

Supreme Court to rule on First Amendment right to silence

By Robert A. Sedler, *The Conversation*

New Hampshire's state motto "Live free or die" is, for many residents, a stirring evocation of the independent spirit of colonial America.

But not all New Hampshirites agree with this well-known slogan that is emblazoned on the state's license plates. In 1975, George Maynard was sent to jail because he didn't believe in it.

Maynard and his wife were Jehovah's Witnesses, a Christian denomination that teaches that true believers will enjoy eternal life. The couple felt that the state's motto violated this tenet. So Maynard covered up the "or die" part on his vehicles' license plates.

Police gave him three different tickets for illegally altering the plates. When he refused to pay the fines, which totaled \$75, he was given a 15-day jail sentence.

Maynard then filed a lawsuit that reached the U.S. Supreme Court. In 1977, the Supreme Court ruled that the First Amendment gave Maynard the legal right to cover up those two words. In other words, the First Amendment – which guarantees the right to free speech – can also give people the right to remain silent.

Flowing from free speech

I am a legal scholar, so when I learned that the Supreme Court will decide two right-to-silence cases this term the Maynard case came to mind.

The Maynard decision was not the first time the court ruled in favor of a Jehovah's Witness' right to be silent. Both decisions hinge on the justices' determination that the First Amendment includes, in the court's words, the right "to avoid becoming a 'mobile billboard' for the State's ideological message."

It may sound contradictory to say the right to be silent flows from the right to speak, but it is not.

The First Amendment protects a person's right to convey his own message, to voice her own ideas and not to be compelled to publicly disclose personal beliefs and associations. When the government tries to compel a person to speak its message, these rights are seriously damaged.

The right to free speech is likewise violated when people are required to associate themselves with an idea with which they disagree.

This issue first came before the Supreme Court in 1943, when a West Virginia school board expelled a Jehovah's Witness student for refusing to recite the Pledge of Allegiance because saluting the American flag salute would violate the biblical command "Thou shall not bow down to graven images."

The court, then lead by Chief Justice Robert H. Jackson, agreed. The First Amendment prevents the government from forcing citizens to express patriotism by saluting the flag.

"If there is any star fixed in our constitutional constellation," Jackson wrote, "it is that no official, high or petty, can prescribe that what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein."

Carrying the government's message

The first case that will return this issue to the Supreme Court's scrutiny in 2018 is *National Institute of Family and Life Advocates v. Becerra*. It involves religiously based "crisis pregnancy centers" in California that try to discourage women from seeking an abortion.

New legislation requires those centers to post notices about other women's health services available in the state, including abortions.

The pregnancy centers have sued the state, contending that the law forces them to speak the government's message. California contends that the law is a reasonable regulation of licensed medical facilities.

It will be up to the Supreme Court to decide if the clinic's claimed right "to avoid becoming the courier for the State's ideological message" is a valid interpretation of the First Amendment.

Disagreeable association

The second right-to-silence case before the Supreme Court this term, *Janus v. American Federation of State and County Municipal Employees*, tests the related guarantee that people cannot be forced to be associated with an idea they do not hold.

Forty years ago, the court ruled that a union can require non-members to pay an "agency fee" for their representation by the union. The union may not use any part of the agency fee to advance ideological purposes unrelated to the union's primary function of collective bargaining.

Now, with *Janus v. AFSCME*, non-union public employees contend that the required agency fee violates their First Amendment rights because it is not possible to separate bargaining collectively from advancing ideological purposes.

For government workers, they say, issues like salaries, pensions and benefits are inherently political for government workers. And some employees may not agree with the union's position on those matters.

The unions contend that since all employees benefit from the union's collective bargaining efforts, allowing workers to opt out of paying the agency fee would enable "free riders."

Regardless of how the court rules in these two cases, the American right to silence is on trial this year. Both Janus and National Institute of Family and Life Advocates will be decided by the end of June, when the court closes its present term.

Robert A. Sedler is a distinguished professor of law at Wayne State University.

Nev. AG's office launches website to aid sex assault victims

By Ramona Giwargis, Las Vegas Review-Journal

Nevada Attorney General Adam Laxalt this week unveiled a website for sexual assault victims as part of his initiative to reduce the backlog of untested rape kits.

The website, which has been under construction for months, features resources for survivors, law enforcement contact information and details on Nevada's initiative to test thousands of backlogged rape kits. It also includes statistics on testing, DNA matches and arrests made. The data will be

updated monthly.

Read the whole story

Rivers rushing for stellar rafting season

By Tom Stienstra, San Francisco Chronicle

The first summer tease, with temperatures in the 80s, arrived last week in the Sierra foothills. But the real treats are in the rivers that cascade down the flank of the Sierra Nevada for rafting, water sports and camping.

Memorial Day weekend is two weeks away and the rafting and camping season is a go for summer.

Earlier this month, after an analysis of the High Sierra snowpack and downstream reservoir levels, water agencies and rafting outfitters met in friendly talks to reach a near-guarantee of rafting flows through summer for many rivers on the flank of the Sierra, said Nate Rangel of Adventure Connection.

