

The Constitution and Bill of Rights: Free Expression



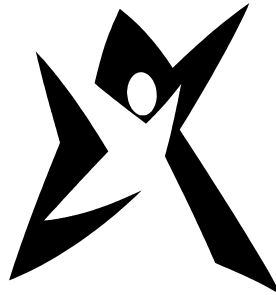
The Constitution and Bill of Rights: Free Expression

Developed by
Marshall Croddy

Written by
Keri Doggett

Graphic Design by
Keri Doggett

Production by
Andrew Costly



Constitutional Rights Foundation
601 South Kingsley Drive
Los Angeles, CA 90005
(213) 487-5590 (213) 386-0459 Fax
www.crf-usa.org

The Constitution and Bill of Rights

Free Expression

Overview

This PowerPoint lesson begins with a presentation to introduce or review the story of the development of the Constitution and Bill of Rights. Using animated graphics, *The Constitution and Bill of Rights: Free Expression* provides a visual medium to accompany the teacher's oral presentation. It is designed to provide flexibility for teachers to focus on key concepts most appropriate for their courses and students.

The PowerPoint lesson also includes the activity *Hazelwood v. Kuhlmeier*. In this activity, students apply their knowledge about the Bill of Rights.

Getting Started

1. Place the CD in the CD reader of your computer.
2. This presentation was developed using PowerPoint 97. If PowerPoint isn't already running on your computer, launch it now.
3. In PowerPoint click on File and then Open from the menu bar.
4. Navigate to the drive assigned to the CD reader. The three presentations will be listed in the Open dialog box (**Free Expression Presentation.ppt**, **Hazelwood Activity.ppg**, and **Hazelwood Handout.ppt**).
5. Select the presentation you want to open and double click or click on Open in the dialog box to open your selection.
6. Once the presentation is opened, click on Slide Show and then View Show on the menu bar to start the presentation.

The Constitution and Bill of Rights: Free Expression and Hazelwood v. Kuhlmeier: A U.S. Supreme Court Case

Overview

This PowerPoint lesson contains two presentations: *The Constitution and the Bill of Rights: Free Expression* and *Hazelwood v. Kuhlmeier: A U.S. Supreme Court Case*. The lesson begins with The Constitution and Bill of Rights: Free Expression presentation to introduce and provide background on the concept of free expression and the 1st Amendment. Using animated graphics, this presentation provides a visual medium to accompany the teacher's oral narrative. It is designed to provide flexibility for teachers to focus on key concepts most appropriate for their courses and students.

The PowerPoint lesson also includes a moot court activity, *Hazelwood v. Kuhlmeier: A Supreme Court Case*. In this activity, students apply their knowledge about the 1st Amendment as they prepare for and present a mini-moot court case. The *Hazelwood v. Kuhlmeier* PowerPoint presentation provides graphics and sound effects. The talking points for this presentation provide teachers with procedures for conducting the activity using the slides as cues for the students.

Suggested Presentation Strategy

1. Preview the two presentations: *The Constitution and the Bill of Rights: Free Expression* and *Hazelwood v. Kuhlmeier: A Supreme Court Case* and review the talking points for each.
2. Prepare a narrative presentation to accompany *The Constitution and the Bill of Rights: Free Expression* based on what you think students would be most interested in. You may want to provide additional depth on specific topics.
3. Following the presentation, explain to students that they are going to have a chance to participate as attorneys and justices in a Supreme Court case.
4. Using PowerPoint, guide students through the activity, *Hazelwood v. Kuhlmeier*. Step-by-step procedures are included in the talking points.

Tips for Conducting a Moot Court Activity

The quickest and easiest method for assigning roles is to leave the students seated where they are and divide the room into three sections, with the students sitting in each section taking one of the roles: justices, attorneys for the appellant, attorneys for the respondent.

Counting off by 3s is another quick method, but the students will have to physically regroup.

If you choose to use the Participatory Method described below, the class will need to be divided into groups of seven students each. In either case, there should be two attorneys for each side. One can be in charge of presenting the arguments, the other in charge of answering questions from the justices.

Two methods for conducting the moot court activity:

A. Time-Efficient Method

Students work with others within their attorney/justice groups to prepare for the case. A few minutes before the moot court is to start, the teacher asks each group to select a team of attorneys and justices to present the case in front of the class. After the presentation and decision, the teacher asks the other student attorneys what arguments they might have included, and the other justices how they might have decided the case differently.

