

## ***Do Curfew Laws Unfairly Restrict the Rights of Minors?***

"I was raised in this same county. I never had a curfew and, as a result of it, I enjoyed a lot of freedom. . . . If our youth don't experience this, what are they going to fight for? Freedom is a good teacher."

### **The Issue in Question**

The comment above was made by Craig Simmons, a carpenter in Iowa. In 1987, his 15-year-old son, David, rode his skateboard straight into a constitutional dispute. David was skateboarding in a shopping mall parking lot at 10:30 at night, in violation of a town curfew law that made it unlawful for anyone under the age of 18 to be out after 10 P.M. A police officer saw him, and David was charged with breaking the curfew law. He was later fined in court.

David and his parents disagreed with the decision of the court. They argued that the town's curfew law violated David's constitutional rights. Eventually, they appealed their case to the Iowa state supreme court.

David and his parents were aware that young Americans are frequently denied many political and social rights available to adults. Many state and local laws regulate people on the basis of how old they are—and make it illegal for them to drink alcohol, drive a car, or get married until they reach a certain age. These laws are based on a legal principle that the government has the responsibility and the authority to regulate the behavior of minors to insure their safety and the security of the community. At times, however, these laws can put the government at odds with young people and their parents over the question of who best represents the interests of the child. For David and his parents, the curfew was one such law.

**Curfews Common** A curfew is a law or ordinance within a certain geographic area that restricts access to the streets or public

places during specified times. Frequently these laws are directed at minors. Most curfews are set up by local governments in an effort to control the behavior of young people within a county, city, or town.

Since the 1800s, many cities and towns around the nation have adopted curfew laws. In some areas, authorities simply choose not to enforce old curfew laws on their books. Many municipalities, however, have looked to strict enforcement of these curfews as a way to combat crime, vandalism, and street gangs.

### **Background on the Case**

On the evening of May 5, 1987, David Simmons and a friend were practicing for a school skateboard demonstration in a shopping center parking lot in Panora, Iowa. Panora police officer Keith Johnson arrived at the lot at 10:30 P.M. Since he had warned the boys about curfew violations a few days earlier, he issued a citation to David.

The town curfew ordinance made it unlawful for persons under the age of 18 to be out between 10 P.M. and 5 A.M. The law did allow minors to be out if they were accompanied by parents, or traveling home from a job, church, or town and school functions. Because David was out at 10:30, he was clearly violating the curfew.

**"Freedom Is a Good Teacher"** David and his parents were upset. His father said, "King Solomon was 12 or 14 when he was on the throne. David (in the Bible) was about 14 when he slew Goliath. It was a good thing there wasn't a curfew law around then. . . . I was raised in this same county. I never had a curfew and, as a result of it, I enjoyed a lot of freedom.

"I was raised knowing freedom. If our youth don't experience this, what are they going to fight for? Freedom is a good teacher. When my child is 18 years old, he is going to be ready to leave home for college or whatever. It's just

## ***Do Curfew Laws Unfairly Restrict the Rights of Minors?*** (continued)

like learning to walk. He needs freedom to learn.”

A town judge fined David one dollar for his violation. David appealed the court decision to an Iowa district court which upheld the lower court. Finally, David took his case to the Iowa supreme court, the highest court in the state.

**The Legal Argument** David was aided in his appeals by lawyers from the Iowa Civil Liberties Union. They argued that the law was so vague that the difference between legal and illegal conduct “must be in many instances a matter of sheer guesswork.” Referring to the law’s wording, they asked, “What is an approved place of employment, church, municipal or school function?”

David’s attorneys stated that the law unfairly restricted a young person’s freedom of travel and movement. They asked, “How does a minor obtain approval to travel between his home or an approved function? And what is meant by the term ‘traveling’? Can a minor walk or must he be within a vehicle?”

David’s lawyers also argued that the curfew had town officers interfering into matters best handled by parents in the privacy of their homes. One lawyer commented, “Details such as what time a child goes to bed, or how late an adolescent stays out, are simply not the state’s business.”

Further, David’s lawyers maintained that David’s constitutional rights of free speech and due process had been taken away from him. “Although not participating in any illegal activity, his actions were deemed unlawful,” a concerned lawyer pointed out. “The ordinance casts a wide net and leaves it to the police to decide who will be detained and who will be set free.”

**A Spirited Defense** Led by town officials, supporters of the curfew spoke out. Town mayor Marlyn Adams said, “The curfew is for the kids’ own safety. I’d say 99 percent of the parents want it.” Other supporters argued that the law was necessary because many parents simply didn’t do a very good job of watching their children. According to one observer, “There’s a huge mix of people downtown from 14 to 30 years old. There is a fear that 14-year-olds could be victimized by the other people. A curfew would give police a tool to call parents and say come get your kids.”

From a legal standpoint, Panora’s lawyer claimed that the curfew was neither vague nor unconstitutional. As he put it, “The ordinance challenged here regulates conduct, not speech, and only the conduct of juveniles.” The town lawyer further maintained that the law was a reasonable exercise of the town’s authority to control its own streets, and maybe prevent crime in the process.

**Do Curfew Laws Unfairly Restrict the Rights of Minors?** (continued)

**The Arguments For the Curfew**

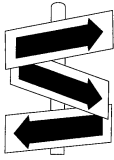
1. It is in the best interest of young people, and serves to protect them from danger.
2. The curfew is needed to protect the community because some parents fail to watch their children closely, increasing the potential for criminal acts against children.
3. The curfew does not violate basic constitutional rights since it regulates conduct and not speech.

**The Arguments Against the Curfew**

1. The curfew unfairly discriminates against young people and violates their constitutional rights.
2. The curfew gives the town too much control over family life, which is none of its business.
3. It is a vague law and therefore difficult to enforce.

**The Decision-Making Checklist**

✓	<b>Clarify the problem.</b> (What is the issue or conflict?)
✓	<b>Create a list of possible solutions.</b> (How might you resolve the problem?)
✓	<b>Compare the pros and cons of each solution.</b> (What are the strengths and weaknesses of each solution?)
✓	<b>Consider your values and goals.</b> (What is important to you in choosing a course of action, and why?)
✓	<b>Choose a course of action and evaluate the results.</b> (What would you decide, and how would you judge the outcome?)



**UNIT 3**  
**Worksheet**

# ***Do Curfew Laws Unfairly Restrict the Rights of Minors?***

**Objective** Answer the following questions based on your understanding of the issues in this case. Use an additional sheet of paper when necessary.

### **A. Comprehension**

1. Define the term "curfew."

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2. David Simmons' lawyers claimed that the curfew law was unfair. List three reasons given by the lawyers to support this claim.

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3. The lawyers representing the town claimed that the curfew law was reasonable. List three reasons to support their argument.

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### **B. Critical Thinking**

1. **Identifying Central Issues** The curfew question touches on the rights of the child, the parent, and the government. Give one right held by each of the three parties in the Panora, Iowa, case.

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2. **Predicting Consequences** Assume a strict curfew law was in force in your community. Predict its effect on the behavior of young people.

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3. **Demonstrating Reasoned Judgment** If you were a judge assigned to rule on the Panora, Iowa, curfew case, what position would you take? Why would you take that position? Use the Arguments For, the Arguments Against, and the Decision-Making Checklist in *Do Curfew Laws Unfairly Restrict the Rights of Minors?* to help you make your decision and develop your answer. Write your answer on a separate sheet of paper.