middle  
Warren  
Grade 7  
Honorable Mention

## TEACHER

Susan Cooper

## STUDENTS

Elli Belyarchik	Alice Liu
Lauren Kim	Sophia Mariano
Emma Leung	Cynthia Ming
Ronald Leung	Angela Zhang

## FACTS

Braxton Bragg Middle School (BBMS) in Louisiana was named after the Confederate General, Braxton Bragg, in the town of Sumter, Louisiana. The Board of Education in the district made a decision to change the name of the school to Ulysses S. Grant Middle School. This decision was made without a vote from the students. This enraged some students who decided to go on a peaceful protest by wearing a pin with a symbol of peace (Roerich Pact, which protects cultural objects). They were inspired by a school-sponsored club called “Peaceful Practices” where the students try to use their influences to help promote a peaceful and accepting environment.

As more and more students began wearing the pin, the principal made the decision to ban them. He thought that the pins were becoming a distraction in school. He also thought that although this was a peaceful protest, it would later grow into a rebellion. He forbade the wearing of these pins to mitigate any possibility of rebellion.

The student president of the Peaceful Practices Club, Bob Ross, continued to wear the pin and was immediately suspended by the principal. He is now suing the school district for violating his First Amendment rights.

## ISSUE

Did the principal utilize the school policy appropriately when he commanded that the Peaceful Practices students remove their pins because it caused a disruption to the learning environment? Did he violate Bob Ross’ First Amendment rights to freedom of speech?

## WITNESSES

### *For the Plaintiff*

Bob Ross  
Ivana Teech

### *For the Defense*

Al G. Brugh  
Sue Spended

## WITNESS STATEMENTS

### *Testimony of Bob Ross*

I am an 8th grade student at Braxton Bragg Middle School, and I am the president of the Peaceful Practices Club. The purpose of our club is to find things in our community we think could be improved on, and find ways to make peaceful, positive change. We have done this several times in the past without any trouble because our intentions are good.

When I first heard that the school name was going to be changed, I was enraged. The school board did not even ask for any of our opinions. Our school is named in the honor of Braxton Bragg, an American war hero from the State of Louisiana. Taking his name away from the school name is an insult to both him and the citizens of the town of Sumter. I brought this to the attention of the rest of the Peaceful Practices Club, and they all agreed. We came up with the idea to peacefully protest this change by wearing a pin of the Roerich Pact, which historically was a symbol that protected cultural objects (such as our school name).

We started to wear our pin throughout the day, and gave pins out to other students who also disagreed with the change in the school name. Soon, almost half of the school had started wearing this pin. This change did not in any way affect the learning quality or environment of the school. However, a few weeks after the pin had been produced, we were confronted by our principal, who claimed that our pin was causing distractions during the school day. He warned us that if we did not stop wearing them, we would be suspended. However, this is a violation of our personal rights. It is our freedom to be able to express ourselves. Not only are we doing this peacefully, but we are not offending or distracting anyone. I ask that my suspension be lifted so I can go back to school and that the Roerich Pact pin ban be lifted.

### *Testimony of Ivana Teech*

I am a history teacher at the school formerly named Braxton Bragg Middle School. I have been teaching at this school for 20 years. I also organize and advise the Peaceful Practices Club. I was quite infuriated when I heard that the Board of Education decided to change the name of our school without asking the taxpayers and students to vote. Recently, students from our club started wearing pins with symbols of the Roerich Pact as a peaceful protest against the changing of our school's name. The Roerich Pact preserves cultural artifacts, which reproduce a worldview of ancient people to us.

As a history teacher, I recognize that Braxton Bragg was an important part of our state's history. He was a Confederate General from Louisiana. He helped raise Louisiana's army at the outbreak of the Civil War in 1861, and was promoted to a full general. He later trained the Army of Tennessee, which became known as one of the best drilled troops in the country. He led his troops in the most significant Confederate triumph in the Western Theater at the battle of Chickamauga in September 1863. Bragg later became an advisor to Confederate President Jefferson Davis. It is clear that Braxton Bragg was a very important figure in our history. It's a shame that our Board of Education has replaced his name. Changing the name of our school would be like destroying a piece of our history, and history is something we can't change and we shouldn't try to forget about it.

To express their unity, the students wore pins that supported their opinions in a peaceful manner. However, for some reason, our principal told the students that they were not to wear the pins anymore or they would be brought up on disciplinary charges. This is clearly violating the personal rights of my students. They were not distracting or offending anyone in the school. It was simply a way for these students to express themselves.

### *Testimony of Principal Sue Spended*

I am the principal of Ulysses S. Grant Middle School. Recently, the school board made the decision to change the name of the middle school from Braxton Bragg to Ulysses S. Grant. This was done in honor of the former Union General and eighteenth President of the United States of America, Ulysses S. Grant. Though Braxton Bragg was a significant war general from Louisiana, he was a Confederate, and he supported slavery. I do not want our school to be named in honor of someone who promoted such malicious values, so I am happy the board of education changed it.

In addition, I felt that these controversial pins could create a huge distraction to the students and the overall tone of the building. For example, as I was walking down the 7th grade wing one day, I noticed that there were two students arguing. I stepped in to ask what was the problem. I noticed that one student was wearing the pin, while the other was not. It was evident that the two students involved had an issue with the school's name being changed. The wearing of Roerich Pact pins only causes disparity among the student body. While the members of the Peaceful Practices Club think this bonds students in unity, in fact, it creates controversial rifts that can elevate to violence.

I have also received many complaints about this problem from several teachers. These pins are clearly a disturbance, and they create a toxic learning environment. I had no choice but to confiscate these pins, as this created a possibility for a rebellion. We want the best for our students, and this was the only way we could solve this problem. When I confiscated the pin from the president of the Peaceful Practices Club, Bob Ross, his parents filed a civil suit against the school for violating their child's First Amendment rights. I did not violate anyone's rights. I was merely keeping peace in the school.

### *Testimony of Al G. Brugh*

I have been teaching algebra at Ulysses S. Grant Middle School for 15 years. I first noticed the movement when a few students in my class started wearing these pins. At first, it wasn't a big deal, but it grew worse and worse. During the small period of time before the class started, the students started to get rowdy, and it grabbed my attention. I observed that the students wearing the pins were arguing with the students who did not wear the pin. Day after day, I would have to give lunch detentions out to arguing students. After a while, I was very frustrated, and I decided to report this to the principal. I was not surprised when I heard these same complaints from some of the other teachers. The principal had agreed on the decision to stop these rebellious actions immediately.

The results of this appeared positive after the ban of the pin. School children no longer had disputes, unlike before. Everyone started to focus on learning, and not the controversy.

## **INSTRUCTIONS**

The plaintiff must prove by a preponderance of the evidence that the principal of Ulysses S. Grant Middle School violated Bob Ross' First Amendment rights by suspending him for failing to comply with Board of Education policy on disruptions to the academic environment.

## **SUB-ISSUES**

1. Were the students who wore the Roerich Pact pin trying to show pride in their heritage, or were they trying to antagonize their classmates?
2. Did the principal overreact during the situation?
3. Did the students knowingly cause this controversial event to occur?
4. Do citizens have the right to vote for a name change of a public school?
5. Did Ivanna Teech know that the students



would be causing disruption?

6. Were the students overreacting to the name change?

## CONCEPTS

1. Preponderance of the evidence.
2. Freedom of speech in public schools.
3. Board of education policies on dress code and disruptions to the academic environment.
4. Credibility of witnesses.

## LAW

1. The First Amendment of the U.S.  
Constitution guarantees the right to freedom of speech, as follows: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

2. Symbolic speech is a type of communication protected under the First Amendment.
3. The Board of Education school dress code policy states that students are expected to dress appropriately; however, the responsibility for the appearance of students rests with the parents and the students. Parents have the right to determine such students' dress providing that such attire is not destructive to school property, complies with the health code, and does not create a safety hazard or distraction for their child or others.
4. The public schools in the State of Louisiana are charged with creating a safe, non-hostile environment for students and employees. Any behavior which violates this regulation is punishable by school officials and may have legal implications for students and parents.
5. Zero tolerance policy



# ANNIE MALL-BYER v. PET SUPREME: A “RUFF” PURCHASE

## SCHOOL

Bloomfield  
Middle  
Bloomfield  
Grade 7  
Honorable  
Mention

## TEACHER

Lisa Crammer

## STUDENTS

Isabel R. Dasaro  
Charles A.  
Eshelman  
Michael James  
Mento

Isabella Anna  
Maria Moglia  
Jenna K.  
Munswami  
Jerry Prieto

Lucas Norelli  
Sofia M. Rojas  
Ava A. Shaw  
Kayla Wade  
Jonathan  
Alberto Wengler

## FACTS

An elderly woman, Annie Mall-Byer, from Flint, Michigan, who recently lost her husband, decided to purchase a dog as a pet. She was using her granddaughter’s computer one day and came across a website called Pet Supreme. The website advertised puppies from licensed breeders. She looked through a selection of puppies and decided to purchase a three-month-old Siberian Husky priced at \$75, which was significantly cheaper than the others. She entered her credit card information, accepted all terms and conditions, and was left waiting for the puppy.

Pet Supreme is a popular, well-trusted pet shop that has been in business for over 40 years. The company sells pets online and uses various different breeders from around the globe. The site advertises a quick, five-step process that is 100% guaranteed. Pet Supreme goes through a certain procedure for all of their pets to make sure they are healthy and ready for purchase. There is a 12-

day return policy once a pet is purchased.

Ms. Mall-Byer’s husky arrived within 10 days and Annie was notified and scheduled to pick up the dog from their nearest store location. Arriving at the shop, she only needed to sign one paper and was on her way with her new pet. After a few days, the pup seemed to be getting ill, and Annie noticed that her dog seemed to be lethargic and in severe pain. She brought the pup to a local veterinarian, Dr. Kay Nyne, who determined that the puppy had Progressive Retinal Atrophy, a genetic eye disorder that causes blindness. In addition to that, the dog was diagnosed with Giardia, a parasite that affects the intestinal tract and is often caused by contaminated water.

When the elderly woman explained where she purchased her puppy to the vet, the vet informed her that some pet shops purchase puppies from puppy mills who use foreign breeders. The vet also explained that health problems can be easily missed or fatal. When Ms. Mall-Byer called Pet

Supreme to request a refund, they refused. The plaintiff, Annie Mall-Byer, is seeking compensation for her medical bills for the dog, including the medication and the checkup, and feels that Pet Supreme knowingly sold her a defective animal.

## ISSUE

Is Pet Supreme responsible for selling the plaintiff, Annie Mall-Byer, a “defective” pet?

## WITNESSES

### *For the Plaintiff*

Annie Mall-Byer

Dr. Kay Nyne

### *For the Defense*

Manny Jarr

Dr. Noah Lott

## WITNESS STATEMENTS

### *Testimony of Annie Mall-Byer*

I am a 68-year-old retired seamstress, and recently widowed. After the passing of my husband, my grandchildren thought it would be a good idea to get my mind off things by purchasing a dog. My oldest granddaughter gave me her computer and thought it would be helpful for me to research possible pets. After a few days of learning how to look things up, I felt that I had come a long way with the technology!

A pet sounded like a great idea to keep me company, and I figured my grandchildren would enjoy visiting it as well. After a few days of online research, I found a website called Pet Supreme that advertised a sale. The ad also mentioned, “Buying a pet has never been this quick and easy! Five easy steps and 100% satisfaction guaranteed!”

I clicked through the site and found a picture of an adorable Siberian Husky that said it was from a licensed breeder. I knew it would be a perfect fit. The puppy was on sale for only \$75 and I had fallen in love already with the picture! I read the details and information on the website and

decided to buy it. I entered my credit card information and checked through a bunch of terms and conditions. One of the conditions mentioned that the animal could only be returned 12 days after purchase. I did not think this would be an issue, due to the 100% satisfaction guarantee. It all went so fast that my mind couldn’t comprehend what was happening! Next thing that I knew, my new dog was going to be ready for pickup in the next 10 days!

I went to the store to pick up the puppy. They had me sign a paper and I was on my way. When I took the dog home, I noticed that she seemed quite ill. I figured she was adjusting to the new environment. After the behavior continued for the next few days, I decided to take the pup to the vet to be checked out. I knew something was wrong. The vet informed me that the puppy was extremely sick and had numerous problems. She ran a bunch of tests and diagnosed the dog with Progressive Retinal Atrophy and Giardia. She even told me that if I hadn’t come in, there was a possibility the pet could have died!

I was so upset and I knew my grandchildren would be devastated. There was no way I could afford the bills or the medication that Dr. Kay Nyne had prescribed. As a highly trusted company, I felt confused how Pet Supreme could sell me such an ill puppy. No one in the store gave me any medical or background information about my pup, and the website advertised healthy animals. I tried to bring the husky back, however, when I arrived at the store, they told me it was past the 12-day limit. I argued that they advertised a 100% guarantee, but they refused to refund my money. They are the ones who should be responsible for these medical expenses.