B. Participatory Method

Divide the class into groups of seven students. Within each group, assign three students to play justices, two will be attorneys for the appellant, and two will be attorneys for the respondent. All of the justices, and each set of attorneys then regroup to help each other prepare and work with any outside resource people available.

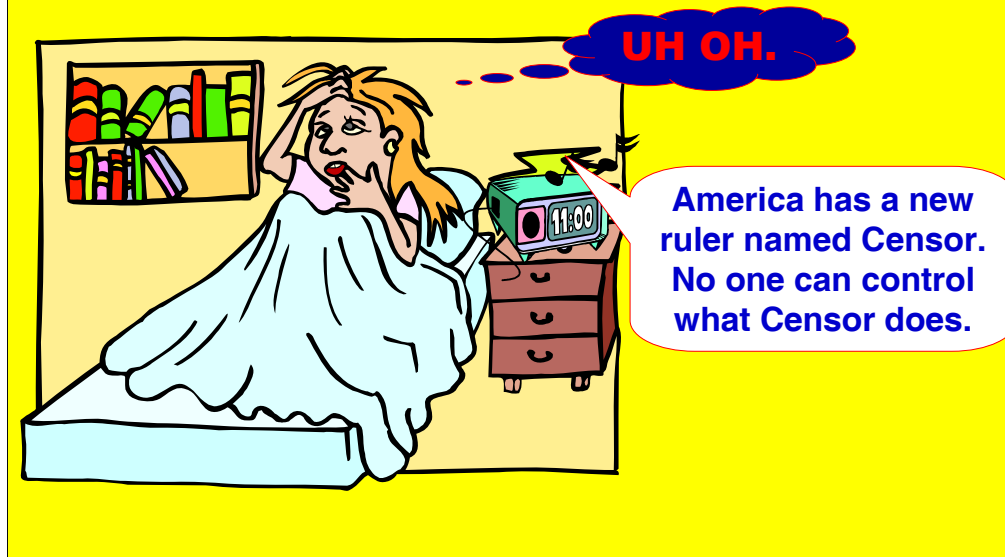
When it is time for the courts to be in session, the students return to their original groups of seven and present the case. Each set of justices deliberates and decides its own case. Then each set shares its decision and rationale with the rest of the class. The students who were attorneys discuss the most compelling and weakest arguments they think they made.



The Courts, the
Constitution, and
the Bill of Rights:
Free Expression

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Imagine waking up in the morning and learning that America no longer has a president, a congress, or any government as we know it.



On slide: Clock graphic.

Click 1: Imagine... + graphic

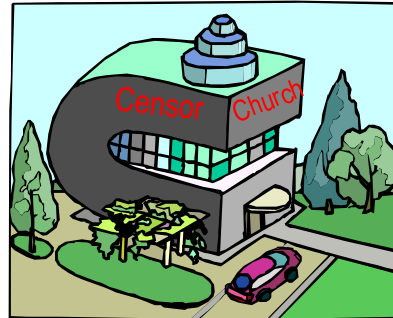
America has a new...

Click 2: Uh-oh.

Click to next slide.

Censor, the American Ruler, has ordered.....

All Americans shall practice the Censorist religion and attend the Church of Censor every Saturday and Sunday.



It is now against the law to have meetings with other Americans unless those meetings are first approved by Censor's new government.

On slide: Censor...

All Americans... + graphic.

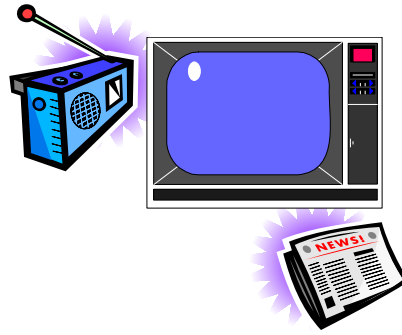
Click 1: It is now...

Click 2: Graphic.

Elaboration: Briefly discuss each rule to ensure understanding.

Click to next slide.

Censor has ordered the media not to publish or broadcast anything negative about this new government.



All music, television, movies, and other entertainment must only contain nice stories and words about Censor. Media monitors will be hired to uphold this law.

