

## STUDENT HANDOUT 8

### You Be the Judge

**You are the judge in each of the following cases. After you read each scenario, spend a few minutes weighing the information you have just read and then write your decision and tell why you decided as you did.**

1. Devout Christian Scientist parents refuse to bring their sick 5-year-old child to a medical clinic, even though the illness could be cured by proven treatment and medication. The child dies, and the couple is arrested and brought to trial on charges of murder. The prosecutor tells you that the couple is guilty because they did not provide the child with proper treatment, even though they knew that the child's illness could probably be successfully treated. The parents are grief-stricken, but argue that as Christian Scientists they believed spiritual healing would restore their child's health. They said it was contrary to their religious beliefs to bring the child to a medical clinic, and that to find them guilty would be denying them their right to freedom of religion under the First Amendment. What would you decide?
  
2. Your state has a law requiring public school students to stand and pledge allegiance to the flag at the beginning of each school day. When the children of a devout Jehovah's Witnesses family refuse to salute the flag, they are suspended from school. The parents of the suspended children sue the school board. They argue that under their religion, saluting the flag is idolatry and therefore a sin. They are not unpatriotic, but merely want an exception to be made for their children. The school board says that the children should not be allowed back in school until they decide they can salute the flag. The school board argues that saluting the flag merely shows loyalty to America, and that it is required by state law; religious beliefs are not relevant. What would you decide?

3. A male member of the Mormon church (Latter Day Saints) living in Utah is prosecuted by federal authorities in the late 1800s for bigamy (having more than one spouse). The man states that this practice is upheld by the doctrines of his church. The federal prosecutor says that bigamy destroys the social order in America and must be punished. What would you decide?
  
4. An Amish man is fined for violating a state law that requires his children to go to school beyond the eighth grade. As part of their religion, the Amish believe in separating themselves from the modern world. Therefore, they do not want their children to receive more education than their simple lifestyle demands. The state argues that education is an important part of citizenship and that the children should not grow up to be "ignorant." What would you decide?
  
5. An American Indian is arrested for using an illegal drug—peyote—in a religious ceremony. He is charged with violating his state's drug laws. The prosecutor claims that the people of the state do not want illegal and dangerous drugs to be used there—and that's why the laws were passed. The man who was arrested argues that peyote is and always has been a part of his religion, and that convicting him would violate his freedom of religion. What would you decide?
  
6. An Air Force captain, who is Jewish, is disciplined for wearing nonmilitary apparel (a skullcap called a yarmulke) with his uniform. The captain states that the skullcap does not interfere with his duties or pose a safety hazard; therefore, he should be allowed to practice his religion freely. The military says that uniforms have to be consistent to uphold military discipline; if the military makes an exception for one religion, it would have to make exceptions for others. What would you decide?