### *Testimony of Dr. Kay Nyne*

I think of myself as very experienced. I graduated from the University of Virginia and have been a veterinarian for almost 12 years. I specialize in dogs and I am very thorough when I’m inspecting them. I was in my office when I

was called to an appointment, and I saw that there was an elderly woman that was holding a small dog in her arms. Right away I could tell this dog was not well. I gave the dog a medical exam and at first I found nothing wrong with her. After testing more thoroughly, I found out that the dog had Giardia. Giardia is not commonly tested for, but once the test was administered, it was very easy to find. This dog had a form of Giardia which made her extremely ill and fatigued. It's caused by a parasite.

I decided to do some research on the husky on Pet Supreme's website and discovered a small link at the bottom of one of the pages that gave me access to the dog's medical files. It was almost impossible to find. I then discovered that it had Progressive Retinal Atrophy, which is a genetic disease that slowly causes permanent blindness. There was nothing listed about Giardia. I was shocked by these findings and that the company would sell such a pet.

Since I checked the dog for many rare diseases and used a lot of expensive equipment, I charged more money than most regular vet visits. In addition to that, I also charged Ms. Mall-Byer for the parasite medication, which was not particularly cheap. Because foreign puppy mills are not subject to U.S. regulations, it is likely that many of these dogs are bred and raised in extremely inhumane conditions. This isn't the first time I've heard of a case like this. Many pet stores sell animals online and don't make their health record very clear or easy to understand, especially for someone like Ms. Mall-Byer. People fall in love quickly with the advertisement online and then get trapped in an endless cycle of health problems. When she left, I encouraged Ms. Mall-Byer to reach out to Pet Supreme to get more information on the breeder and possibly request a refund.

### *Testimony of Manny Jarr*

I am the national manager of online sales at Pet Supreme and I have been in charge for a little over two years. I have rarely come across any sort of

consumer complaints. I assure that all pets sold using our website are completely healthy. Our company's policy is to check every pet about two weeks before pickup for a list of specific health dysfunctions or physical disabilities. This process is performed by our professional veterinarians with excellent training in the field, and they usually detect anything that is wrong with the dog.

The veterinarian that we employ, who checked Ms. Mall-Byer's dog, has been with the company for many years, even before I took over the role as manager. We also have quality breeders from around the globe. Each breeder follows the licensing laws and requirements established by their individual state or country. We are not responsible for a pet while in the care of the breeder, during delivery, or once it leaves our shop.

When I heard of Ms. Mall-Byer's complaint, I knew this wasn't a point of concern. We make our procedure very clear and each customer is required to sign off on all of our terms and conditions. There are five easy steps to buying a pet. They include: 1. Choose the type of animal. 2. Click on a specific breed. 3. Read the details and information. 4. Purchase the pet. 5. Pick up the pet at the nearest in-store location. Satisfaction with our process is 100% guaranteed!

Ms. Mall-Byer's dog was acquired from a brand new breeder with a great reputation, and had no health issues, other than those listed on the website, during its duration in our store. Ms. Mall-Byer was fully aware of our policy. Our terms and conditions clearly state that we are not responsible beyond the 12 days. We should not be charged at any cost for the unwellness of the dog before or after the purchase. Ms. Mall-Byer should have done her research and read all the details and information provided to her on the website.

### *Testimony of Dr. Noah Lott*

I am part of the staff that works for Pet Supreme. I have worked for this company for 10 years now as one of their on-site veterinarians. I have a lot of experience with treating puppies

before they are sold to our great customers. In all my years of working here, I have never once heard a complaint from one of our customers with how I check my animals.

We have a specific checklist of diseases that we go through before releasing a pet to our customers. We check for many illnesses in our dogs like Degenerative Myelopathy and Leptospirosis, but Giardia is not one of them. Since we have never found this in any of our dogs, we were surprised by this news. I would have never guessed that this dog would get such an uncommon disease. It would be almost impossible to check a dog for every single disease at such a young age, and it is impossible to guarantee a pet's health once they leave our care. Progressive Retinal Atrophy was listed under the details on the website, and is something that can be treated. Ms. Mall-Byer should have been aware of this.

I was in the store the day Ms. Mall-Byer picked up her puppy. I remember thinking that she was going to have a hard time caring for the pet, considering her condition. She was a frail, elderly woman who didn't seem to know much about dogs. She was about to leave the store without pet food, when I mentioned she should buy some. Once an animal leaves our property, we are not responsible for any health conditions that may occur beyond the 12-day policy stated in our terms and conditions. My job is to keep the animals happy and healthy while they are in our care, and I think I do my job pretty well.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that Pet Supreme is liable for consumer fraud by knowingly selling Ms. Annie Mall-Byer a “defective” pet.

## SUB-ISSUES

1. Can Annie Mall-Byer be at fault for the reason her pet is sick?
2. Is the breeder liable for the dog's health or is Pet Supreme?

3. How long was the dog infected with her illnesses?
4. Should Annie Mall-Byer have made sure that the dog was 100% healthy before taking the dog home?
5. Has anyone else ever had an issue similar to Ms. Mall-Byer's that the company failed to report?

## CONCEPTS

1. Consumer fraud.
2. Credibility of witnesses.
3. Burden of proof—preponderance of the evidence.

## LAWS

1. Consumer Fraud Act prohibits any unconscionable commercial practice, deception, fraud, false pretense, false promise or misrepresentation in connection with the sale of goods, services or real estate. Prohibited conduct can take a variety of forms, including knowing omissions, affirmative misrepresentations, and certain statutory violations.
2. The Michigan Act protects pet purchasers who receive “defective” companion animals. A purchaser of a defective pet must have his or her pet examined by a veterinarian within 12 days of purchase to receive a refund or exchange. Alternatively, a buyer may retain the pet and be reimbursed for veterinary bills up to two times the cost of the dog or cat.
3. If the animal becomes sick or dies within 180 days after the date of purchase and a veterinarian certifies, within the 180 days after the date of purchase of the animal by the consumer, that the animal is unfit for sale due to a congenital or hereditary cause or condition, or a sickness brought on by a congenital or hereditary cause or condition, or died from such a cause or condition or sickness, the consumer shall be entitled to recourse.





# DON'T LET THIS HAPPEN, AMERICA: DHENT v. HAZELWOOD TOWNSHIP SCHOOL DISTRICT

## SCHOOL

Brookside  
Allendale  
Grade 7  
Honorable  
Mention

## TEACHER

Alison Baier

## STUDENTS

Laura  
Bogdanski  
Allison Chong  
Veronika Coyle

Alexandra  
Ebeling  
Brigid Keating  
Jamison Meyer  
Porus Pavri

Charles Perruzzi  
Evelyn Wang  
Mia Wang  
Zoe Zimmerman

## FACTS

On November 13, 2017 Stuart Dhent wore a t-shirt to Tinker Middle School that said, “Don’t let This Happen, America.” The shirt showed an image of the Statue of Liberty wearing a chador, a full-body veil traditionally worn by women who practice Islam. Above the Statue of Liberty, encircling the torch, was a crescent moon symbol, a prominent symbol of Islam.

Upon noticing his shirt that morning, Stuart’s homeroom teacher, Henrietta Rume, asked him to change into his gym clothes for the reason that some of his classmates, especially the Muslim population in the school, may find his t-shirt offensive. When Stuart refused, Ms. Rume sent him to Principal Lawrence Order’s office for insubordination in not following her instructions. Principal Order mandated that he put on a different shirt immediately or else he would serve

an in-school suspension and his parents would be notified. Stuart again refused to change his clothes, stating that he was protesting ISIS and didn’t understand how protesting terrorist organizations could be against school policy. The Tinker Middle School secretary called his parents, Susan and Ricky Dhent, to notify them of the in-school suspension. Susan Dhent arrived shortly thereafter to pick up her son and bring him home.

On the morning of November 14, it was reported to the main office of Tinker Middle School that Stuart Dhent had allegedly created an Instagram account with the username @Principal.Order.Supports.ISIS. The Instagram account posted pictures of Principal Order with captions saying that he disciplined Stuart simply for supporting the American fight against terrorism. Images showed the principal with inappropriate captions on unflattering photographs, one having a burning American flag

in the background. By the morning of November 14, the Instagram page reached 112 followers, most of whom were students and community members of Hazelwood Township, where the school is located.

Stuart Dhent arrived back at school wearing a t-shirt that showed the American flag. When Principal Order told Stuart he needed to serve his in-school suspension since he was picked up early the day before, Stuart Dhent willingly walked into the in-school suspension room. From the room, he took a “selfie” wearing a t-shirt with the American flag, serving in-school suspension. He posted the image to the @Principal.Order.Supports.ISIS Instagram page with the caption “Tinker Middle School punishes patriots.”

After school administration saw that the picture was posted during the school day on November 14, Stuart Dhent was called into the office of Superintendent Oswald Super around 2 p.m. Superintendent Super told Stuart Dhent that he would be suspended for a month or possibly expelled due to his insubordination, the inappropriate and slanderous content on the Instagram account, and his offensive clothing that violated the school dress code, if he did not adhere to school policy.

The following day, on November 15, a video was posted to the Instagram @Principal.Order.Supports.ISIS showing Stuart Dhent, wearing the original “Don’t Let This Happen, America” t-shirt, walking with his mother and father, arms linked, into the front door of Tinker Middle School. A caption on the video read, “This is my brave son, standing up to his menacing principal who supports ISIS, and who punishes him for being a patriot.” As soon as the building greeter saw Stuart Dhent enter with his parents, she called Principal Order to notify him that Stuart was wearing an offensive t-shirt, and that his parents were in the building. Building security collected the parents and Stuart Dhent, escorting them to the main office where they met with Principal Order and

Superintendent Super. Meeting with the Dhents, Superintendent Super delivered the same ultimatum that he did to Stuart: Stuart Dhent must delete the Instagram account and wear school-appropriate clothing. Sue and Ricky Dhent responded by saying that doing so would infringe upon their son’s freedom of speech, and they saw nothing wrong with their son expressing his opinion about his school or his patriotism in America’s War on Terror.

Principal Order and Superintendent Super decided to expel Stuart from school. Susan and Ricky Dhent are suing the district for compensatory damages related to the expulsion and the expensive tuition for their son to attend school outside of Hazelwood Township. They claim their son was wrongfully expelled.

## ISSUE

Did the school wrongfully discipline and expel Stuart Dhent from Hazelwood Township Public School District?

## WITNESSES

### *For the Plaintiff*

Susan Dhent  
Melissa Dar

### *For the Defense*

Lawrence Order  
Sibil Wrights

## WITNESS STATEMENTS

### *Testimony of Susan Dhent*

I am Stuart’s mother. I know him about as well as anyone could. I have seen him grow up from a baby to the mature young adult he is now. So, I think that I’m an expert on who he is and how he acts, and more significantly to this case, I am an eyewitness to the anti-American behavior of a school that disregards its own policies to target patriotic students.

On November 13, 2017, I sent my son to Tinker Middle School and was not expecting to get a

phone call regarding an in-school suspension he would have to serve for simply wearing a shirt. Once I received the call, I had to leave work and go all the way to Tinker Middle School. I could not believe that my schedule had been interrupted over a shirt. This is not only very unprofessional on the school's part, but harmful to my son. Tinker Middle School specifically targeted him. He wore a shirt to school that said "Don't Let This Happen, America" with an image of Lady Liberty covered in a chador. This shirt is showing a concern for the future of our country. Apparently Ms. Rume and Principal Order don't share the same political views as my son, and my husband and me, as veterans of the U.S. Army. The school should not punish my son for political opinions. It is not the place of the school to tell my son what to believe, or to censor his beliefs because they don't happen to like them. It is important to let children freely express their opinions.

The First Amendment applies to all American citizens and all students, my son included. I am not saying he should be able to say whatever he wants in any shape or form without being punished, but this is different because it is a political opinion, which is why the First Amendment even exists. School is a place for kids to learn, develop, and explore their ideas safely. I do not think it is right or legal for my son to be called out and stifled in this way.

The school dress code policy states, "The Hazelwood Township Public Schools Board of Education policy strictly prohibits clothing and grooming which: ... interferes with schoolwork, creates disorder, or disrupts the educational program." The shirt my son was wearing did not do any of these things, therefore it should be allowed. Aside from the lone teacher who called the main office, and the clearly biased principal, the shirt drew absolutely no attention to my son. The Muslim American students in his school were not angered or even bothered by the shirt. It did not disrupt their education or cause disorder,

therefore it should have been allowed. Furthermore, this whole situation disrupted my son's right to an education, and I would like him to get back to his studies immediately without interruption. My mind was blown by the disproportionate punishment for an infraction that was not committed, and so I made the choice to take my son out of that toxic environment in the hopes that the school administration would come to their senses and rethink the punishment.

Since Tinker Middle School seemed committed to censoring my son's political beliefs, his father Ricky and I gave him the permission to utilize social media as an outlet for his self-expression. He rightfully called out his school for being anti-American in punishing a patriot, and may have even gone as far to say that their beliefs only give the terrorists more momentum. However, yet again, the school found my son's use of the First Amendment to be offensive.

Before I knew it, I was in a conference room with my husband, my son, Principal Order and Superintendent Super. I could not believe what I was hearing. My son's First Amendment rights were being infringed upon as Superintendent Super claimed the Instagram account was "slandorous" even though there was nothing false or malicious about my son's expression of beliefs. No one's life was in danger and no individual was defamed, and given all of this loose language, the school was confident enough to tell me and my husband that my son would be expelled from Tinker Middle School as a result of this single incident.