On slide: Censor has ordered... + graphic

Click 1: All music... + graphic

Elaboration: Briefly discuss each rule to ensure understanding.

Click to next slide.



**How would you like
this new government?**

On slide: How would you like...

Elaboration: Conduct a short discussion using the question. Lead students to conclude people might be angry, revolt against Censor, etc.

Click to next slide.

Fortunately, the chances of a Censor taking over America are very slim. In fact, our government is structured the way it is to protect our rights and freedoms.

Back in 1787, after America won its independence from England in the Revolutionary War...

The founders created a document...



the **United States Constitution**

- On slide:* *Fortunately...*
 Back in 1787...
 The founders created...
- Click 1:* *Graphic*
- Click 2:* *the United States...*

Click to next slide.

When the founders created the Constitution, they wanted to make sure that Americans would keep the freedoms they had fought for and be treated fairly by the new government.

Protect rights.

Spread the power around.

No kings.

Strong, but not too strong.



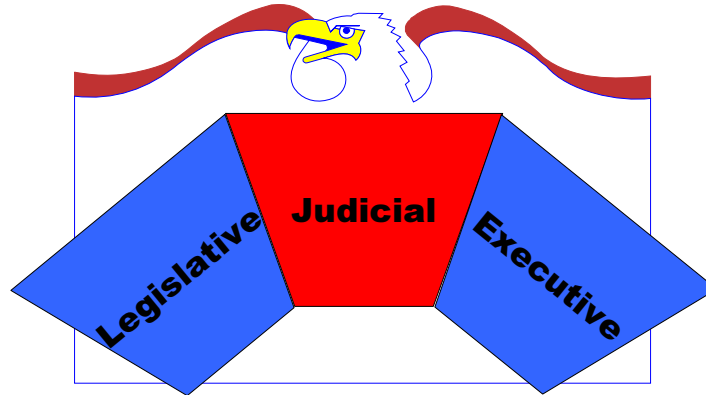
The Constitution lays out the plan for our government.

On slide: All text and graphics.

Ask: Why was it so important to the founders to create a government that would treat the people fairly? What kinds of things had happened to the colonists under British rule?

Click to next slide.

The Constitution divides the power of the federal government among three branches.



This prevents one branch, or person, from controlling the government.

On slide: The Constitution divides...

Click 1: Judicial

Click 2: Legislative

Click 3: Executive + eagle graphic

Click 4: This prevents...

Elaboration: This is known as the Separation of Powers. Each branch has its own equal power. The Constitution allows each branch to check the power of the other branches.

Ask: Why is the idea of separate powers important to democracy?

Click to next slide.



On slide: President, Senate, Judges graphics.

Click 1: Checks and...

Click 2: All Americans...

Click 3: You must vote...

Click 4: We don't like...

Elaboration: Each of the branches makes sure the others do not do anything unconstitutional.

Click to next slide,

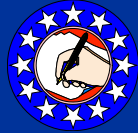
The three branches check each other's power.

For example . . .

Congress passes a bill.



The president either . . .



Signs it into law.

Vetoes it.



The Supreme Court can . . .



Interpret the law.

Declare the law unconstitutional.



On slide: The three branches...

For example...