California has roughly 20 rivers on which pro outfitters run trips. Snowmelt is feeding many rivers with clear, clean flows. In many watersheds, releases from near-full reservoirs guarantee rafting flows all summer.

Read the whole story

Intriguing wines in full bloom at foothill wineries

By Mike Dunne, Sacramento Bee

More than spring flowers are blooming along the slopes of the Sierra foothills. New, bright and intriguing wines also are unfolding, as we discovered during a recent swing through the backroads of El Dorado and Amador counties.

Gordon and Chris Pack are from England, where Champagne has been appreciated long and passionately. Little wonder, then, that they are pursuing sparkling wines with uncommon ambition at their Gwinllan Estate Vineyard and Winery at Somerset in El Dorado County.

Read the whole story

Rules for gender diverse students in Nev. get OK

By Meghan Delaney, Las Vegas Review-Journal

After multiple delays, Nevada top education official on Friday approved guidance for school districts on how to handle students with gender diverse identities.

State Superintendent of Instruction Steve Canavero heard more than 65 comments in the third public hearing on the state regulation, mandated by an anti-bullying law passed by the Nevada Legislature in 2017. Just before 2pm, after almost five hours, Canavero adopted the 16-page regulation and explained

the next steps.

“It goes to the Legislative Commission, which is a committee of legislators that will have the opportunity to hear this regulation and, ultimately, their vote would enact the regulation and codify it into Nevada Administrative Code,” Canavero said.

Read the whole story

Feud threatens to topple iconic Tahoe City sculpture



John Betts' sculpture at the Y in Tahoe City.
Photo/TTD

By Tony Bizjak, Sacramento Bee

For decades, a muscular sculpture of three leaping, gape-

mouthered trout has perched at the entrance to Lake Tahoe's west shore in Tahoe City, offering homage to the alpine basin's wildlife and its natural environment.

Now, the artwork is days from extinction. Crews this week will disassemble it and place it in a warehouse indefinitely, perhaps permanently, even though no one really wants it to happen.

The problem: The artist who created the 20-foot-tall piece and local transportation officials are feuding.

Read the whole story

Snippets about Lake Tahoe

- Lake Tahoe Humane Society is having a garage sale June 2 from 8am-3pm at the 884 Emerald Bay location in South Lake Tahoe.
- The Douglas County Public Library in Minden will be closed on May 28 for Memorial Day.
- "La La Land" will be shown for free in the TADA building at South Tahoe High School on May 17 at 6:30pm.
- The Douglas County Sheriff's Office's inaugural K-9 Charity Tournament will be June 16 at the Carson Valley Golf Course. Contact Priscilla Kramer at 925.876.8116 to register.
- By the end of May, Tahoe Mountain trails will have new signs. The current "Angora Ridge" trail will be renamed the "Tahoe Mountain Trail" and will be a continuation of the Tahoe Mountain Trail from the north.

Supreme Court allows sports betting across the country

By Pete Williams, NBC News

WASHINGTON — The U.S. Supreme Court acted Monday to bust Nevada's monopoly on legal sports betting, allowing more states to get in on the action and reap the tax benefits.

The court, in a 6-3 ruling, struck down a federal law that required states to ban gambling on the outcome of sporting events. The Professional and Amateur Sports Protection Act was highly unusual: It did not ban sports gambling nationwide as a matter of federal law, but it said the states were not allowed to permit it. (Nevada was grandfathered in when the law was passed in 1992.)

[Read the whole story](#)

How to keep your pup healthy and active

By Nicole Gaich, Moonshine Ink

It's almost that time of year. The snow is melting, trails are emerging, and the thoughts of swimming are getting closer and closer ... they can smell it. Tahoe dogs love their spring and summer activities just as much as their people.

Here are some tips to help get your favorite trail buddy conditioned and ready for the next adventure.

A dog's body is a machine, and if conditioned properly, she can sustain a healthy, active lifestyle. Every dog has different needs, though, and finding a balance of cardiovascular activity, strength training, diet, and supplementation (recommended by your veterinarian) is vital. Regular exercise for your dog will provide many benefits: it strengthens and builds muscle, increases flexibility and range of motion, promotes balance and coordination, increases mental stimulation, provides an outlet for excessive energy, aids in weight loss, and – best of all – strengthens the bond between you and your dog. I encourage a visit to your veterinarian before starting any new workout program, introducing a new activity, or checking out a suspected injury for your pet.

Read the whole story

Tahoe Tails – Adoptable Pets in South Lake Tahoe



Waldo

Waldo is a 7-month-old cattle dog – corgi mix. He is very affectionate and loves to sit in laps. He has lots of energy and so needs an active home where he will be able to go to training classes and have lots of toys.

Waldo needs to be the only pet in his new home.

Waldo is neutered, microchipped, tested for heart worm, and vaccinated. He is at the El Dorado County Animal Services shelter in Meyers, along with other dogs and cats who are waiting for their new homes. Go to the Tahoe animal shelter's Facebook page to see photos and descriptions of all pets at the shelter.

Call 530.573.7925 for directions, hours, and other information on adopting a pet. For spay-neuter assistance for South Tahoe residents, go **online**.

– Karen Kuentz