Since that time, my husband and I have been paying a hefty tuition in order to have my son continue his education elsewhere, given Principal Order and Superintendent Super have made it such that he could never return to the school located one block from our family home. The Hazelwood Township Public Schools should be held accountable and accept responsibility for the significant financial strain that has been placed on

our family and for the defamation of my son as an Islamophobic 13-year-old that will follow him for the rest of his education, into high school, college, and so on. The suspension and expulsion never should have happened in the United States of America. The school is wrong.

### *Testimony of Melissa Dar*

I have been teaching seventh-grade social studies for 16 years at Tinker Middle School. Stuart Dhent was in my U.S. History class last year as a seventh-grader.

When I was walking through the hallway on the morning of November 13, I saw Stuart Dhent, distressed. When I walked over to him and asked where he was headed, he told me that he was going to Principal Order's office. When I asked why, he said it was because Ms. Rume disapproved of the shirt he was wearing. I took a look at his shirt and did not understand what the problem was. As a Muslim American who loves my country, I found it to be very patriotic. I did not take offense to anything on the shirt, nor would anyone else so long as you agree that terrorism in the United States is a bad thing. What was probably most odd about this situation was that not a single Muslim American student, or any student for that matter, had anything controversial to say about the t-shirt he was wearing. I have seen dress code violations in the past that cause a major stir in the hallway, and this t-shirt caused no substantial disruption to the learning environment or school community.

On the afternoon on November 13, I heard the kids in my class talking about how Stuart got an in-school suspension. No one in the school was talking about how offensive the shirt was, but instead they were all talking about how Stuart got an in-school suspension. I am well aware of the school dress code, and I know that Stuart's outfit did not "interfere with schoolwork, create disorder or disrupt the educational program." In that way, there are no grounds for his suspension or his expulsion, which is outrageous.

Stuart had a right to wear the shirt because he has freedom of speech. Further, Stuart had a right to create the Instagram account criticizing his school. This public school can be criticized just as the President of the United States can be on social media. The school internet policy says, "Users are prohibited from posting crude or slanderous material featuring students or faculty members," which the Instagram account does not. There is nothing slanderous about saying that Principal Order's decision was unfair. It is the same as students who rate their teachers on various teacher evaluation platforms and websites. American citizens are allowed to have political opinions, and that is exactly what Stuart was expressing through his t-shirt and Instagram account. As an experienced educator, I know better than to censor my students' opinions and beliefs, and I am shocked that the administration would do so.

Finally, Stuart is a model student. He is hard-working, well-behaved and well-liked by his peers. He has never been suspended or disciplined in any way, and surely he has never been described as offensive. In social studies class last year, we got into some heated debates as a class, but Stuart was always noticeably respectful and courteous to the other students. It is shocking that such an asset to our school community was expelled after a single act of political expression, and I would like to see Principal Order and Superintendent Super make the situation right by the Dhent family.

### *Testimony of Lawrence Order*

I am the principal at Tinker Middle School, and I have been here serving as principal for 15 years. I have known Stuart Dhent since he came to this school in the fifth grade, and now he is in eighth grade. For most of his time as a student at Tinker Middle School, Stuart was fairly well behaved. He didn't often cause trouble, and he was nice to other kids. He always got good grades.

There was nothing I could really point out

about Stuart's behavior that was bad until November 13, the day he walked into my office with the shirt on. Stuart came to my office after I received a call from Henrietta Rume, his homeroom teacher, who was quite distraught when she explained to me what Stuart wore to school that day. I had her send him down to my office immediately, and as soon as he arrived, I could tell why she was so upset. I was appalled by the crude message conveyed by the student's t-shirt. He had no right to send out a rude message, targeting Muslim American students in a school that is supposed to be a safe space for all students to learn. This school is not Islamophobic, nor should any of the students or staff be.

Not only was this student offending me and the teacher who called down to the office, but he also had the potential to offend the Muslim community in the school. Given this community, Stuart should have been aware of what he was saying, and what was wrong with his statement. It is my job to provide a safe learning environment where students have religious and creative freedom. Therefore, in following the school discipline code, Stuart was presented with the choice of changing into different clothes or face disciplinary action. When he refused to put on a change of clothes and was told he would have to serve an in-school suspension, his mother, Sue Dhent, signed him out of school for the day and took him home.

What he is doing to his classmates could be considered bullying. He is violating the New Jersey State Law of Harassment, Intimidation, and Bullying Bill of Rights. According to the law, "Conduct of such character as to constitute a continuing danger to the physical well-being of other pupils," says that the child is crossing the line. Another part of the law states that " 'harassment, intimidation or bullying' means any gesture or written act, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual

or perceived characteristic, not limited to but including race, color, religion, ancestry or national origin." In this way, wearing the shirt was in clear violation of HIB laws, especially in the way it targets students who practice Islam.

The next morning, a few members of my staff alerted me to a page created on Instagram with the username @Principal.Order.Supports.ISIS. I immediately went onto the Instagram page to see what the boy had posted. He was lying, using unflattering photographs of me, and saying in captions that I punished him for fighting against terrorism. The page had 112 followers. The most recent post was a video that Mrs. Dhent took showing her and Stuart entering the front door of the school with the caption, "This is my brave son, standing up to his menacing principal who supports ISIS, and punishes him for being a patriot." Immediately, I had school security find Mrs. Dhent and Stuart to bring them to the main office. When Mrs. Dhent found out that Stuart would still need to serve his in-school suspension, she caused enough of a commotion that we needed to call in the superintendent and have a meeting with Stuart and both of his parents.

At this meeting we discussed the nature of Stuart's actions and clothing as they relate to school policy. Since parents sign the school policy, at the beginning of the school year, which states, "The Hazelwood Township Board of Education policy strictly prohibits clothing and grooming which presents a hazard to the health or safety of the student or others," they should understand our responsibility to uphold these codes. Further, the school policy regarding cyber security says, "Students are required to adhere to the following guidelines regarding cyber safety: Users are prohibited from posting crude or slanderous material featuring students or faculty members." The parents refused to accept that the Instagram account was slanderous, or that the t-shirt presented a hazard to students in the school.

After two hours of arguing, Superintendent



Oswald Super decided to expel Stuart Dhent from district. In the end, it was the unwillingness of the Dhents to accept school policy, and the obligation of the administration to protect the safety of its students and faculty, that led to Stuart's expulsion.

### *Testimony of Sibil Wrights*

I am a representative from the Southern Poverty Law Center (SPLC). I am a graduate of Harvard Law School where I concentrated on constitutional law. After 14 years of experience in a private firm, I decided to work for the Southern Poverty Law Center. I have been at SPLC for about nine years as their legal director. I am an expert witness as this case relates to my expertise in providing awareness about Islamophobia. This case in particular interested me due to its connection to the rise of Islamophobia in America following the terrorist attacks of September 11, 2001 and the 2016 presidential election.

It is a problem that the shirt that Stuart Dhent was wearing is one directed towards all Muslims, considering the shirt's characteristics portray Islamic images such as the chador and star and crescent symbols. Tinker Middle School administration was absolutely correct to discipline the student for wearing such offensive clothing. In the creation of the Instagram account @Principal.Order.Supports.ISIS, the direct connection between the Islamic symbols on the shirt and a terrorist organization was made. ISIS is an extremist militant group that some Americans, like Stuart and his family, falsely associate with all people who practice Islam. This creates anxiety as a result of anti-Islamic expressions, or aggressive actions inflicted towards Muslim Americans. This is called Islamophobia, and the t-shirt Stuart wore to school that day is a prime example of an Islamophobic message, especially since he accuses Principal Lawrence Order of supporting ISIS because he was not allowed to wear such a shirt.

Whether or not Stuart intended to intimidate or bully his classmates, that is exactly what his t-shirt could have created at school. A recent survey from the Institute for Social Policy and Understanding found that 42 percent of Muslim American parents with children in public K-12 schools reported that their children are being bullied in school specifically because of their faith. This is very dangerous to the children in Tinker Middle School, especially given that psychotherapists who focus on Islamophobia in schools find that bullied Muslim American youth are more prone to depression, anxiety, image issues, paranoia and substance abuse. This is especially harmful at an age where students are developing their identity, and the effects damage their immune systems as well as ability to focus and learn in school. The t-shirt was an Islamophobic act of aggression that had the capability of harming Muslim American students in Tinker Middle School.

I have reviewed the school dress code and I approve of the language they chose. The school banned clothing that "interferes with schoolwork, creates disorder or disrupts the educational program," which is exactly what the t-shirt would have done. It is the responsibility of the school, by law, to protect its students. Lawrence Order and Oswald Super were acting well within their rights in removing Stuart Dhent from school.

## **INSTRUCTIONS**

The plaintiff must set out such a convincing case against the defendant that the jury finds by a "preponderance of the evidence" that Tinker Middle School and Hazelwood Township Public School District administration are liable for compensatory damages to the Dhent Family.

## **SUB-ISSUES**

1. Did Stuart Dhent's t-shirt violate the school dress code policy?
2. Did Stuart Dhent's Instagram account violate

school cyber safety guidelines?

3. Was Stuart Dhent expressing himself within his First Amendment right to freedom of speech when he wore his t-shirt to school?
4. Was Stuart Dhent expressing himself within his First Amendment right when he created the Instagram account @Principal.Order.Supports.ISIS?
5. Did Principal Order and Superintendent Super make decisions that were within the school and district policies and procedures?

## CONCEPTS

1. Burden of proof: preponderance of the evidence.
2. Expert testimony.
3. Credibility of the witness.
4. First Amendment, U.S. Constitution.
5. Compensatory damages.

## LAWS

1. U.S. Constitution, First Amendment—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
2. NJ State Anti-Bullying Bill of Rights Act—N.J.S.18A:37-2 Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, any of the following:
  - a. Continued and willful disobedience;
  - b. Open defiance of the authority of any teacher or person, having authority over him;
  - c. Conduct of such character as to constitute a continuing danger to the physical well-being of other pupils;...
  - k. Harassment, intimidation, or bullying.

3. C.18A:37-14—Definitions relative to adoption of harassment and bullying prevention policies  
“Harassment, intimidation or bullying” means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:
  - a. a reasonable person should know, under the circumstances, will have the effect of
    - physically or emotionally harming a student or damaging the student's property, or
    - placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
  - b. has the effect of insulting or demeaning any student or group of students; or
  - c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.
4. Tinker Middle School Policy Contract—The Hazelwood Township Public Schools Board of Education policy strictly prohibits clothing and grooming which:
  - Presents a hazard to the health or safety

of the student or others.

- Interferes with schoolwork, creates disorder or disrupts the educational program.
- Causes excessive wear or damage to school property.
- Prevents a student from achieving his/her own educational objectives because of blocked vision or restrictive movement.

Students are required to adhere to the following guidelines regarding cyber safety:

- Users are prohibited from posting crude or slanderous material featuring students or faculty members.
- Users are obligated to disclose to a teacher or parent any information or electronic messages which make them uncomfortable.
- Users shall report any security problems, such as a gap in system or network security, to a teacher or system administrator.
- Users shall set a password for their account to protect it from unauthorized use. The password should be difficult to

guess and should be changed on a regular basis to ensure the continued security of the account. Users should never divulge their passwords and will be held accountable for the consequences of intentionally or negligently disseminating this information.

## REFERENCES

1. Irshad, Ghazala. "How Anti-Muslim Sentiment Plays out in Classrooms across the US." *The Guardian*, Guardian News and Media, 21 Dec. 2015, <https://www.theguardian.com/us-news/2015/dec/21/anti-muslim-harassment-american-classrooms-student-bullying>
2. Ochieng, Akinyi. "Muslim Schoolchildren Bullied By Fellow Students And Teachers." *NPR*, 29 Mar. 2017, [www.npr.org/sections/codeswitch/2017/03/29/515451746/muslim-schoolchildren-bullied-by-fellow-students-and-teachers](http://www.npr.org/sections/codeswitch/2017/03/29/515451746/muslim-schoolchildren-bullied-by-fellow-students-and-teachers)



# DID JETFLIX SCAM ISSA? SCAME v. JETFLIX

## SCHOOL

Bloomfield  
Middle  
Bloomfield  
Grade 7  
Honorable  
Mention

## TEACHER

John Shanagher

## STUDENTS

Janiya Angoy  
Lily Bacchus  
Diego Baez  
Kiera  
Bevilacqua

Kai Contento  
Alexavier  
Hansen  
Jayla James  
Nathanael  
Maldonado

Jacob Mudd  
Erick Ruiz  
Jake Sendao  
Abdul-Malik  
Syed

## FACTS

Issa Scame, a college student, was watching Metube on the night of October 7, 2017 when an ad for Jetflix popped up. The ad was for a video streaming service. The ad stated that for a one-time \$10 sign-up fee, the company was offering unlimited movies and TV shows. The page featured pictures of popular television series and movies. The words “UNLIMITED ACCESS” appeared in large letters next to a red button that said, “click here to sign up.”

On the bottom left of the page, was a small blue button that said, “LEARN MORE.”

