

Pushing the Limits

Benchmark: SS.7.C.2.5 Distinguish how the Constitution safeguards and limits individual rights.

Clarifications/Objectives:

- Students will recognize that rights are protected, but are not unlimited.
- Students will examine rationales for limiting individual rights.
- Students will use scenarios to examine the impact of limits on individual rights on social behavior.
- Students will examine the role of the judicial branch of government in protecting individual rights.

Content Focus: appellate process, ex post facto, habeas corpus, independent judiciary, precedent, privacy, and summary judgment

Time: One class period

Materials:

- Pushing the Limits PowerPoint
- Handout - Case File: Hazelwood v. Kuhlmeier
- Handout - Case File: Tinker v. Des Moines Independent Community School District
- Computer
- Projector

Lesson Preparation

- Review all handouts and PowerPoints
- Print and review the PowerPoint in “notes view”. The PowerPoint includes notes to guide the lesson.
- Make copies of Case Files (Half of the class will receive Hazelwood and the other half of the class will receive Tinker)

Lesson Overview

Warm Up Question: Begin by asking students to define a right. Using the PowerPoint, provide a comparison to natural rights (Lesson – Enlighten Me, Benchmark 1.1) and distinguish natural rights as freedoms we have without the government intervening and *rights* as those protected by law/government.

Continue with the PowerPoint and discuss where our rights are outlined (the Constitution) and how the Constitution limits government power. The presentation will provide examples of limits on government power like the limit on Congress in the First Amendment. The PowerPoint will go on to address the role of the judicial branch and judges in protecting the rights of the people by interpreting and applying the law.

Rights in Action Using the pictures provided in the slides, discuss the scenarios being depicted. Ask students what rights are being demonstrated, how these rights are protected, how these rights are limited, and why these rights are limited. The two examples include a peaceful assembly and a security line.

Optional Extension: Have students think of other current events that show rights that are safeguarded and/or limited in the U.S. Constitution.

Distribute the Case File Handouts. Explain to students that we are now going to look at two school scenarios that went to the highest court in the United States, the Supreme Court. Divide the class into 4 or 6 groups (depending on the size of your class; it is ideal to have 5 students, or an odd number). Give half of the groups the facts of the case for Tinker, and give the other half of the groups the facts for Hazelwood. Have the students work through the First Amendment and facts together. They should try to come to a consensus on their answer to the question before the court.

Debrief the activity using the PowerPoint. Discuss each case and have the students answer the question before the court in a whole group discussion. After both cases have been discussed, have students identify which case safeguards individual rights and which case limits individual rights. Distinguish between constitutional safeguards of rights and limits on rights. The PowerPoint will also highlight terms found in the content focus related to the limits placed on government.

Check for Understanding The final slide will include a question from the End of Course Exam Item Specifications book. Have the students independently write down their answer and ask student to explain how they made their decision.

CASE FILE:

Hazelwood Sch. Dist. v. Kuhlmeier

The Case of the School Newspaper

First Amendment to the U.S. Constitution:

“Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.”

Facts of the Case:

Students enrolled in the Journalism II class at Hazelwood East High School were responsible for writing and editing the school's paper *The Spectrum*. Two of the articles submitted for publication in the final edition of the paper contained stories on divorce and teenage pregnancy. The divorce article featured a story about a girl who blamed her father's actions for her parents' divorce. The teenage pregnancy article featured stories in which pregnant students at Hazelwood East shared their experiences.

To ensure their privacy, the girls' names were changed in the article. The school principal felt that the subjects of these two articles were inappropriate. He concluded that journalistic fairness required that the father in the divorce article be informed of the story and be given an opportunity to comment. He also stated his concerns that simply changing the names of the girls in the teenage pregnancy article may not be sufficient to protect their anonymity and that this topic may not be suitable for the younger students. As a result, he prohibited these articles from being published in the paper.

Because there was no time to edit the paper if it were to go to press before the end of the school year, entire pages were eliminated. The student journalists then brought suit to the U.S. District Court for the Eastern District of Missouri, alleging that their First Amendment rights to freedom of speech had been violated.

The U.S. District Court concluded that they were not. The students appealed to the U.S. Court of Appeals for the Eighth Circuit, which reversed the ruling, stating that the students' rights had been violated. The school appealed to the U.S. Supreme Court, which granted certiorari.

Question:

Did the principal's deletion of the articles violate the students' rights under the First Amendment?

CASE FILE:

Tinker v. Des Moines Independent Community School Dist.

The Case of the Black Armbands

First Amendment to the U.S. Constitution:

“Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.”

Facts of the Case:

John Tinker, 15 years old, his sister Mary Beth Tinker, 13 years old, and Christopher Eckhardt, 16 years old, decided, with permission from their parents, to silently protest the Vietnam War by wearing black armbands to their schools in December. The students attended public school in Des Moines, Iowa. Upon learning of their intentions, and fearing that the armbands would create problems and cause disturbances on campus, the principals warned the students that they would be suspended if they wore the armbands to school. Despite the warning, the students wore the armbands to school and were suspended for several days. There were no disturbances or disruptions at school when they wore the armbands. The students' parents sued the school district for violating their children's right to free speech. A U. S. district court sided with the school district ruling that the armbands could disrupt learning. The students appealed the ruling to a U. S. Court of Appeals but lost and took their case to the United States Supreme Court.

Question:

Did the principals' rule, against wearing armbands in public school, violate the students' First Amendment freedom of speech protections?