Click 1: Congress... + graphic

Click 2: The president... + graphic

Click 3: Signs it... + graphic

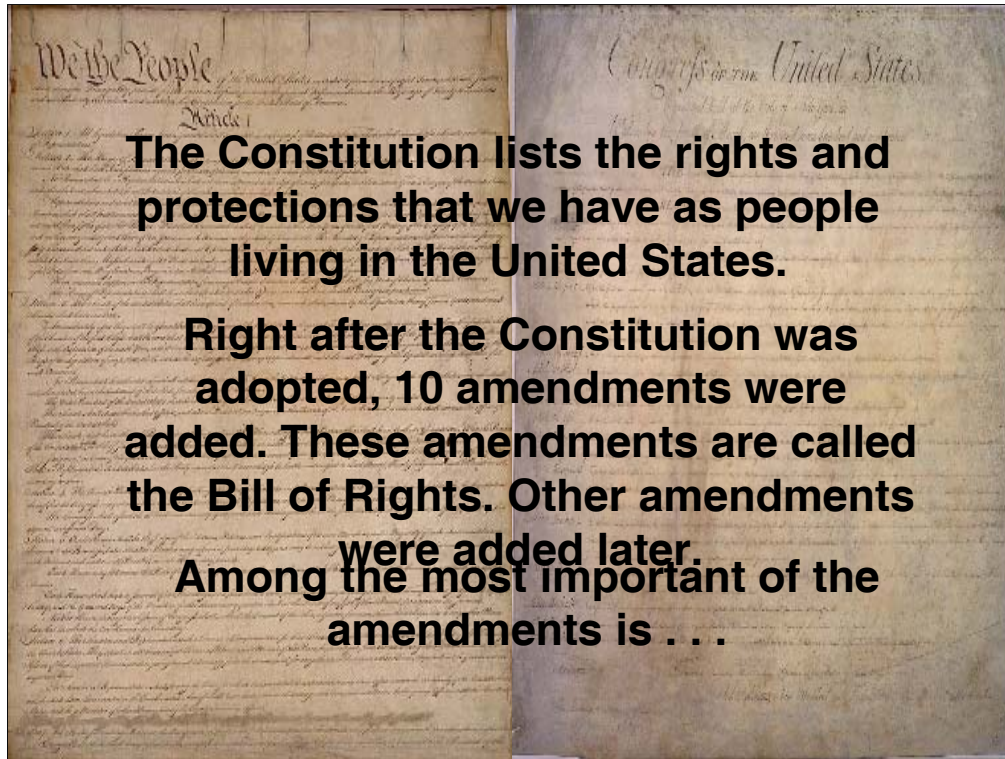
Click 4: Vetoes... + graphic

Click 5: The Supreme...

Click 6: Interprets... + graphic

Click 7: Declares... + graphic

Click to next slide.



On slide: All text and graphic.

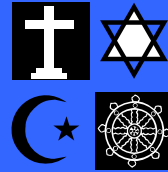
Click to next slide.

The 1st Amendment

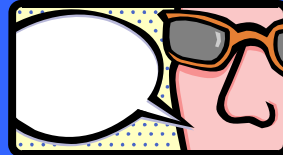
It protects freedom of expression. It includes freedom of . . .

Religion

Separation of church and state
Free exercise of religious beliefs



Speech



Press



Assembly & Petition



On slide: 1st Amendment

It protects...

Click 1: Graphic + Religion

Click 2: Graphic + Speech

Click 3: Graphic + Press

Click 4: Graphic + Assembly/Petition

Elaboration: Specific examples of each freedom.

Ask: Which of the freedoms under the 1st Amendment is most important to you? Why?

Click to next slide.



- On slide: The 1st Amendment...
No law...*
- Click 1: How we feel... + graphic*
- Click 2: What we think. + graphic*
- Click 3: How we express... + graphic*

Elaboration: Provide more depth and examples for each. Ask the students to provide examples.

Click to next slide.

EXCEPT...in certain situations.

Laws can be passed that place some restrictions...

For example, speech that endangers the safety of others:



Like...you can't shout FIRE in a crowded theater.

On slide: *Except...*

Laws can...

