

the receiver has a Maine license. Several trucking associations brought a lawsuit in federal court, claiming that federal law preempted Maine's statute. Does federal law preempt the two provisions of the Maine state statute at issue in this case? *Rowe, Attorney General of Maine v. New Hampshire Motor Transport Association*, 128 S.Ct. 989, 169 L.Ed.2d 933, Web 2008 U.S. Lexis 2010 (Supreme Court of the United States)

5.2 Establishment Clause McCreary County and Pulaski County (the Counties), Kentucky, placed in their courthouses large, gold-framed copies of the Ten Commandments. In both courthouses, the Ten Commandments were prominently displayed so that visitors could see them. The Ten Commandments hung alone, not with other paintings and such. The American Civil Liberties Union of Kentucky (ACLU) sued the Counties in U.S. District Court, alleging that the placement of the Ten Commandments in the courthouses violated the Establishment Clause of the U.S. Constitution. The U.S. District Court granted a preliminary injunction ordering the removal of the Ten Commandments from both courthouses. The Counties added copies of the Magna Carta, the Declaration of Independence, the Bill of Rights, and other non-religious items to the display of the Ten Commandments. The U.S. District Court reissued the injunction against this display, and the U.S. Court of Appeals affirmed. The Counties appealed to the U.S. Supreme Court. Does the display of the Ten Commandments in the Counties' courthouses violate the Establishment Clause? *McCreary County, Kentucky v. American Civil Liberties Union of Kentucky*, 545 U.S. 844, 125 S.Ct. 2722, 162 L.Ed.2d 729, Web 2005 U.S. Lexis 5211 (Supreme Court of the United States)

5.3 Supremacy Clause The military regime of the country of Myanmar (previously called Burma) has been accused of major civil rights violations, including using forced and child labor, imprisoning and torturing political opponents, and harshly repressing ethnic minorities. These inhumane actions have been condemned by human rights organizations around the world. The state legislators of the state of Massachusetts were so appalled at these actions that they enacted a state statute banning the state government from purchasing goods and services from any company that did business with Myanmar.

The U.S. Congress enacted a federal statute that delegated power to the president of the United States to regulate U.S. dealings with Myanmar. The federal statute (1) banned all aid to the government of Myanmar except for humanitarian assistance, (2) authorized the president to impose economic sanctions against Myanmar, and (3) authorized the president to develop a comprehensive multilateral strategy to bring democracy to Myanmar.

The National Foreign Trade Council—a powerful Washington, DC-based trade association with more than 500 member companies—filed a lawsuit against Massachusetts to have the state law declared unconstitutional. The council argued that the Massachusetts “anti-Myanmar” statute conflicted with the federal statute and that, under the Supremacy Clause, the state statute was preempted by the federal statute. Does the Massachusetts anti-Myanmar state statute violate the Supremacy Clause of the U.S. Constitution? *Crosby, Secretary of Administration and Finance of Massachusetts v. National Foreign Trade Council*, 530 U.S. 363, 120 S.Ct. 2288, 147 L.Ed.2d 352, Web 2000 U.S. Lexis 4153 (Supreme Court of the United States)

5.4 Separation of Powers In 1951, a dispute arose between steel companies and their employees about the terms and conditions that should be included in a new labor contract. At the time, the United States was engaged in a military conflict in Korea that required substantial steel resources from which to make weapons and other military goods. On April 4, 1952, the steelworkers' union gave notice of a nationwide strike called to begin at 12:01 A.M. April 9. The indispensability of steel as a component in weapons and other war materials led President Dwight D. Eisenhower to believe that the proposed strike would jeopardize the national defense and that governmental seizure of the steel mills was necessary in order to ensure the continued availability of steel. Therefore, a few hours before the strike was to begin, the president issued Executive Order 10340, which directed the secretary of commerce to take possession of most of the steel mills and keep operating. The steel companies obeyed the order under protest and brought proceedings against the president. Is this seizure of the steel mills constitutional? *Youngstown Co. v. Sawyer, Secretary of Commerce*, 343 U.S. 579, 72 S.Ct. 863, 96 L.Ed.2d 1153, Web 1952 U.S. Lexis 2625 (Supreme Court of the United States)