Intrigued by the ad, Mr. Scame clicked the red button which took him to a page which asked for his debit card information and established a user ID and password. Mr. Scame supplied the requested information and used the service multiple times a day for the next six months.

The following April, Mr. Scame received an email from his bank saying that his account was overdrawn. He called the bank and was told that

his debit card had been charged \$100 by Jetflix. This caused his account to be overdrawn and resulted in two other checks being declined. The combined cost for overcharges and payment of the declined checks was \$400.

Issa called Jetflix and demanded to know why he was being charged. The employee who answered his call told him that he had agreed to the \$100 per year fee, which began after the six-month initial trial period expired. She directed him to the “LEARN MORE” button on the ad as well as to the “terms and conditions” which were linked to the sign-up page. Mr. Scame pressed on the LEARN MORE button and was shocked to see that it said that there was a six-month free trial period. He scrolled to the terms and conditions page and found that on page seven, there was a notice that the yearly fee of \$100 would automatically be charged to the debit card on record. Mr. Scame feels that the ad was deceptively designed to make customers believe that they were getting an amazing deal for \$10,

and that the “LEARN MORE” button and the terms and conditions link were hidden purposely. He is suing Jetflix for consumer fraud and wishes to recover the \$400 bank charges, court fees and his original payment to Jetflix.

## ISSUE

Did Jetflix commit fraud by intentionally concealing the actual cost of their service?

## WITNESSES

### *For the Plaintiff*

Issa Scame

Marc Edding

### *For the Defense*

Moe Nae

Juan Pae

## WITNESS STATEMENTS

### *Testimony of Issa Scame*

One of my favorite activities is watching movies and television series at home. One day while browsing, I saw an ad for a company called Jetflix. The ad promised unlimited movies and television series for a one-time fee of \$10. I was intrigued. There was a large red button that said, “Click here to sign up.” I clicked on the button and it brought me to a page, which asked me for my debit card information after creating a user ID and password. The words “unlimited movies and television series” were featured on the page in flashing neon colors. I followed all the directions and within minutes, I was binge-watching season two of *Stranger Things*.

I used the service almost every day for six months. I’ll be honest; I thought this was the best \$10 I had ever spent in my life. But I was shocked when my debit card company informed me that Jetflix had charged me \$100. I called Jetflix and after waiting on hold for what seemed like hours, I finally reached an actual human being. The billing agent told me I had agreed to the charge when I gave them my debit card information. She told me

that I had clicked a button at the end of the sign-up process, which said that I agreed to Jetflix terms and conditions. She also said that if I looked at the ad, I would see a blue button which said, “LEARN MORE.” I was absolutely shocked. When I examined the terms and conditions, I found out that it was 10 pages long. In the middle of page seven was a single sentence that talked about the \$100 yearly fee. Honestly, who reads the terms and conditions? Most people give at most a quick glance at the terms and conditions pages. If they really wanted the customer to see that sentence, they wouldn’t have hidden it in tiny print in the middle of page seven. As to the button, it says “LEARN MORE.” Once I had gone to the sign-up page and read what they were offering, why would I go back to the original page? Again, if they wanted me to click on that button, they wouldn’t have made it smaller and less inviting than the “CLICK HERE” button. Jetflix was deliberately trying to hide the \$100 fee from potential customers. According to Debt.org, “The definition for consumer fraud is any instance in which an individual suffers a financial or personal loss because of unfair, deceptive, false, illegitimate or misleading business practices. Consumer fraud targets the most naïve segments of the population, with the elderly and college students being the most frequent victims, but the truth is that even the savviest customer can be a target.”

As a college student, I was exactly the “naïve target” that Jetflix was looking for. Jetflix’s advertising is deceptive. They are hoping that customers will go directly to the “CLICK HERE” page instead of looking at the smaller “LEARN MORE” button. They are committing fraud and should be stopped.

### *Testimony of Mark Edding*

I work for an online streaming service called Zulu. Online streaming services have become increasingly popular and increasingly profitable. The reputable companies, such as Zulu, provide multiple choices for viewers. Because there is



such fierce competition between services, we all try to offer the best service for the lowest price. However, some companies are guilty of deceptive advertising designed to steal customers from companies such as Zulu, Netflix and Amazon. I believe that Jetflix deliberately designed their advertisement to trick customers into believing that they were getting an unbelievable deal. The truth was that no company could possibly provide unlimited television series and movies for a one-time fee of \$10.

When one looks at the ad, the first thing that jumps out is the fact that the “LEARN MORE” button is smaller and less vibrant than the “CLICK HERE” button. Naturally, the potential customer is drawn to the “CLICK HERE” button. Once he/she has created a user ID and password, and supplied his/her debit card information, there is really no reason to return to the original page. While the customer should always check out the terms and conditions page, Jetflix made the page so complicated that the average person would almost certainly lose interest long before reaching page seven. An honest company wants the customer to know what he/she is getting into before they commit themselves. Zulu customers are aware of all charges before their debit card is charged. The fact that Jetflix took such great pains to hide their actual charges, means that this is a case of fraud.

### *Testimony of Moe Nae*

I am the CEO of Jetflix. Our company is on the cutting edge of the online entertainment world. We charge a mere \$10 for six months of unlimited movie and television streaming. At the end of that six-month period, our normal rate of \$100 per year is charged. The \$10 fee is so low that the company actually loses money. But we are willing to take the loss in order to introduce the public to our incredible service.

Our yearly fee is substantially lower than any of our rival companies. Think about how much it costs you every time you go to the movies, and

how much cheaper it is to watch as many movies as you want in the comfort of your own home. We hired expert web designers to make our promotion as inviting, accessible, and informative as possible. The page features two buttons. One button invites the customer to learn more about our product. When the customer clicks on the “LEARN MORE” button, he/she is clearly informed that the \$10 fee covers a six-month trial period. It also informs the customer that the yearly fee is \$100. The ad also features a “CLICK HERE” button, which invites the customer to create a user ID and password. Finally, there is a place to supply the customer’s debit card information.

All instructions are clearly written with no intent to mislead anyone. The term fraud clearly implies an attempt on our part to trick people into joining our service. With prices this low and a product as exciting as Jetflix, we don’t have to trick anyone. While I know that people tend to skip the terms and conditions pages, they do so at their own risk. I find it impossible to believe that anyone would give their debit card information to a company without knowing what they were paying for. There is an old saying, “caveat emptor,” let the buyer beware.

### *Testimony of Juan Pae*

I work as a media consultant for companies who wish to use online advertising to market their product. Last year I was asked by Jetflix to help design an ad for their online streaming service. My company has an outstanding reputation for honesty and innovation. We designed an ad that was lively and exciting. It featured a background made up of scenes from television shows and movies. In the foreground there were two buttons. One of the buttons invites the customer to learn more about our product. When the customer clicks that button, he or she is taken to a page that supplies information about content and pricing. There is also a FAQ link, which answers the frequently asked questions

customers have posed in the past. Finally there is a link for customers to click if they have additional questions. The second button says, “CLICK HERE.” This is the sign-up page where the customer is asked to create an online ID and password. After that information is supplied, the customer is asked to supply their debit card information. Finally, the customer is asked to click “yes” if they have read and agreed to the terms and conditions posted by the company. Once that is all complete, the customer is free to enjoy six months of unlimited first-run movies and popular television shows.

As you can plainly see, we have gone out of our way to anticipate the needs and concerns of our customers. There was absolutely no attempt to defraud anyone. It seems as if people are always looking for a short cut today. We give them the information they need to make an informed decision on whether or not to buy our product. But if they choose to simply click yes, without reading the terms and conditions or the information on the “LEARN MORE” button, then they lose the right to claim that they were a victim. This is not a case of fraud; it is a case of laziness on part of the customer.

## INSTRUCTIONS

The plaintiff, Issa Scame, must prove by a preponderance of the evidence that Jetflix

committed consumer fraud and is liable for damages equal to the losses suffered by Mr. Scame as well as the fees paid to Jetflix.

## SUB-ISSUES

1. Is it the customer’s responsibility to read all of the terms and conditions before accepting them?
2. Were the two buttons deliberately designed to encourage the potential customer to choose the “CLICK HERE” button over the other one?
3. Is Marc Edding’s testimony tainted by the fact that he represents a rival company?

## CONCEPTS

1. Credibility of the witnesses.
2. Burden of proof – preponderance of the evidence.
3. Fraud.

## LAW

*New Jersey Consumer Fraud Act, N.J.S.A. 56:8-2*

Consumer fraud is defined broadly as “any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation...in connection with the sale” of goods, services or real estate.



# THE PLAYER’S PLIGHT: SITZALOT v. D’LOTZ

## SCHOOL

Valley Middle  
Oakland  
Grade 8  
First Place

## TEACHER

Jena  
Boomhower

## STUDENTS

Evan Novelli	Eddie Young
Jack Shah	Eric Zaks
Nico Trocolar	

### FACTS

On May 28, 2017, the New Jersey Patriots Basketball Club played against the New York Kings in a championship game of the James Naismith Memorial Day 18 and Under Club Tournament. Many college scouts attended the game to watch the two teams play in the championship. Eighteen-year-old Leon Sitzalot was one of the more talented on the Patriots and started every game in the tournament. Leon expected to start again in the championship game.

Before the game, the team went through the regular warmups. Leon showed as much effort as anyone else on the team during the warmups. After the warmups, the National Anthem was performed in the gym.

Unlike his teammates and his coach, Stan d’Lotz, Leon decided to sit for the National Anthem. Leon was still expecting to start and play as much as normal. However, at the bench before the game, Coach d’Lotz named the five starters of the game, and Leon was not one of them. His regular backup started over him. Throughout the game, Coach d’Lotz made his normal

substitutions, except for the fact that Leon never entered the game.

Towards the end of the game, the score was 58–55, with the Kings winning. Leon usually played at the end of close games, but this time Coach d’Lotz left him out and never ended up putting him in. The Patriots ended up losing the game 66–58.

Leon and his parents insist that Coach Stan d’Lotz benched Leon for the whole game because he sat for the National Anthem. Coach Stan d’Lotz claims that he benched Leon because he didn’t perform well in the past week’s practices. Leon and his family believe that being benched was a violation of his First Amendment rights. They are suing for \$300,000, about the cost of a full college scholarship.

### ISSUE

Was Stan d’Lotz benching Leon during the championship game after he sat for the National Anthem a violation of Leon’s First Amendment rights, or was it a strategic play by Coach Stan d’Lotz?

## WITNESSES

### *For the Plaintiff*

Manny Jeer  
Leon Sitzalot

### *For the Defense*

Stan d’Lotz  
Duncan Debal

## WITNESS STATEMENTS

### *Testimony of Manny Jeer*

I am the manager for the New Jersey Patriots Club Basketball team. My job is to manage the team, arrange the schedule, attend practices, and keep the statistics for the players during the game. For scheduling reasons, Coach Stan d’Lotz gave me a roster for the upcoming championship game against the Kings. The championship game was the first and only game with college scouts attending to survey the players on the court. I was confident that Leon was going to get playing time because he started every game in the tournament and put up good stats, was one of the first five names on the roster, and was training for weeks on his own time. The first five names were usually the starters so I assumed it would be the same for the championship game. During the game, it was surprising to see that Leon did not play at all. I wanted to ask the coach during the game why he did not put Leon in the starting lineup, but I thought it might ruin the momentum of his coaching. At halftime, Leon asked me what was going on, and I told him I honestly didn’t know. Every man on the bench had played besides Leon.

The coach never disclosed any information to me about a change in roster. He also looked annoyed during Leon’s protest at the National Anthem, with a look of anger and disappointment on his face as he saw Leon. Coach may have benched him because of it. Leon seemed really upset, and I didn’t want to escalate the situation any further, though I still called the coach that night to ask about the future of the team.

After talking about the upcoming season, I

discussed the benching of Leon for I was interested in knowing the reasoning myself. Coach told me that Leon wasn’t put in the game because he wasn’t performing well during practices. Although Leon wasn’t playing to the best of his abilities, that was no reason to bench him for the entire final game. With Coach being a former Marine, that may correlate with him benching Leon for the game. It was a topic I wished to discuss with Coach but was rejected every time it was mentioned. In the end, I still don’t know what really happened at the game.

### *Testimony of Leon Sitzalot*

I was a point guard for the New Jersey Patriots. This was our final game, and I hoped to catch the eye of some college scouts who would be attending the game. I’ve been playing basketball for years, longer than I can remember. My family and I have always been invested in my basketball career, and I was so excited when I heard that college scouts were attending the game. Getting a scholarship is really important to me, especially because my family cannot afford any of the prestigious colleges that I would like to attend.

When I arrived for the final game, everything seemed to be normal, and I assumed that I would be starting, like I did in the other games in the tournament. When the National Anthem came on, I sat down. I did this because I was inspired by athletes like Colin Kaepernick and Eric Reid. I had no intention of offending anyone, and I didn’t think that I was doing anything wrong. No one approached me from the team or from the coaching staff. Therefore, I believed they understood and respected my choice. Despite this, I saw Coach d’Lotz glaring at me, and he was obviously displeased with my protest.