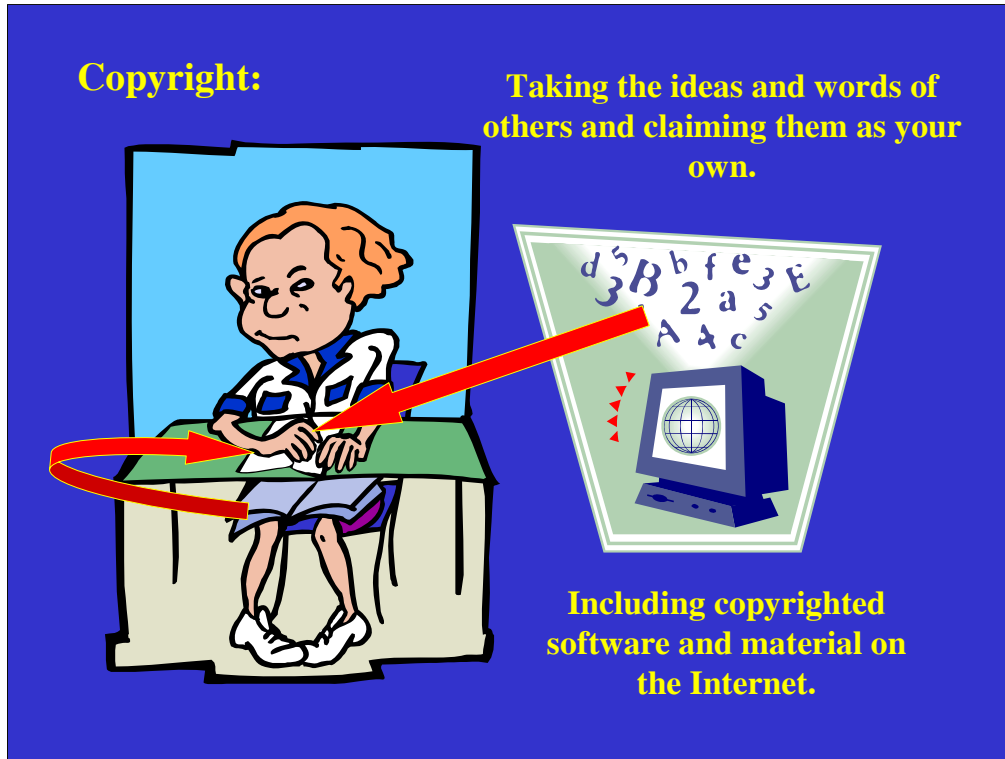
Click 1: *Like... + theater graphic*

Click 2: *People graphic*

Elaboration: Explain the concept of time, place, and manner. Speech can be regulated on the basis of time, place, and manner.

Example: A teacher can limit when you are allowed to talk in class.

Click to next slide.



On slide: All text and graphics.

Elaboration: As times change, so do laws. The invention of the Internet has created new reasons to examine copyright laws. Too many students, including college students, are abusing the resources available on the Internet, cheating on homework assignments and research papers. New software is being created to catch them, and new rules to punish them. In addition, the music industry want to have new laws made about downloading certain material.

Click to next slide.

Obscenity



Laws can be passed about what is acceptable in certain situations, including where certain businesses can be located.

National Security

The government can pass laws against telling others about top-secret information. You are not allowed to “freely express” it to others.



On slide: Obscenity... + graphic

Laws can be...

Click 1: National security + graphic

Click 2: If you know...

Elaboration: Ask students if they agree with these limitations. Why or why not?

Click to next slide.



On Slide: Slander... + graphic

Click 1: I heard...

Click 2: No! It's...

Click 3: Threats. + graphic

Elaboration: Explain differences between slander and libel. Provide some examples of each. Allow students to ask you about their own examples.

Click to next slide.



On slide: Incitement + graphic

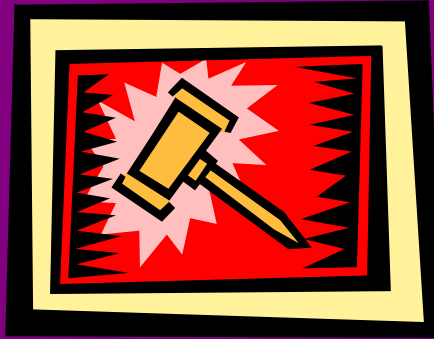
Click 1: Starting a riot...

Elaboration: Provide additional examples of incitement. Reference time, place and manner.

Click to next slide.

**If the government, or anyone else, violates
someone's Constitutional rights...**

The case goes before a court.



The courts can decide if what happened was unconstitutional.

**Each year courts throughout the country decide cases
that deal with the 1st Amendment.**

On slide: All text.

Click 1: Graphic

Click to next slide.

Some cases go all the way to the U.S. Supreme Court, the highest court in the land.

Its job is to uphold the Constitution and Bill of Rights.



Today, some of you will become Supreme Court justices. Others will be attorneys preparing to argue a 1st Amendment case.

On slide: Some cases...

Click 1: Its job... + graphic

Click 2: Today...

Ask students if they have questions about the 1st Amendment.

Click through last slides.



Optional discussion questions

What is the purpose of the Constitution?

How does the Constitution limit the power of government?

How do the courts help uphold the Constitution?

Why do you think the 1st Amendment is important?