5.5 Privileges and Immunities Clause During a period of a booming economy in Alaska, many residents of other states moved there in search of work. Construction work on the Trans-Alaska Pipeline was a major source of employment. The Alaska legislature enacted an act called the Local Hire Statute. This act required employers to hire Alaska residents in preference to nonresidents. Is this statute constitutional? *Hicklin v. Orbeck, Commissioner of the Department of Labor of Alaska*, 437 U.S. 518, 98 S.Ct. 2482, 57 L.Ed.2d 397, Web 1978 U.S. Lexis 36 (Supreme Court of the United States)

5.6 Commercial Speech The city of San Diego, California, enacted a city zoning ordinance that

at full cost. Dianna sued Clancy to recover damages based on his negligence. Has Clancy been negligent? If so, what amount of damages should be awarded to Dianna? *Clancy v. Goad*, 858 N.E.2d 653, Web 2006 Ind. App. Lexis 2576 (Court of Appeals of Indiana)

6.2 Duty and Causation Michael Carneal was a 14-year-old freshman student at Heath High School in Paducah, Kentucky. Carneal regularly played the violent interactive video and computer games "Doom," "Quake," "Castle Wolfenstein," "Rampage," "Nightmare Creatures," "Mech Warrior," "Resident Evil," and "Final Fantasy." These games involved the player shooting virtual opponents with computer guns and other weapons. Carneal also watched videotaped movies, including one called *The Basketball Diaries*, in which a high-school-student protagonist dreams of killing his teacher and several of his fellow classmates. Carneal took a .22-caliber pistol and five shotguns into the lobby of Heath High School and shot several of his fellow students, killing three and wounding many others. The three students killed were Jessica James, Kayce Steger, and Nicole Hadley.

The parents of the three dead children sued the producers and distributors of the violent video games and movies that Carneal had watched previous to the shooting. The parents sued to recover damages for wrongful death, alleging that the defendants were negligent in producing and distributing such games and movies to Carneal. Are the video and movie producers liable to the plaintiffs for selling and licensing violent video games and movies to Carneal, who killed the plaintiffs' three children? *James v. Meow Media, Inc.*, 300 F.3d 683, Web 2002 U.S. App. Lexis 16185 (United States Court of Appeals for the Sixth Circuit)

6.3 Strict Liability Leo Dolinski purchased a bottle of Squirt, a soft drink, from a vending machine at a Sea and Ski plant, his place of employment. Dolinski opened the bottle and consumed part of its contents. He immediately became ill. Upon examination, it was found that the bottle contained the decomposed body of a mouse, mouse hair, and mouse feces. Dolinski visited a doctor and was given medicine to counteract nausea. Dolinski suffered physical and mental distress from consuming the decomposed mouse and thereafter possessed an aversion to soft drinks. The Shoshone Coca-Cola Bottling Company (Shoshone) had manufactured and distributed the Squirt bottle. Dolinski sued Shoshone, basing his lawsuit on the doctrine of strict liability. Does the doctrine of strict liability apply to this case? If so, is there a defect on which to base a case for strict liability? *Shoshone Coca-Cola Bottling Company v. Dolinski*, 420 P.2d 855, Web 1966 Nev. Lexis 260 (Supreme Court of Nevada)