When the game began, Coach d’Lotz called out all the starting players, and, to my surprise, I wasn’t called. I had started almost every game that season, but I respected the coach’s decision. The first half went by, and I wasn’t played at all. I started to panic, and wondered why I wasn’t being

played. During half time, I asked Manny Jeer if he knew why I wasn't playing. He told me that he had been emailed a roster and thought that coach was going to play me. However, I sat for the rest of the game, hoping that I would play. I was the only player benched for the entire game. I was furious! How could he have sat me after all the work that I put into this team.

After the game, I was planning to approach Coach d'Lotz, but he quickly thanked the team and left the facility. The next day I called Coach d'Lotz and asked why I was benched for the whole game. He told me I wasn't playing well for the last couple weeks, and he did not want to risk playing me during the finals. I started arguing with the coach, explaining how that was a ridiculous claim, and that it was unfair that I wasn't given a chance to play. I asked Coach if this had anything to do with my protest, and he hung up the phone.

#### *Testimony of Stan d'Lotz*

I am the coach of the New Jersey Patriots. During recent practices, I felt that Leon was not performing to his ability in practice. In addition, he wasn't acting like a good teammate and leader; he was only thinking about himself. I have a strong belief that performance in practice is key. Instead of putting in Leon for the game, I decided that Tokyo Spot would be a better choice. Due to Leon's poor performance at practice, I sat him for the beginning of the game. In the middle of the game, Leon approached me but I was too busy coaching the team. I believe that Tokyo Spot was the best option at the point guard position even though we lost the game 66-58.

After the game, my dad called me and told me he wasn't feeling well. Now that my dad is 85 years old, his health is very important. I got into the car and rushed my dad to the hospital. This is the reason I left the game immediately after it had concluded.

That night I received a call from Manny Jeer about the future of the team. On the call, I

explained to Manny that Leon was benched because of his poor performance and behavior during practices. The next night, Leon called me, and I explained to him his poor performance was the cause for the benching. Leon did not agree with my view, so he began to argue. I hung up the phone to diffuse the situation.

#### *Testimony of Duncan Debal*

I was a starting center and team captain for the New Jersey Patriots. Before our last game, I noticed that Leon didn't stand for the National Anthem. He usually stood but I didn't think too much of it at the time. When coach announced the starters, though, I was a little bit surprised when Leon wasn't starting. I wasn't too worried because I was starting, but it still caught me off guard.

In the first half, I noticed Leon wasn't coming off the bench. Once again, I didn't question the move because I was playing, but I was confused as to why he wasn't playing. At halftime, I didn't talk to Leon, but I did notice him talking to our manager, Manny Jeer. I thought that maybe Leon would play more in the second half, but nothing changed from the first.

Even at the end of the close game, Leon didn't play. I was wondering why he didn't play, when I remembered this week's practices. Leon was barely passing during practice, and when he did take a shot, he missed a lot. Also, Leon seemed not to try at all on defense, and whomever he was guarding always seemed to get by him and score. Basically, Leon was horrible during the past week's practices. At one point during our last practice, Coach d'Lotz asked me what was wrong with Leon. I told him that I didn't know, but I did notice that he was playing worse than he could have played.

When I remembered all that, I thought that had to be the reason why he was benched. Once I heard the rumors that Coach benched him because he sat for the National Anthem, I knew that could not be true. If it was for anything, it



was because of Leon's poor practice performance.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that the defendant violated the plaintiff's First Amendment right to freedom of speech by benching Leon Sitzalot after he sat for the National Anthem.

## SUB-ISSUES

1. Does Coach d'Lotz being an ex-Marine have any effect on this case?
  2. Under club regulations, does Leon have the right to sue the coach for not playing during the championship game?
  3. Was it fair for Coach to bench Leon when college scouts were at the game?
  4. Does Leon still have the ability to pursue a basketball career even though college scouts hadn't seen him?
  5. Does the coach have the right to play whom he wants under club ruling?
  6. Was his father's health the only reason Coach left the game immediately after its conclusion?
  7. Did Leon overreact when calling the coach?
2. Cato, Tim. "The NBA Actually Has a Rule against Kneeling for the National Anthem." *SBNation.com*, SBNation.com, 25 Sept. 2017, [www.sbnation.com/2017/9/25/16358070/national-anthem-protest-kneel-kneel-rule](http://www.sbnation.com/2017/9/25/16358070/national-anthem-protest-kneel-kneel-rule)
  3. Edelman, Marc. "Can The NFL Really Fire Players For Kneeling During The National Anthem?" *Forbes*, Forbes Magazine, 28 Sept. 2017, [www.forbes.com/sites/marcedelman/2017/09/28/nfl-trump-kneeling-national-anthem/](http://www.forbes.com/sites/marcedelman/2017/09/28/nfl-trump-kneeling-national-anthem/)
  4. Lacy, Eric. "Lansing Catholic Anthem Kneeling Policy Didn't Result in Player's Benching, Coach Says." *Lansing State Journal*, Lansing State Journal, 6 Dec. 2017, [www.lansingstatejournal.com/story/news/local/2017/12/06/lansing-catholic-policy/926419001/](http://www.lansingstatejournal.com/story/news/local/2017/12/06/lansing-catholic-policy/926419001/)
  5. Sanchez, Mark W. "My Coach Bullied Me with Benching, and Now He'll Pay." *New York Post*, New York Post, 15 Aug. 2017, [www.nypost.com/2017/08/15/my-coach-bullied-me-with-benching-and-now-he'll-pay/](http://www.nypost.com/2017/08/15/my-coach-bullied-me-with-benching-and-now-he'll-pay/)

## CONCEPTS

1. Freedom of speech.
2. Credibility of witnesses.

## LAWS

The Bill of Rights, Amendment 1—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise of thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## BIBLIOGRAPHY

1. "Bill of Rights." *Bill of Rights Institute*, [www.billofrightsinstitute.org/foundingdocuments/bill-of-rights/](http://www.billofrightsinstitute.org/foundingdocuments/bill-of-rights/)

## EXHIBIT A

### *New Jersey Patriots Roster*

Duncan Debal (C)  
Leon Sitzalot (PG)  
Trey Pointer (SG)  
Ollie Oop (PF)  
Brock Enankles (SF)  
Tokyo Spot (PG)  
Dribel Debal (SF)  
Swoo Shindebal (SG)  
Ray Boundin (PF)  
Ben Schwarmer (C)

PG = Point Guard  
SG = Shooting Guard  
SF = Small Forward  
PF = Power Forward  
C = Center



# ST. BENEDICT CHURCH v. THE TOWNSHIP OF SODA SPRINGS

## SCHOOL

East Amwell  
Ringoes  
Grade 8  
Second Place

## TEACHER

Janet Higgins

## STUDENTS

Nic Alicandri  
Charles  
Barnwell  
Abby Davidson

Destinee  
Dockhorn  
Holland Engel  
Ronan Engel  
Anika Jensen

Summer  
Kowalski  
Katie McGee  
Abby Thompson

## FACTS

On November 15, 2017 at 3:17 p.m., Pastor Samuel Keller of St. Benedict Church received a written notice from Soda Springs Township ordering the church to cease providing their THT program to the homeless teens in the area. St. Benedict Church has a youth group that runs a free social service program in the town for homeless teens ages eleven to seventeen. This program, known as Teens Helping Teens or THT for short, was started by Clementine Clare on September 1, 2017 and provides basic necessities such as hot meals every day, water, a place that is warm to sleep at night, tutoring, and counseling arrangements, along with frequent support group meetings. Ms. Clare spent almost a year preparing for this and even wrote a letter to notify the township about everything they were planning to do. While the homeless teens are on the church premises, they are supervised by trained

volunteers appointed by the church, especially during the night hours. The letter that Pastor Keller received reads,

*Dear St. Benedict Church,*  
*This letter serves to inform you that the services you have been providing to teens, known as Teens Helping Teens, must cease. We have had numerous complaints about the behavior of the teens in the program making families with young children uncomfortable. After the complaints, we the township must also bring to light the fact that you are not a residence nor have you been allowed to operate a shelter. You are obliged to terminate housing and other services by the end of the month.*  
*Sincerely,*  
*Mrs. D. Pyckle*  
*Attorney for the Township of Soda Springs*

According to one of the neighbors of the church, Mr. Alexander, the teens of this program are outside walking around the neighborhood and loitering on the surrounding properties. Mr. Alexander sees these teens in the neighborhood when he arrives home from work and reports hearing them late at night. Mr. Alexander is a teacher at the local high school and complained that many of these teens have discipline problems at school and are not good role models for his daughter. His young daughter told her parents that she is afraid of the teens and that she wakes up at night because of the noise they are creating. Although the church states that there is an adult watching them at all times, Mr. and Mrs. Alexander state otherwise.

They complained to the town committee, town attorney, zoning board and mayor. Clementine Clare is the daughter of the town mayor, Sincere Clare, who supports the program personally, morally and religiously. However, the other town officials all agree that the program legally needs to be shut down because the church is not a residence nor does it have “permission” to operate a shelter.

Pastor Samuel Keller supports the THT program and is proud of the work his teen group has done to develop and run this program. He believes their arrangement is at the core of their religious beliefs of providing service to those in need. Therefore, THT is an expression of the congregation’s religion and protected by their First Amendment rights. Many of the students that go to the nearby high school as well as many teachers there support the church and what Clementine Clare has done to help them. The high school students are pleased that the homeless teens are getting what they need and want the program to continue.

One of the first teens to join our program was given her own room upon arrival and broke down in tears of joy when she saw it. She was given a bed, bed sheets, pillows and a desk. Minutes after the reveal, she admitted that she had never had a

bed of her own before. Clementine Clare recorded the whole thing and posted it on YouTube. The video soon went viral thanks to news stations and newspapers picking it up. The comment section blew up with comments about how amazing the THT teens were and how what they were doing was making the lives of many teens brighter. Ms. Clare was especially overwhelmed knowing she could make a difference for the teens.

St. Benedict Church is refusing to close THT and is suing the township for violation of their First Amendment rights by prohibiting the congregation from practicing their religious beliefs. The church filed a civil suit to defend the right of St. Benedict Church of Soda Springs, New Jersey to practice its religious beliefs of “love thy neighbor” and “help the poor and weak” by providing a safe haven to the homeless teens of Soda Springs.

## ISSUE

Was Soda Springs violating St. Benedict Church’s right to religious freedom when they demanded that THT, the homeless shelter for teens, be shut down?

## WITNESSES

### *For the Plaintiff*

Clementine Clare

Pastor Samuel Keller

### *For the Defense*

Mr. Alexander

Mrs. D. Pyckle

## WITNESS STATEMENTS

### *Testimony of Clementine Clare*

I’ve had a great experience with the THT program. We’ve had so many deserving teens come through our initiative. I’ve met some of my best friends here. I’ve seen the help that this program can give to teens when the only things they need to succeed are shelter and basic care. I was sad and discouraged when I saw homeless

teens wandering around the streets after school and I just knew I had to do something about it. I spent a year researching other programs that help homeless teens and learned what they need the most. I made sure that our center had hot meals every day, water, a place that is warm to sleep at night, tutoring and counseling arrangements, along with frequent support group meetings.

I went to Pastor Keller with the idea and he approved and supported creating THT. He helped me find staff and volunteers who were trained and experienced in helping homeless teens. The teens are always with adults and supervised especially overnight. Pastor Keller made sure that I wrote a letter to notify the township about everything we were planning to do.

The teens in THT thank me for the help we've been able to give them through the program at my church. We've also had a lot of public support through one of our YouTube videos that went viral, and got an amazing amount positive comments from it. I can't believe our own town wants to shut us down. This is a calling of mine that I truly want to continue later in my life.

#### *Testimony of Pastor Samuel Keller*

I am the pastor of St. Benedict Church. I am so lucky to hold the position of pastor for the past 20 years, and in that time I have met many wonderful people. On the date of November 15, 2017, I woke to a letter at my door with the word "URGENT" printed in large red font. I was informed after opening and reading the letter that the services that Clementine Clare and the other THT members had been providing had to be terminated. The letter that I received only said that there had been complaints, but failed to mention any of the laws that we had violated.

As a courtesy before we started the THT program, we notified the township of our plans to help the homeless teens. Helping people has always been a big part of St. Benedict Church and our religion. We are dedicated to providing service to those in need and we are guided by our

religious beliefs to "love thy neighbor" and "help the poor and weak." I think THT has done a beautiful job in accomplishing our goals and the teens are just thriving. One of the first teens to join our program was given a bed, bedsheets, new pillows and a desk. When she was shown her new room, she broke down and cried with sheer delight. I posted the video with all the permissions required and it went viral, appearing on news stations around the country. Everyone who saw it reacted with support for our program.

As pastor, I haven't been notified by the township about any complaints regarding the THT program until now. If only the township would have told me earlier, we could have worked out a solution, and that is what I hope we can accomplish here today without abandoning the teens who would be lost without us.

#### *Testimony of Mr. Alexander*

I have lived in Soda Springs all my life. This is my hometown and I love it because it has always felt safe and secure. Well, it used to anyway. Recently, THT has started the youth program at St. Benedict's Church near my home. While I am not opposed to helping the less fortunate, I feel that this program is horribly mismanaged and these teens are nothing but bad news.