Transition to moot court activity: *Hazelwood, et al v. Kuhlmeier, et. al.*

The Courts, the Constitution and the Bill of Rights

Designed by Marshall Croddy

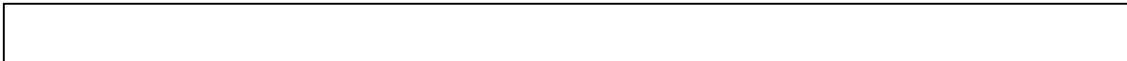
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Special thanks to John Kronstadt,
CRF Board of Directors, for inspiration and input.

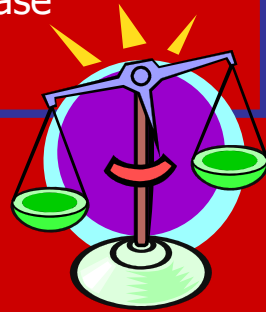


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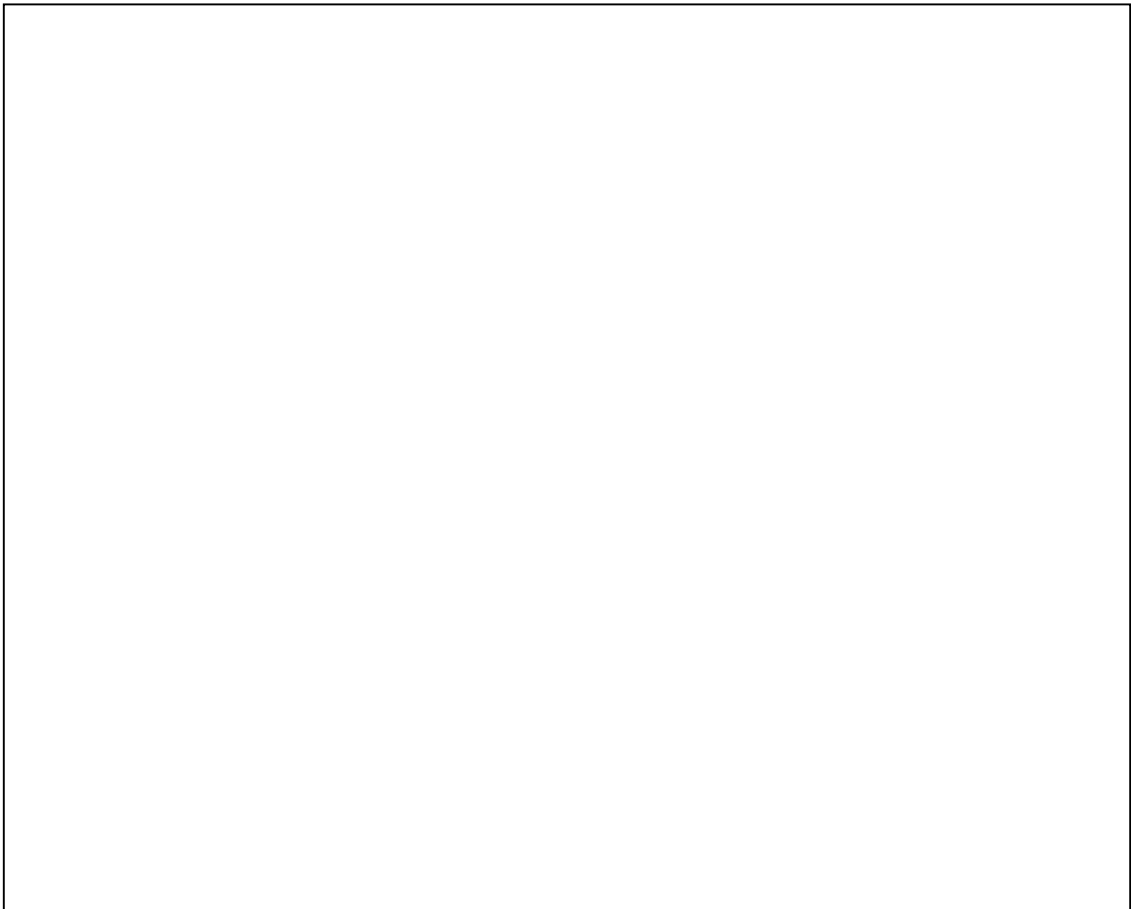


Hazelwood v. Kuhlmeier

A First Amendment Case



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This case began at Hazelwood East High School and ended up in the U. S. Supreme Court.



Here are the basic facts of the case...

The school newspaper was written and edited by the Journalism II class at Hazelwood East High School.