6.4 Design Defect Intex Recreation Corporation designed and sold the Extreme Sno-Tube II. This snow tube is ridden by a user down snow-covered hills and can reach speeds of 30 miles per hour. The snow tube has no steering device, and therefore a rider may end up spinning and going down a hill backward. Dan Falkner bought an Extreme Sno-Tube II and used it for sledding the same day. During Falkner's second run, the tube rotated him backward about one-quarter to one-third of the way down the hill. A group of parents, including Tom Higgins, stood near the bottom of the hill. Higgins saw 7-year-old Kyle Potter walking in the path of Falkner's speeding Sno-Tube. Higgins ran and grabbed Potter to save him from harm, but while he was doing so, the Sno-Tube hit Higgins and threw him into the air. Higgins landed on his forehead, which snapped his head back. The impact severed Higgins's spinal cord and left him quadriplegic. Higgins sued Intex for damages based on strict liability. Is the snow tube defective? *Higgins v. Intex Recreation Corporation*, 199 P.3d 421, Web 2004 Wash. App. Lexis 2424 (Court of Appeals of Washington)

6.5 Merchant Protection Statute LaShawna Goodman went to a local Walmart store in Opelika, Alabama, to do some last-minute holiday shopping. She brought along her two young daughters and a telephone she had purchased earlier at Walmart to exchange. She presented the telephone and receipt to a Walmart employee, who took the telephone. Unable to find another telephone she wanted, Goodman retrieved the previously purchased telephone from the employee, bought another item, and left. Outside, Goodman was stopped by Walmart security personnel and was accused of stealing the phone. Goodman offered to show the Walmart employees the original receipt, but the Walmart employees detained her and called the police. Goodman was handcuffed in front of her children. Walmart filed criminal charges against Goodman.

At the criminal trial, Goodman was acquitted of all charges. Goodman then filed a civil lawsuit against Walmart Stores, Inc., to recover damages for falsely accusing her of stealing the telephone and false imprisonment. Walmart asserted the defense that it was within its rights to have detained Goodman as it did and to have prosecuted her based on its investigation. Walmart asserted that the merchant protection statute protected its actions in this case. Was Walmart's conduct ethical? Did Walmart act responsibly by bringing criminal charges against Goodman? Did Walmart present sufficient evidence to prove that it should be protected by the merchant protection statute? *Walmart Stores, Inc. v. Goodman*, 789 So.2d 166, Web 2000 Ala. Lexis 548 (Supreme Court of Alabama)

6.6 Negligence Seventeen-year-olds Adam C. Jacobs and David Messer made the acquaintance of 17-year-old

7.5 Bribery The city of Peoria, Illinois, received federal funds from the Department of Housing and

Urban Development (HUD) to be used for housing rehabilitation assistance. The city of Peoria designated United Neighborhoods, Inc. (UNI), a corporation, to administer the funds. Arthur Dixon was UNI's executive director, and James Lee Hinton was its housing rehabilitation coordinator. In these capacities, they were responsible for contracting with suppliers and trades people to provide the necessary goods and services to rehabilitate the houses. Evidence showed that Dixon and Hinton used their positions to extract 10 percent payments back on all contracts they awarded. What crimes have Dixon and Hinton committed? *Dixon and Hinton v. United States*, 465 U.S. 482, 104 S.Ct. 1172, 79 L.Ed.2d 458, Web 1984 U.S. Lexis 35 (Supreme Court of the United States)

8.6 Trademark Clairol Incorporated manufactures and distributes hair tinting, dyeing, and coloring preparations. Clairol embarked on an extensive advertising campaign to promote the sale of its "Miss Clairol" hair-color preparations that included advertisements in national magazines, on outdoor billboards, on radio and television, in mailing pieces, and on point-of-sale display materials to be used by retailers and beauty salons. The advertisements prominently displayed the slogans "Hair Color So Natural Only Her Hairdresser Knows for Sure" and "Does She or Doesn't She?" Clairol registered these slogans as trademarks. During the next decade, Clairol

spent more than \$22 million on advertising materials, resulting in more than a billion separate audio and visual impressions using the slogans. Roux Laboratories, Inc., a manufacturer of hair-coloring products and a competitor of Clairol's, filed an opposition to Clairol's registration of the slogans as trademarks. Do the slogans qualify for trademark protection? *Roux Laboratories, Inc. v. Clairol Inc.*, 427 F.2d 823, Web 1970 CCPA Lexis 344 (United States Court of Customs and Patent Appeals)