**No Vehicles in the Park**

**Introduction[[1]](#footnote-1)**



Here you will explore a model lesson entitled “No Vehicles in the Park” (Hart, 1958). “No Vehicles in the Park” is a classic lesson in the law-related and civic education field on how to interpret a statute. The lesson has its roots in a 1958 debate between legal scholars in the *Harvard Law Review*. Variations on the lesson have been taught at every level from elementary school to law school by thousands of teachers. Yet, for both the student just experiencing the lesson for the first time and a lawyer/educator who has taught the lesson more than 1000 times, it remains a most involving means of entry into the world of laws. This lesson allows you to begin to explore the process of statutory interpretation that is vital to any appreciation of the role and function of the courts and the way the three branches of government interact.

**NO VEHICLES IN THE PARK--Introduction**

The "No Vehicles in the Park" lesson involves a mock statute that says, due to problems in the park, there will be no vehicles allowed in the park. Do you understand the rule? What makes up a good rule?

You will now be a participant in city council hearing petitions involving disputes over the interpretation of the law. Will you allow exceptions to the law?

Do you look to the letter of the law?

Do you look at the intent of the law?

Do you consider a broader view, exploring the reason we have laws at all in our society?

**NO VEHICLES IN THE PARK HANDOUT**

**T**he town of Barrister had a park that was being overrun by vehicles of all types. To make the park a place where residents might find peace and enjoyment, the town leaders enacted a law that reads: "No Vehicles in the Park." While the law seems clear, some disputes have risen over the interpretation of the law. Please decide the listed cases keeping in mind both the letter of the law as well as the intent of the law.

**A**. John lives on one side of town and works on the other side. He will save 10 minutes if he drives through the park.

**B**. To keep the park clean, there are many trash barrels in which people may deposit all litter. The sanitation department wants to go into the park with trash trucks to collect the trash.

**C**. Two police officers are chasing a suspected bank robber. If one officer cuts through the park, he or she can get in front of the suspect’s car and trap it between the patrol cars.

**D**. An ambulance has a dying car-accident victim in it and is racing to the hospital. The shortest route is through the park.

**E**. Some of the children who visit the park want to ride their bikes in the park. What about the skateboarders?

**F**. Mr. Thomas wants to take his baby to the park in her baby buggy.

**G**. A monument to the town’s citizens who died in the two Gulf Wars is being constructed. A tank, donated by the government, is to be placed beside the monument.

**H**. Several of the town’s citizens have made a living for several years by driving people around scenic spots in the city in an old-fashioned horse and buggy. They want to drive people through the park.

How would you decide the cases? Consider each of the above scenarios before continuing your reading.

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So the “No Vehicles in the Park” lesson involves a law that decrees, due to past problems in the park, there will be no vehicles allowed in the park. The fact pattern for the lesson provides a brief description of how the law came about and that introduces the concept of legislative history. How and why laws come about matters to courts as they analyze cases. Here the law was created in response to specific problems in the park.

This lesson also reviews the roles of the three branches of government. The legislature makes the law, the executive branch enforces the law and the judiciary interprets the law.

Other factors key to an understanding of the legal process come into play here. Discretion matters. If the enforcers of the law, say a police officer assigned to the park, decide not to intervene in certain circumstances, letting the garbage truck in this lesson pick up the trash inside the park—what does that do to the law? If the police officer intervenes and gives Mr. Thomas, out walking his baby, a ticket for having the baby stroller in the park, but Mr. Thomas decides not to challenge the law and just pays the ticket—how is the law affected? Will judges facing different circumstances interpret the law in similar or different ways? What happens when one judge upholds the law as it applies to Mr. Smith driving to work and another judge overturns the law as violating its intent when applied to the tank monument? How is our overall concept of law affected when the ambulance driver objects to being ticketed, challenges the law, and the judge hearing the case decides that both the language of the law and the intent of the law has been upheld yet still decides that societal needs for emergency medical care requires an exception be made to the law to allow for ambulances to go through the park?

Does it matter that some who challenge the law have the resources to afford attorneys and others are given pro bono attorneys? What about those who wish to challenge the law but have no access to a lawyer?