- On slide: The case began... + graphics
- Click 1: Here are the basic...
- Click 2: The school newspaper... + graphic

Three students in the class worked on a special feature section for the upcoming edition. Instead of just covering dances and school sports, they wanted to do stories about real problems students at their school dealt with.

**New
interesting
relevant**

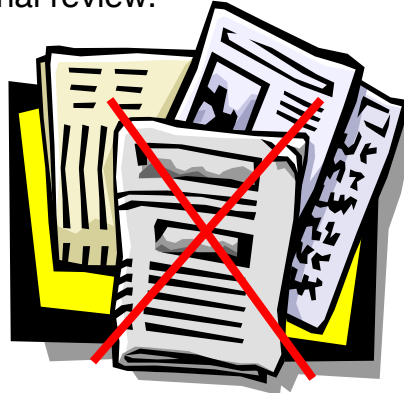


They handed in articles on different topics, including teen pregnancy and students with divorced parents. They interviewed and wrote about students' experiences. They did not use the students' real names.

- On slide: Three of the students... + newspaper graphic + boxes
Click 1: They handed in...

When the school newspaper was ready to go to press, the journalism teacher reviewed it and, as always, gave it to the principal for final review.

The principal directed the newspaper advisor to delete the two pages containing all the feature stories about teen problems.



The principal did not think it was appropriate to run detailed stories about pregnant students. The stories would be read by the whole community, including younger brothers and sisters of students.

- On slide: When the school... + newspaper graphic
Click 1: The principal... + x graphic
Click 2: The principal did not think it...

He was also worried that even though the names had been changed, people would be able to identify the students interviewed.



He thought that the divorce story was one-sided and did not demonstrate responsible journalism.



Though the principal only objected to the teen pregnancy and divorce stories, he did not think there was time to reformat the paper, so the whole feature section was cut.

- On slide: He was also worried... + graphic
- Click 1: He thought...
- Click 2: Though the principal... + graphic

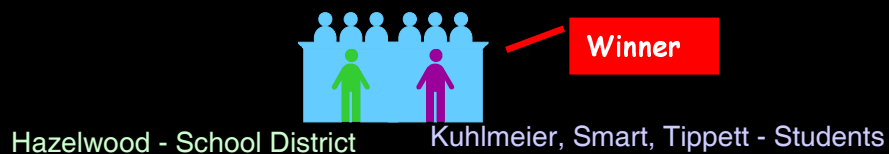
Click to next slide.

The three students believed that their constitutional rights under the 1st Amendment had been violated.
They took the school district to court.

The case first went to the federal district court where the court ruled in favor of Hazelwood (the students lost).



The attorneys for the students appealed, and the case went to the U.S. Court of Appeals, where the students won.



On slide: The case first... + graphic

Click 1: Winner graphic

Click 2: The attorneys for the students... + graphics

Elaboration: Ensure that students understand the appeals process the case went through.

Click to next slide.

Both sides presented oral arguments and briefs to the appeals courts.

Attorneys for the Hazelwood District presented this argument:



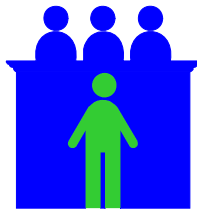
The newspaper was part of the school curriculum, and the principal and school board are allowed and expected to control curriculum.



It is up to the teacher, principal, and school board to decide whether students' articles run in the newspaper. Articles can be censored for reasonable academic concerns.



The principal acted reasonably.



On slide: Both sides... + bottom graphic

Attorneys for the Hazelwood...

Click 1: Gavel + The newspaper was...


Click 2: Gavel + It is up to the teacher...


Click 3: Gavel + The principal acted...

Elaboration: Ensure that students understand each argument.

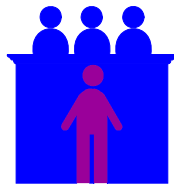
Click to next slide.

Attorneys for Kuhlmeier (the students) presented this argument:

 According to school policy, student publications will not restrict free expression...within the rules of responsible journalism and only speech that interferes with the educational environment or invades the rights of others can be prohibited.

 The students had a constitutional right to express themselves in the paper.

 The principal's censorship was unreasonable.



On slide: Attorneys for Kuhlmeier... + lower graphic

Click 1: Gavel + According to school...

