First Amendment - Speech: Activity

You Rule (working title!)

# Students hear hypothetical school speech scenarios and relate them to the precedent of six Supreme Court cases.

### Procedure:

Before the activity, during another class or for homework, have the students listen to the **Civics 101 IRL** episode “First Amendment in School”. It’s a 20-minute breakdown of four court cases; Tinker v Des Moines, Bethel v Fraser, Hazelwood v Kuhlmeier, and Morse v Frederick.

### In-Class Activity:

Print out the “Case Summary Handout” document. Divide the class into 6 groups. Assign one of the following court cases to each group, and give each group the summary for that case.

* + 1. WV State Board of ed v Barnette
    2. Tinker v Des Moines
    3. Hazelwood v Kuhlmeier
    4. Bethel v Fraser
    5. Morse v Frederick
    6. Chaplinsky v NH

Allow the students to read their case summary. Explain that they will all be Supreme Court justices for a day, and will be hearing some new cases.

In all the fictional cases, students are petitioning the court because they feel their First Amendment rights have been violated. After reading each case to the class, ask:

1. Is this student’s case relevant to your group’s Supreme Court case?
2. If so, based on the real case in front of you, how would you rule? Was this student’s right to free speech violated?
3. Finally, and this is important to keep separate from question #2, what is your personal opinion about the student’s situation? How would you rule?

Each fictional case is relative to at least one real case.

However, the final case which is about a student wearing a Confederate Flag dress to the prom has (as of writing) no Supreme Court precedent. It happened in 2004 in Russell, Kentucky, and the [Newseum did a case study on it](http://www.newseum.org/2015/04/21/case-study-confederate-prom-dress/).