Here are some thoughts pulled from our conducting this lesson with past students:

*John generally gets little sympathy for his situation since he clearly wants to drive his car, an obvious vehicle, through the park in direct violation of the letter of the law and its intent. Yet John’s lawyer could make an interesting argument—if you let John drive through the park, you will save 20 minutes of pollution each day, 100 minutes each week, more than 83 hours of pollution over the year. Doesn’t having less pollution make for more quiet enjoyment of the park?*

*Many who consider this lesson lean towards allowing the trash trucks in to pick up the trash, even if the trucks fit the vehicle definition and letting them in the park violates the letter of the law.* *The intent of the law implies a clean park and how can you keep the park clean if you do not pick up the trash? Perhaps every user of the park can carry out their own trash, eliminating the need for the trash trucks to enter the park. Maybe the trash cans could have wheels and get wheeled to the edges of the park on trash day for easy pick-up. Of course, trash cans with wheels might be construed to be vehicles, too. Perhaps the legislative body holding these hearings needs to amend the law to allow for trash trucks or add a definition of vehicle that lets the trash cans have wheels on them without being considered vehicles.*

*How can anyone argue with the police officer cutting through the park in her cruiser to nail the bank robber?* *Okay, the police car is a vehicle and it is in the park, but the police do not need to follow the laws when there is an emergency, right? But who determines what constitutes an emergency? Today, the police drive through the park after a robber. Tomorrow, the cops are chasing lunch. There is a concept in the law called the “slippery slope”—once you allow one exception, you are faced with the possibility of a lot more exceptions. And before you let the police cruiser into the park to get ahead of the bank robber, consider this—children and their care givers have grown accustomed to not having any vehicles in the park so they have let down their guard and are not watching for any vehicles coming through the park. What happens to the quiet and peace if a child is hit by the police car? At least most police have a good background in first aid!*

*The ambulance situation raises many of the same concerns as the police car in the park case.* *Except here anyone hit by this vehicle in the park breaking the law can receive immediate medical treatment from our arm of the hospital. We have been using a balancing test to determine our responses to the earlier situations but hanging in the balance here may be the life of the person being carried to the hospital in the ambulance.*

*Bikers and skateboarders, might challenge whether this law of No Vehicles in the Park even applies to them. Surely these were not the vehicles causing the problems in the park that the statute was designed to eliminate. Absent a definition in the statute, how can anyone know for sure what the legislators who created the law meant? Sometimes you can look to the plain meaning of the words used. The Free Online Dictionary defines vehicle as “A device or structure for transporting persons or things” See* [*http://www.thefreedictionary.com/vehicle*](http://www.thefreedictionary.com/vehicle) *Often times, in the case of legislation, there is a written record of the legislative process to review. Such legislative histories can tell you whether the drafters of the law were concerned about bikes and skateboards.*

*A baby buggy is a vehicle from an earlier time and its use in the park by Mr. Thomas goes directly to the purpose of the law, the quiet and peaceful enjoyment of the park by the citizens of Barrister. But a baby buggy has wheels and is a vehicle under the researched definition. Plus, if it has a teething baby in its carriage, the peace and quiet of the park may be assaulted.*

*How can anyone challenge a monument to the town’s citizens who died in the two Gulf Wars? There are always individuals and groups willing to bring the unpopular case. You may think a tank is a vehicle even if it is set in stone, unmovable once in place, but you are going to need some other vehicles to get it into the park. And what happens to the quiet and peace if the monument becomes a center of protest, either in support of past veterans or in opposition to future wars.*

*The horse carriages may be one of the easiest vehicles to ban among all of our examples under the law since their owners can still make money taking people around the park. But if the money involved is great enough, the carriage owners might engage in sufficient litigation to cause Barrister to spend lots of money defending the law. It might be a lot easier just to make a deal with them and settle the case.*

*An interesting question to ponder is what happens if there is a major technological change that the law did not anticipate. Imagine a time in the not so distant future when mini-jet hovercrafts become commonly used. If a challenge is made to their use on the basis of the No Vehicles in the Park law, the response of the mini-jet hovercraft users may be that since they were not specifically covered in the law, they cannot be impacted by the law. However, some will argue that laws have to be reinterpreted for their times and the vehicles of the 22nd century can be banned by a law that only considered the vehicles of the 21st century.*

Hopefully, you have found this lesson intriguing, stimulating much thought as to how different legal situations can be analyzed.

References

Hart, H. L. A. (1958). Positivism and the separation of law and morals, *Harvard Law Review* 71(593), 606-15.

Schauer, F. (2008). A critical guide to “Vehicles in the Park.” *New York University Law Review, 83*(1109),

1. David Keller Trevaskis and Susan Hillman, from their text, School Law:

Legal Framework, Guiding Principles, and Litigated Areas, revised 2017 [↑](#footnote-ref-1)