

# There are clear and fair processes for enforcing laws

The Fifth and Fourteenth Amendments of the United States Constitution include language that the “due process of law” be a part of any proceeding that denies a citizen “life, liberty or property.” This provision should protect the legal rights of everyone involved. The following Supreme Court case describes how this principle of the rule of law applies even in the case of young students.

## Goss v. Lopez (1975)

Eight high school students and one middle school girl, in Columbus, Ohio, were given 10-day suspensions for a variety of disruptive or disobedient behavior. Among them, Dwight Lopez was suspended for damaging school property during a lunchroom commotion. Lopez claimed he was not involved and was simply an innocent bystander. There was no hearing either before or shortly after the suspensions and Ohio law did not require it. Their principals’ actions were challenged, and a federal court found that the students’ rights had been violated. The case was then appealed to the Supreme Court.

Attorneys for Lopez and others argued that students have a legitimate property right in their education, which is protected by the “due process clause.” This right cannot be taken away without appropriate procedural hearings.

In a 5-to-4 decision, the Court ruled for the students, explaining that once the state provides an education for all of its citizens, it cannot deprive them of it without ensuring due process protections. The Court found that students facing suspension should at a minimum be given notice and afforded some kind of hearing. However, the Court also agreed with the District Court indicating, “Students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases, the necessary notice and rudimentary hearing should follow as soon as practicable...”

**Follow up: Research the policies and procedures for dealing with misconduct at your school. Are they easy to find, clearly written and easy to understand?**

**Newspaper Activities: Read the newspaper, in-print or online, and check other news sources to search for current examples of due process of enforcing the law. Discuss what you find as a class.**

**Look for news reports about recent court cases. How are the rights of everyone involved in the proceeding being protected?**

Next installment: **There is an independent judiciary**

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