The program at the church may look good on paper, but their management of the program is deplorable. There never seems to be a chaperone and the teens never stay on the premises. I often see them wandering the streets of the neighborhood and loitering around town. This is making many of the people in our neighborhood uncomfortable, including my six-year-old daughter Charlotte. My dear Charlotte has run into my room at night, scared out of her mind of those teens that wander the streets in their gangs. Have you ever heard your daughter cry? Wouldn't you do anything to help her and make it stop? I will do anything to keep these kids out of my neighborhood.

I've contacted our township attorney,

committee, zoning board and our mayor, although to little avail. The mayor's daughter is in charge of this program, I might add. Despicable! There has been news about a "viral video" but I don't see the merit in the video. It seems like a bunch of baloney to me. Not only I have seen these kids, I know most of them. I've taught at Soda Springs High School for over nine years and I've noticed that most of these youngsters are junkies, slackers, goons; you name it, this "youth program" has all of it. And there is no way that my daughter will grow up around a bunch of burnouts.

### *Testimony of Mrs. D. Pyckle*

I have been the township attorney of Soda Springs since 2006. I believe I do very well at my job trying to make everything fair and to meet the requirements of the law. If you let one person slide through the rules, then all the other people are going to think it's okay as well and I believe that's why I have to stop this program before it gets too bad. Yes, they do have the right to practice their religion, but it is interfering with the rules of our community.

The day I received the letter from Clementine Clare, I checked all the laws regarding operating homeless shelters. This case was different because the shelter was being held on church property. Things were quiet until the video Clementine made went viral. I then started receiving complaints about the shelter, especially from Mr. Alexander. I spoke to the mayor, Sincere Clare, who supports the program but the other town officials agree that the program legally needs to be shut down. The town officials directed me to write a letter to inform the church to shut down THT because they have no right to operate a shelter under our town laws. I never intended to be involved in a lawsuit but citizens have complained, and they are a church, not a shelter.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that Soda Springs violated the church's right to practice their religion.

## SUB-ISSUES

1. Who was supervising the teens and how much training did they have?
2. Was Mr. Alexander's testimony biased because some of the teens had disciplinary issues from school?
3. Did the township respond to Ms. Clare's letter?
4. How have other towns dealt with homeless shelters on church property?
5. Were the town's actions based solely on Mr. Alexander's complaint?
6. Where will the teens go if the THT program is shut down?

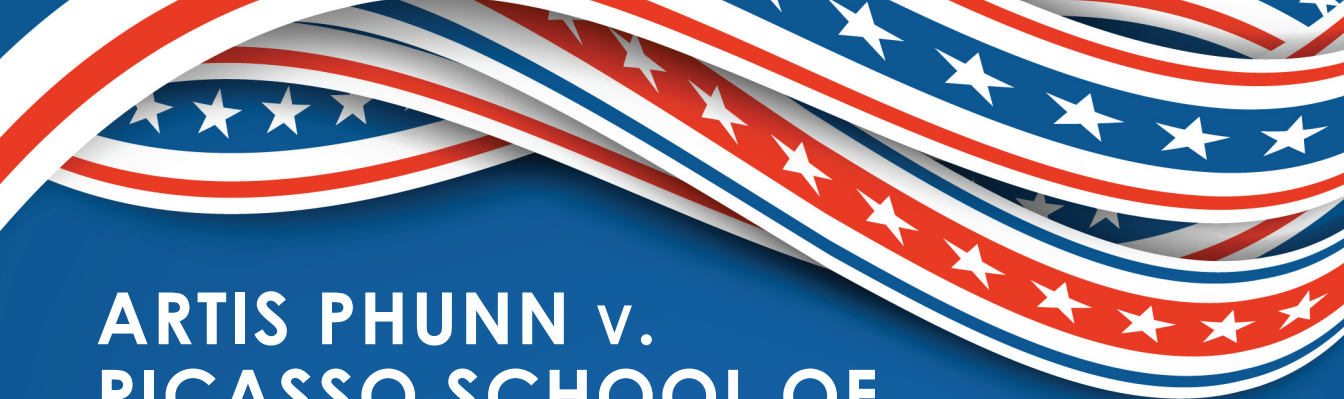
## CONCEPTS

1. Preponderance of the evidence.
2. Religious freedom.
3. Credibility of the witnesses.

## LAWS

1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
2. Religious Land Use and Institutionalized Persons Act (RLUIPA), which prohibits government entities from imposing land use regulations that substantially burden the exercise of religion.





# ARTIS PHUNN v. PICASSO SCHOOL OF DESIGN: A REAL KNOCKOUT

SCHOOL	TEACHER	STUDENTS	
Bloomfield Middle Bloomfield Grade 8 Honorable Mention	Lisa Crammer	Isabella Garzon Sofia Hernandez Jackson Laub Jeremy Magno Isabella Olaya	Elias Paulino Jonas Reeder Mohammad Shaif Emily Tice Tianna Willie

## FACTS

On February 16, 2015, a 17-year-old student named Artis Phunn enlisted in a Rhode Island Twelfth Grade Art Show with a theme of celebrating Black History Month. This show was hosted by Picasso School of Design (PSD). Not only does this school have a renowned art department, but the college also prides itself in having the largest number of African-American students enrolled there over any other art school in the country. The first prize winner was to receive a full scholarship to the school. The winning painting would also be displayed in PSD’s new campus classroom.

Artis Phunn had already been informally recruited by this school, and has attended many off-site art classes there. He has spoken with numerous college deans that have discussed which classes he should enroll in when he attends next year as a freshman. One professor, Marc Kerr, had worked closely with him in an after-school art

program offered to prospective students. In fact, he is the one who encouraged Artis to enter the competition and felt that it would be helpful to his enrollment application.

For the contest, Artis decided to paint a picture showing a boxing match with a police officer fighting an African-American man. In the background, the viewer sees nothing but empty chairs. The painting is entitled “Justice.” The painting was selected as one of the top 10 paintings that would be entered in the final round of the competition.

A famous African-American boxer named Apollo Freed, who lived in the neighborhood when he was a kid and also attended the school, was visiting the art show as a special guest judge. There were also two other judges, one of whom was Artis’ art professor, Marc Kerr, and the third judge was the president of the college.

When the judges walked around to see all the paintings on display, the boxer, as well as the

president of PSD, became very offended by Artis' work and said it was a racist painting. The boxer felt that the painting referenced a racial profiling incident he had recently experienced. The committee decided to remove Artis from the competition and take down the painting immediately. A few weeks later, Artis found out that he was not accepted into the art program at the school. He felt that the school violated his First Amendment rights by removing the painting from the competition and ruining his chances of becoming an artist and getting into the school.

## ISSUE

Did PSD violate Artis Phunn's First Amendment rights by removing the painting from the competition?

## WITNESSES

### *For the Plaintiff*

Artis Phunn

Marc Kerr

### *For the Defense*

Apollo Freed

Shirley Prez

## WITNESS STATEMENTS

### *Testimony of Artis Phunn*

I have always loved art and painting, and PSD has helped me follow that passion. About a month ago, I enlisted in an art show hosted by Picasso School of Design, PSD. A few of the deans from the local college had recruited me after witnessing some of my work on social media. The prize for winning would be a full scholarship to PSD, and a few of the professors said I had a great chance of winning.

I have been working with some of the deans at this college for the past three years, and they have given me advice and criticism that has helped me endlessly. I have worked especially closely with one of the professors, Marc Kerr, during PSD's summer and after-school programs. His influence

has helped inspire my newest painting that I spent hours and hours of my time working on.

In my painting, there is a black man in a boxing match against a police officer, fighting for justice. Justice is something that can be interpreted in many different ways and means something different for everyone. I wanted my painting to stand out and was always taught that art is meant to be an expression of one's feelings. It should encourage people to talk about controversial issues and share opinions. I was excited for the competition, especially because my favorite professor, Marc Kerr, was one of the judges. I also knew that the president of the PSD would be judging, which I thought was a great opportunity for me to showcase my skills. I heard there was a final judge, a boxer who attended the school, but didn't know too much about him. When my piece was selected as one of the top 10 finalists, I truly believed I had a good chance of winning.

After finding out that my painting was removed from the competition, I was confused and annoyed. This painting was supposed to be inspiring, and was similar to many other themes that I've seen entered in the past. When I asked why my painting specifically was taken down, I couldn't believe the response. Professor Kerr told me that two of the other judges said it was racist and inappropriate. It is unconstitutional that my painting was removed from the competition, just because someone felt offended. The worst part is that I found out a few weeks later that I was rejected from PSD. I knew right away that it was because of my painting and knew I had to take action!

### *Testimony of Marc Kerr*

I have been one of the art professors here at PSD for 17 years now. I am also one of the professors that runs a summer program for high school students. I have been a judge in the twelfth grade art competition for five years, which awards a full scholarship to PSD.

Artis Phunn has attended the summer program

since his freshman year in high school, quickly becoming one of my best students because of his polite attitude and exceptional art skills. Artis had been expressing his interest in PSD since the summer going into his sophomore year. I encouraged him to enter the competition because I knew that he would have some great ideas. He knew that the selection rate was low, but he believed he had a great shot at getting in, and so did I. Artis often stayed with me for extra help, and made art his top priority. He truly grasped onto the concepts that I taught him and always followed the rules of art.

One thing I have always taught my students, is that art is intended to express how the artist feels. Impressionism is an art form that Artis started to gravitate towards. He really seemed to have a lot of feeling, and he needed to show the world what he thought by drawing his perspective of what is really going on. As an African-American myself, I did not find Artis' painting for the competition offensive at all. The painting, to me, was all about African-Americans fighting for justice, which was a perfect message to portray for the competition.

I teach my students that art is meant to be interpreted in multiple ways and can have different meanings. I would not tolerate a painting with bad intent from any one of my students. If I ever felt that a piece of art was threatening, then I would have it removed from my class immediately. As an art school, we must encourage our students to express themselves, and by removing Artis' painting, we are sending a bad message to future students. Personally, I think Artis Phunn would be a great addition to PSD, and I believe that he can flourish here.

### *Testimony of Apollo Freed*

I am a world-famous retired boxing champion. Recently, I was selected to be a celebrity judge for the Picasso School of Design Art Contest held by the school. I was born in this town and I feel that I am a good representative for this school. The

winner of the contest would be awarded with a full scholarship to the school and would have their painting displayed in the PSD's new art building. The theme of the contest was celebrating Black History Month. One contestant, Artis Phunn, designed a painting that I viewed as both threatening and racist towards African-Americans, and thus was removed from the competition.

This painting depicted a boxing match with a police officer fighting an African-American man. The painting also depicted empty stands, with no one attending the match. I viewed this as an offensive threat, as the painting clearly showed a disheartening message, that no one would stand with me and other members of the black community who have experienced or known people who have dealt with racist police. Three years ago, I had experienced a very public altercation with a police officer in which I was filmed physically fighting. In this situation, I was racially profiled and wrongly arrested. Because of this experience, I viewed his painting as a personal insult. I believe that the African-American boxer was meant to represent me and my family, while the empty seats illustrated the lack of support for us.

Being the celebrity judge, my name appeared on the flyer conveying the information for the contest, and there is no doubt that the artist didn't see that. I feel as though Artis' artwork depicted me as the African-American boxer, and I feel personally attacked. Both my family and I felt threatened by this painting, and we knew many others would as well if it were to be hung up in the art center. Because of this, the other judge and I decided to remove it from the competition. It was inappropriate and extremely offensive.

### *Testimony of Shirley Prez*

I am pleased to introduce myself as the president of PSD. I have worked here for 20 years now, and I have loved each and every one of my

students like my own. They have all helped me become who I am today. One of the many things that I pride myself on is the diversity of my school's community. We accept students from around the globe, and are particularly proud that we have the largest African-American population over any other art school in the country.

As president, I have many privileges and responsibilities. One of my favorite events is the annual twelfth grade art competition. Each year, I serve as one of the judges and help to decide who will receive a full scholarship to PSD. This year, one of the professors, Marc Kerr, specifically mentioned that I should look out for a student named Artis Phunn in the competition.

Hundreds of students entered our competition, but only 10 were selected for the finals. When I came across one specific painting, I found it rather distasteful. I noticed that a caucasian police officer was beating up an African-American man, with no visible reason why. One of the other judges found the painting extremely offensive and threatening. Knowing this painting would be in the running to display in our new building, I felt like it would possibly cause arguments and racial riots on campus, making it unsafe for the students and teachers. I also felt that there were other paintings that were much better.

I then realized that a student, Artis Phunn, was responsible for the painting entitled "Justice." I looked further into the application he had submitted for enrollment to our school. His file contained photos and copies of his other drawings and paintings that seemed extremely racist, and I found that many of the topics and themes of his drawings were controversial and borderline threatening. Personally, many of them also weren't that great. I could not support these ideas in my school and did not feel that he was a great candidate for our program. If I were to accept him, it would be a reflection of my institute and what we represent, and that is definitely not how I want this school to be seen. We pride ourselves on excellence.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that PSD violated his First Amendment rights by removing his painting and rejecting his application.

## SUB-ISSUES

1. Was the reason for not winning the competition because the judges of the contest believed the entry was racist, or was the student's painting simply not good enough?
2. Was the painting trying to portray justice or racism?
3. Does the student have a background of being racist?
4. Does the boxer have enough credentials to judge the competition?
5. Did Artis Phunn previously know about Apollo Freed's altercation with the police?

## CONCEPTS

1. Credibility of the witnesses.
2. Burden of proof—preponderance of evidence.
3. First Amendment—symbolic freedom of speech.
4. Rights of students.

## LAWS

1. First Amendment—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
2. In *Tinker v. Des Moines Independent Community School District*, the U.S. Supreme Court formally recognized that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."
3. *Brandenburg v. Ohio*, the Supreme Court

struck down the conviction of a Ku Klux Klan member, and established a new standard: Speech can be suppressed only if it is intended, and likely to produce, “imminent lawless action.” Otherwise, even speech that advocates violence is protected. The Brandenburg standard prevails today.

4. *Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986). Supreme Court held that schools are allowed to prohibit the use of vulgar and offensive speech in public discourse.
5. Title III of the Civil Rights Act: SEC. 301. (a) Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, the Attorney General is authorized to exercise jurisdiction of proceedings instituted pursuant to this section.





# DACA DISTRESS

**SCHOOL**

Wanaque  
Elementary  
Wanaque  
Grade 8  
Honorable  
Mention

**TEACHER**

Paula Basedow

**STUDENTS**

Rolanda  
Alvarado  
Angelica  
Butardo  
Angela Catt

Emily Damian  
Aidan Devine  
Katherine Doran  
Destiny Espinal

Tara Espinosa  
Paul Gebbia  
Erica Susen  
Irving Watkins

**FACTS**

On February 23, 2017, President Beckington made a decision with Congress to get rid of DACA. DACA, Deferred Action for Childhood Arrivals, is a kind of administrative relief from deportation. The purpose of DACA is to protect from deportation eligible immigrant children who came to the United States when they were young. DACA gives young undocumented immigrants protection from deportation, and a work permit.

Lily Rosa is a Mexican who came to America in 2002 with her mother when she was only four years old. Her mother decided to come here for a better life since she was a single mother and knew there were better opportunities in the United States for her daughter. Lily was able to stay in America and go to college to become a pediatrician due to the protection afforded by DACA. However, with President Beckington repealing DACA, all DACA children, including Lily, will be sent back to their native countries.

Lily Rosa is upset about not being able to complete college and get her dream job and decides to protest with a group of people in front

of the White House. After a couple of hours, President Beckington’s head security guard, Sergeant Will A. Restu, and his fellow guards feel compelled to move the group of protesters off White House property, claiming the protesters are denying tourists access to the White House.

Lily Rosa and her fellow protesters feel this action disregards their freedom of speech and decide to sue White House security for their harsh treatment and freedom of speech violation. The security guards believe their actions were warranted given the nature of their job to protect the White House and allow for safe access to the public.

News reporter Gowan Geter was on the scene and covered the protest for her newspaper. Ivanna Protest was also a protester who witnessed the incident.

**ISSUE**

Were Lily Rosa’s First Amendment rights violated by White House security when she and her fellow protesters were prevented from protesting in front of the White House?

## WITNESSES

### *For the Plaintiff*

Ivanna Protest

Lily Rosa

### *For the Defense*

Sergeant Will A. Restu

Gowan Geter

## WITNESS STATEMENTS

### *Testimony of Ivanna Protest*

Although I am a legal American citizen, I am part of the movement that is opposed to repealing DACA. After many meetings, our members decided to plan a peaceful protest in front of the White House to bring attention to people who would like to become citizens and would be denied this right if DACA were repealed.

On October 23, 2017, we arrived at the White House at 1:30 p.m., determined to participate in a peaceful protest. However, that was not the intent of many people in the crowd that formed around us. Many said hurtful words and yelled racial slurs, calling us ungrateful immigrants and illegals. That is a day I will never forget when my rights and the rights of my fellow protesters were violated and we were forcefully moved away from the White House. We were peacefully protesting on the eight-month anniversary of the fiendish day when President Beckington took away DACA.

Before long Beckington's security guards were forcefully moving us away from where we were protesting. We were not disrespecting anyone or yelling back at those bystanders saying hurtful things to us, so what gives them the right to hurt us, let alone touch the minors in our group like Lily Rosa. We were within our rights to freely express our outrage over the injustice of repealing DACA.

I understand, but did not agree with, White House security wanting to move us across the street from where we were protesting in front of the White House, but many of the DACA protesters did not understand English and were confused by the guards shouting at them in a foreign language. The

fact that these determined guards had guns in their holsters and there was a crowd of unsympathetic onlookers would scare even the toughest of people. It totally caused many of the protesters to become frozen in fear – a behavior that the guards misunderstood as belligerence. We were on the sidewalk in front of the White House, but nowhere near the White House gates. Physically preventing us from completing our demonstration is a clear violation of our First Amendment rights under the Constitution, and Ms. Rosa is within her rights to sue the guards who terrorized her and her fellow protesters by their hostile behavior.

### *Testimony of Lily Rosa*

October 23, 2017 was the day that changed my life. I am here today to tell all of you what really happened. I may not be an American citizen legally, but I am in my heart. Fifteen years ago, I came to the United States from Mexico with my mother when I was four years old for a chance of a better life. I now wanted to give back for what I believed was a better life in America. DACA helped me so much. I am currently enrolled at Johns Hopkins University and hoping to pursue my dream to be a pediatrician. However, with President Beckington getting rid of DACA, I would have to go back to Mexico and start my life all over again. I wouldn't be able to achieve my dreams. I decided to protest with other people in front of the White House that day hoping to bring attention to the plight of myself and other so called "Dreamers."

When I got there, at about 1:30 p.m., there were already other people protesting. This made me very happy because other people wanted to fight peacefully, too. While I was protesting, a security officer saw me and told me and the other protesters that we needed to move off the White House property because we were trespassing and scaring away tourists, even though our group made sure to be polite to those passing by. He then said how we were not true American citizens and, that if we did not move, that he would have to resort to brute force.

Sergeant Will A. Restu became very annoyed and told security to do something about it. The security guards once again told us to get off White House property. We ignored them, until they formed a line shoulder-to-shoulder and started to press in our direction. The other protestors saw what was happening and were scared. Many of them could not speak or understand English. Several froze in place. They were not the ones causing harm. The weapons on the hips of each guard and the speed of their approach was very intimidating even to me. It all happened so fast that I am not quite sure if I was pushed or tripped as I tried to retreat from their path. That is when things got really out of hand because some protestors, believing I'd been pushed by the guards, began to offer resistance. That is when D.C. police arrived and dispersed the crowd. This is absurd, White House security had no right to do this, we were just protesting peacefully. It is not as if we were breaking the law. This is America, America is a free country. I might not have been born in the United States, but I grew up here and this country is the only place I consider home.

I know that the Constitution of the United States clearly states the freedom of speech that my fellow protestors and I were denied that day. It is for this reason that I am suing Sergeant Will A. Restu and his fellow security guards.

### *Testimony of Sergeant Will A. Restu*

I arrived for my shift at the White House on October 23 at 1:00 o'clock in the afternoon, that is 13:00 hours. I saw a group of about 60 people in front of the White House with signs reading such things as: "Bring back DACA!" and "Let us stay!" At first they were peacefully marching in a circle on the sidewalk in front of the White House, but at around 3 o'clock in the afternoon, the protestors started blocking the gates and they were interrupting tourism with the large crowd that was encircling them. It was at that time that I made the decision to move the protestors across the street from the White House so as not to interrupt tourism and the people walking on the sidewalk.

When I attempted to peacefully move the protestors, they stared blankly at me and rudely resisted me and my fellow officers of the law. They said that they are American citizens but technically they came here illegally and they do not have the right to protest. I never voiced these thoughts, trying to be professional. I had my fellow guards form a human barricade to help usher the protestors across the street but chaos soon ensued. Had it not been for the arrival of D.C. Police, I believe someone would have gotten hurt. We were only doing our job ensuring the safety of White House property and never touched a single protester or drew a weapon.

I do not believe there is any case and was shocked to hear the protestors yelling, "WE WILL SUE YOU FOR VIOLATING OUR RIGHTS." Their rights? What about the rights of those wishing to freely visit one of our nation's sacred tourist attractions? What about our rights to maintain the safety of the White House property? The protestors were free to express themselves, we only asked that they do so across the street!

### *Testimony of Gowan Geter*

I am a newspaper reporter for the *D.C. Times*. On October 21, I was told by my boss that my job was in danger if I did not find a great show-stopping story this week. Fortunately, two days later I heard people were protesting at the White House because they didn't agree with the fact that President Beckington was repealing DACA, which allowed children who entered the United States as minors, illegally, to receive a renewable two-year period free from being deported from the United States and for them to be eligible for a work permit. My boss seemed pleased when I told him about the protest happening at the White House and that I was heading over to report on it. Apparently, there was a potential riot developing outside of the White House.

Once I arrived at the scene, I noticed there was a very diverse group of people from minors to older people from various ethnic backgrounds.

Many of the protesters did not seem to know much English, so there were people chanting in different languages. It was clear that there was tension between DACA protesters and White House security. Protesters outside of the White House were walking back and forth on the sidewalk carrying huge signs saying things like “Defend DACA, Bring Back DACA, Let us stay, and Defend Dreamers!” After fiercely scribbling these important details into my notebook, the next scene I saw was White House security officers politely asking the protesters to move because, apparently, they were “trespassing on White House property and preventing tourists from accessing the White House.”

I took that opportunity to approach and question a couple of nearby tourists. They replied to my questions by stating how annoyed they were at the commotion when all they were there to do was have an enjoyable time. They wound up leaving the White House grounds, obviously disappointed at not being able to take the White House tour as they’d intended.

Sergeant Will A. Restu and several other security officers continued to try peacefully to move the protesters away from the White House gates, but after several minutes, Sergeant Will A. Restu and his men became frustrated at the protesters for not moving and started to crowd the protesters away from the front of the White House by forming a human blockade. It was a very chaotic scene. A few of the protesters were visibly scared.

At some point, one of the protesters seemed to trip, but the other protesters seemed to take it the wrong way, believing the young girl had been pushed by security. Before the scene could get any uglier, D.C. Police arrived and the crowd dispersed.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that White House security violated the First Amendment rights of Lily Rosa and her

fellow protesters when they were prevented from protesting in front of the White House.

## SUB-ISSUES

1. Did White House security use excessive force in removing protesters from White House property?
2. Was the newspaper reporter biased in her reporting of the DACA protest?
3. Did Sergeant Will A. Restu have a prejudice against immigrants that affected his judgment?
4. Did a language barrier affect the outcome of the protest?

## CONCEPTS

1. Burden of proof: preponderance of the evidence.
2. Credibility of witnesses.
3. Circumstantial evidence versus direct proof.
4. Reasonableness of actions taken.

## LAWS

### *Definition of DACA*

Deferred Action for Childhood Arrivals (DACA) is a kind of administrative relief from deportation. The purpose of DACA is to protect from deportation eligible immigrant youth who came to the United States when they were children. DACA gives young undocumented immigrants: 1) protection from deportation, and 2) a work permit. The program expires after two years, subject to renewal.

### *First Amendment to the Constitution of the United States of America*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.



# NET NEUTRALITY OR NOT: ATOMIC SHOCK V. FASTTRACK

SCHOOL	TEACHER	STUDENTS		
Haskell Haskell Grade 8 Honorable Mention	Ryan Evans	Gabriella Almario Eric Bloom Alexander Gonzalez	Zhed Majid Kellan McManus Ryan O’Keefe Afrim Odza	Joshua Paduani Marcello Santora Kayla Tankard Kaden Zofrea

## FACTS

Net neutrality is the principle that internet service providers must treat all data on the internet the same, and not discriminate or charge differently by user, content, website, platform, application, type of attached equipment, or method of communication. Atomic Shock is a gaming site that has skyrocketed in the gaming industry. Atomic Shock attracts many young adults and people aware of civil liberties because their games promote violence, destruction, as well as speaking out against the government.

FastTrack is an internet service provider that has slowed down Atomic Shock’s gaming website. Atomic Shock has been losing customers since the slowdown and believes that FastTrack is purposely slowing down its website because of the content. FastTrack justifies its decision because of the recent Federal Communication Commission’s overturning of net neutrality as well as the fact that Atomic Shock uses far more data than other websites.

Atomic Shock believes that they have been unfairly targeted because of their content, which is a violation of their First Amendment rights and is unconstitutional. Executives at Atomic Shock believe that the repeal of net neutrality allows internet service providers to silence websites that do not share the same platforms and agendas as the internet service provider.

## ISSUE

Is FastTrack violating Atomic Shock’s First Amendment rights of freedom of expression and speech by enforcing the net neutrality laws?

## WITNESSES

### *For the Plaintiff*

Ned Neutral  
Kid Friendly

### *For the Defense*

Speedy Webber  
Ant I. NetNew



## WITNESS STATEMENTS

### *Testimony of Ned Neutral*

FastTrack is the hosting company for the Atomic Shock gaming website. I am the CEO of Atomic Shock. Since the repeal of net neutrality, our servers have been drastically slowed down by FastTrack, which is impacting our business. The games on our website promote individualism and free speech. Even though some of our content is violent and controversial, we don't advocate violence and all of our content is perfectly legal. We believe that FastTrack is purposely slowing down our servers based on their opinions and beliefs about the content on our website. They are using the repeal of net neutrality as a reason when, in reality, they are hindering our freedom of speech and expression by slowing down our servers.

### *Testimony of Kid Friendly*

I am the owner of Kid Friendly Gaming, which uses FastTrack as its hosting company. We are a subsidiary of Atomic Shock Gaming but operate completely independent of them. The gaming content on our website promotes learning, reading, writing, arithmetic, and many other subjects that students in grades kindergarten–12 would find beneficial. Our website is strictly educational with no political views or favoritism toward any groups. Since the repeal of net neutrality, our server speeds have remained strong. In fact, slowdowns that we experienced in the past are almost non-existent. We have about the same number of customers as Atomic Shock but have not experienced any slowdowns to our server speeds.

### *Testimony of Speedy Webber*

I am the CEO of FastTrack. We knowingly slowed down the Atomic Shock website. Atomic Shock has been using an enormous amount of data whereas similar companies use less. When a company uses the amount of data that Atomic

Shock does, it cost us more to support them and since the repeal of net neutrality, we can legally address the issue. We've done nothing wrong. It is well within our rights to slow down their service if they are exceeding data limits.

### *Testimony of Ant I. NetNew*

I am a representative of the FCC. The repeal of net neutrality is beneficial for society and creates equity for businesses and consumers. If a company is using more data than another company, they should be required to pay more or have their service slowed down. This is customary with cell phone providers, many of which provide internet service as well. Because you have a website and expect no slowdown in service if usage exceeds allotted limits, is unmerited. The repeal of net neutrality is fair for all parties.

## INSTRUCTIONS

The plaintiff must set out such a convincing case against the defendant that the jury believes by a preponderance of the evidence that the defendant violated the plaintiff's First Amendment rights.

## SUB-ISSUES

1. Is the repeal of net neutrality unconstitutional?
2. Does net neutrality protect First Amendment rights?
3. Is Atomic Shock data usage exceeding their limits?
4. Is FastTrack targeting Atomic Shock because of content?
5. Is the same number of customers equivalent to using the same amount of data?

## CONCEPTS

1. Rule of law: The principle that all people and institutions are subject to and accountable to law that is fairly applied and enforced.
2. Due process: fair treatment through the

normal judicial system.

3. Credibility of witnesses.
4. Burden of proof: preponderance of the evidence.

## LAW

The First Amendment states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”



# WILL BEAU PEEP TAKE HER SHEEP? LAMBERT V. FARMVILLE

## SCHOOL

Bloomfield  
Middle  
Bloomfield  
Grade 8  
Honorable  
Mention

## TEACHER

John Shanagher

## STUDENTS

Anthony Arroyo  
Kaia Atexide  
Joshua Barry  
Allison Bedoya  
Diala Ismail

Sara Malleo  
Ashley Martinez  
Justin Nader  
Peter Nguyen  
Isaiah Quinones

Brennen Sindle  
Gerald  
VanBaelen  
Jose Vyas

## FACTS

Dr. John Dolittle is a veterinarian who recently moved into a wealthy residential area of Farmville, New Jersey. On the night of August 11, 2017, Dr. Dolittle was struggling to sleep because of the strange noises coming from his neighbor, Mary Lambert's, backyard. He looked out his window which faces Ms. Lambert's backyard, and saw two lambs and several chickens contained in an animal pen.

The next morning, Dr. Dolittle approached Ms. Lambert and asked her why she was keeping farm animals in her backyard. She explained that she practiced Santeria, a religion which requires animal sacrifice as part of its rituals. Dr. Dolittle told her that slaughtering animals in his neighborhood was unacceptable and that unless she stopped, he would call the town and complain.

Two nights later, he was awakened by the sounds of a group of people chanting, followed by

what sounded like screaming. He again looked out his bedroom window, and saw a group of people in long robes, one of whom was holding a knife over the body of a dead lamb. He immediately called the police.

When the police arrived, they said that there really wasn't much they could do besides ask Ms. Lambert's guests to be more quiet. The next morning, Dr. Dolittle called the municipal zoning office and filed a complaint. Beau Peep, the zoning officer, visited Ms. Lambert's house and informed her that local zoning ordinances prohibited people from keeping farm animals in a residential neighborhood. She explained that the animals were being kept for religious purposes and therefore the town had no right to interfere with her religious practices. She told Mr. Peep that the animals were delivered once a month, but that she required access to the animals twice a month. The zoning officer warned her that unless she complied with the zoning regulations, the

town would be forced to seize the animals.

Ms. Lambert has filed suit against the town for interfering with her personal religious practices as guaranteed by the First Amendment. She is seeking to retain custody of her animals and to have the Farmville zoning ordinances changed to permit her to conduct religious services according to her customs.

## ISSUE

Does Mary Lambert's First Amendment right to freedom of religion require the town of Farmville to change its zoning ordinances to either allow her to keep farm animals on her property or elsewhere in the town?

## WITNESSES

### *For the Plaintiff*

Mary Lambert

Rabbi Lucy Locket

### *For the Defense*

Dr. John Doolittle

Beau Peep

## WITNESS STATEMENTS

### *Testimony of Mary Lambert*

I live on a busy street in a wealthy residential area. Until recently I've always had an excellent relationship with my neighbors. This all changed last August. One morning, my new neighbor, John Dolittle, knocked on my door and angrily asked me why I was keeping farm animals in my backyard. He said that they had been making noise and kept him awake the night before. I apologized and promised to see what I could do to keep the animals quiet. He again asked me why I was keeping them, and I explained that they were a necessary part of my religious practice. I was hesitant to tell him how the animals were used by followers of Santeria because non-believers tend to become uncomfortable with our practices. When he insisted, I explained that twice a month we conduct religious services which include the

sacrifice of animals. He became very upset and told me to either get rid of the animals immediately or he would call the town to complain. He left angrily.

Two days later, we held a Santeria ceremony in my backyard. I tried to keep things as quiet as possible. However, the next day the town zoning officer arrived, and told me that I had to get rid of the animals immediately. I explained to him that I had looked everywhere in Farmville for property zoned to allow farm animals, but there was literally nowhere in town where this was possible.

Essentially, Farmville has zoning ordinances which deny me the ability to practice my religion. According to the traditions of Santeria, followers must sacrifice animals which are carefully bred and raised to meet the ancient requirements given by God. If you look at the Old Testament, you will see that God gave strict guidance about the physical condition of the animals to be sacrificed. In this area of the country, there is only one supplier who meets the strict requirements. He only delivers animals to Farmville once per month, so at any given time, there are at least one lamb and several chickens in my backyard. I recognize the need to get along with my neighbors, so I offered to build a soundproof barn in my yard. But the zoning officer told me that I couldn't do that legally either. So while I've tried to be a good neighbor and a good citizen, the town of Farmville has made no attempt to accommodate my religious needs.

I believe that I am a victim of prejudice against Santeria and its followers. Freedom of religion is a fundamental part of what makes America the greatest country in the world. Farmville needs to either zone an area for us to practice our faith or allow me to continue to hold services in my backyard.

### *Testimony of Rabbi Lucy Locket*

I serve as the rabbi for a large congregation in Farmville. I have been close friends with Mary Lambert for a very long time, and we have had many conversations about her religious practices.

When she brought up the idea of religious sacrifice, I found the whole idea to be disturbing. However, I recalled that at one time animal sacrifice was an important part of Judaism as well. Animals were sacrificed at the temple in Jerusalem for centuries. This made Santeria seem less strange.

While I understand that every community needs rules, I believe that there should always be exceptions made when necessary. As a member of a religion which has been persecuted and misunderstood, I understand the difficulty that Mary faces.

The purpose of zoning laws is to ensure a safe, peaceful and comfortable lifestyle for the residents of a community. The obvious solution here is to allow her to build a soundproof barn. This would respect the need for peace and quiet for the residents of her neighborhood while honoring Mary's freedom to practice her religion.

I certainly understand Dr. Dolittle's objection to what he considers to be cruelty to animals. However, his objections are based on personal feelings. The Supreme Court has ruled that Santeria has a constitutionally guaranteed right to conduct religious ceremonies according to their beliefs. The zoning ordinances need to change.

### *Testimony of Dr. John Dolittle*

As a licensed veterinarian, I have devoted my life to the care and protection of animals. I have a large practice which enabled me to purchase a beautiful home in a quiet residential neighborhood. I moved into the house about a month ago. Shortly after moving in, I started to experience restless sleep. At first I assumed it was because I was sleeping in an unfamiliar place. But at one point I realized there were odd noises coming from the house next door.

Late one night I looked outside and was surprised to see a large animal enclosure which contained two lambs and several chickens. One of the reasons I chose to buy a house in this neighborhood was because it was quiet. I work

very long hours so when I return home, I need to relax. Can you imagine how surprised I was to be awoken by the sounds of farm animals in a neighborhood zoned for residential use?

Early the next morning, I knocked on Mary Lambert's door and asked her why she was keeping farm animals in her backyard. She apologized for keeping me awake but tried to avoid my question. When I pushed, she told me that the animals were used as part of her religion. When she told me that the animals were to be sacrificed, I was shocked! As a veterinarian, my life is dedicated to protecting animals. The idea of living next door to a house where defenseless animals would have their throats cut as part of some barbaric religious practice is repulsive to me. I would never have purchased my house if I had known the horrible things that were going on next door.

Ms. Lambert listened to the things that I had to say without responding. I told her that unless the animals were gone within the next few days, I would call the town and complain. Two nights later I was again awakened by odd noises coming from Ms. Lambert's backyard. This time when I looked out the window, I saw a group of people wearing long robes standing around a man who was holding a knife over the lifeless body of a dead lamb. I realized what had woke me up was the lamb screaming as it died.

Enough was enough. I called the police department and they sent two officers to my house. I told them what happened and they went next door and questioned Ms. Lambert. They told me that she had broken no criminal laws so there wasn't much that they could do. They recommended that I call the town zoning office.

I called first thing the next morning and reported Ms. Lambert for raising animals in a residential neighborhood. I received a visit from zoning officer Beau Peep later that day. I described my horrific experience from the night before. He then went next door and met with Ms. Lambert.

It is not my habit to comment on the religious practices of anyone else. While I find the practices



of Santeria to be a violation of everything I believe to be humane, the problem here is that Ms. Lambert's animals are clearly a violation of Farmville's zoning laws. If the town makes her stop keeping farm animals in her yard, it will be because she is violating the law. This has nothing to do with freedom of religion, this is about quality of life decisions made by an entire community.

### *Testimony of Beau Peep*

I have been a zoning officer for about seven years now and my job is to enforce the zoning ordinances of the town of Farmville. One day, I received a call from a resident named John Dolittle. He was very upset and said that his neighbor was slaughtering animals in her backyard. Upon arriving at Dr. Dolittle's home, I questioned him about his claim. Dr. Dolittle stated that he had been awakened late on the previous evening by screams coming from his neighbor's backyard. He said that he looked out of his window and saw some sort of ceremony going on which involved robed figures and the ritualistic sacrifice of a lamb. This sounded pretty outrageous to me.

I went next door to the home of Mary Lambert. Much to my surprise, she confirmed much of what Dr. Dolittle had told me. We went into her backyard where I saw an animal pen containing a lamb and several chickens. I explained to Ms. Lambert that Farmville has strict zoning ordinances and that keeping farm animals within the town limits was a violation of Farmville Zoning Code 78-42A. I told her that she had seven days to find another place for her animals or she would be fined and the animals would be confiscated. She became very angry and told me that her animals were sacred and under no circumstances would she allow them to be taken from her. I'm not unsympathetic to Ms. Lambert's problem, but my job is to enforce the zoning ordinances. Thousands of people purchased homes in Farmville because it is a quiet, law-abiding community. Their quality of life is no less important than Ms. Lambert's religious choices. Nothing is

stopping her from conducting her ceremonies in a neighboring community with more open space or different zoning ordinances. But in Farmville, we obey the law.

## **INSTRUCTIONS**

The plaintiff must prove by a preponderance of the evidence that the zoning ordinances of Farmville violate Mary Lambert's ability to practice her religious customs as guaranteed by the First Amendment.

## **SUB-ISSUES**

1. Was Dr. Dolittle the only resident who complained about Mary Lambert's animals?
2. Is Dr. Dolittle's objection based on the zoning violation or his objection to animal sacrifice?
3. Would it be more acceptable to the town to allow Mary to build a barn, or to rezone another lot in the town for her to conduct her religious ceremonies?

## **CONCEPTS**

1. Burden of proof: by a preponderance of the evidence.
2. Credibility of the witnesses.
3. Residential zoning.
4. The rights of the individual versus the rights of the group.

## **LAW**

### *First Amendment to the Constitution of the United States of America*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### *Farmville Zoning Ordinance 78-42A*

In residential districts, no goats, pigs, sheep or similar farm animals shall be kept on a parcel of land less than five acres in area.



## NEW JERSEY STATE BAR FOUNDATION

One Constitution Square  
New Brunswick, NJ 08901–1520  
1-800-FREE LAW  
[njsbf.org](http://njsbf.org)

Check out our website  
Like us on Facebook  
Follow us on Twitter and Instagram