Click 2: Gavel + The students had...

Click 3: Gavel + The principal's censorship...

Elaboration: Ensure that students understand each argument.

Click to next slide.

**Hazelwood school
district appealed the
case and it went to the
U. S. Supreme Court.**



The Supreme Court had to decide these questions:

Can school authorities control the free expression of ideas in the school newspaper?

Was the principal's censorship reasonable?

On slide: Hazelwood... + graphic

Click 1: The U.S. Supreme...

Click 2: Can school...(in box)

Elaboration: Ensure that students understand the questions before the court.

Click to next slide.

**You are going to take the case
to the Supreme Court.**

You will take the roles of:



Justices of the U.S. Supreme Court.

Attorneys for the Hazelwood
School District.



Attorneys for Kuhlmeier and the
other students.

- On slide: Your are going to take...
- Click 1: You will take...
- Click 2: Graphic + Justices of...
- Click 3: Attorneys for the Hazelwood... + graphic
- Click 4: Attorneys for... + graphic

PAUSE to get students into groups.

1. Divide the class into three sections. Assign each section one of the roles:
 - Justices
 - Attorneys for Hazelwood
 - Attorneys for Kuhlmeier
2. Distribute Handout 1 to each student and explain that each group will work together to prepare to present the case of *Hazelwood v. Kuhlmeier*.

Click to next slide.

To prepare for the case...

Attorneys for Hazelwood: Create arguments to convince the justices that the principal had a right to censor the newspaper and acted reasonably.

Attorneys for Kuhlmeier: Create arguments that the students' 1st Amendment rights were violated by the principal removing their articles from the paper.

Justices of the U.S. Supreme Court: Create at least three questions to ask each side to help you determine the case.

Decide who will represent your group to perform the moot court.

On slide: All text and graphics.

PAUSE to assign tasks:

1. As you present the instructions for each group, ask the students if they have questions.
2. Review the questions before the court and remind students that the case should focus on these issues.
3. Tell the students how much time they have to prepare their arguments and questions. Circulate among the groups and help them prepare.

When the groups are almost finished preparing, click to next slide, then give them three more minutes for final preparation.

Rules for the Oral Argument

- 1. Attorneys for Hazelwood will present first.**
- 2. Attorneys for Kuhlmeier will present second.**
- 3. Justices will ask questions of both sides during the arguments.**

The Justices' Decision

- 1. After oral arguments, the justices meet and discuss the case.**
- 2. Then they vote.**
- 3. The justices will explain the reasons for the decision.**

PAUSE to provide final preparation time (3 minutes) and conduct moot courts.

1. After the students have had time to prepare, present the Rules for Oral Argument.
2. Explain that the attorneys for Hazelwood present first because the school district is the party appealing the case from the lower court.
3. Have each side choose two or three people to make its presentation. Give each side a set amount of time for the presentation, e.g. 2 minutes. Don't count as part of the 2 minutes the time each takes to answer questions from judges.
3. After the oral arguments, ask the justices to discuss, out loud, their thoughts about the case. Explain that this is always done behind closed doors, but that you are interested in hearing their rationale.
4. Ask the justices to take a vote.
5. Ask the rest of the class if they agree or disagree with the decision. Ask students to give reasons why.

After the justices have decided, click to next slide.

The Decision of the U.S. Supreme Court in *Hazelwood v. Kuhlmeier* (1988)

As the attorneys argued the case,
an important question came up...

Is Hazelwood East High School's newspaper a "Public Forum"?

Public Forum: Streets, parks, or any public facilities which have traditionally been used for the exercise of democracy, including purposes of assembly, communicating thoughts, and discussing public questions.

The 1st Amendment protects free speech in public forums.
This issue became important in the Supreme Court's decision.

On slide: The Decision...

Click 1: As the attorneys argued...

Click 2: Is Hazelwood...

Public forum...

Click 3: The 1st Amendment protects...

This issue became important...

Elaboration: Ask students why they think this might have been an important issue in the Supreme Court's decision. Ask the students if they think public schools are public forums. Ask them why or why not?

Click to next slide.

The court found in favor of Hazelwood.

Writing the opinion of the court, Justice Byron White said:

Forums for public expression are places like streets and parks...used by citizens for purposes of assembly and discussing public questions. School facilities only become public forums if the school authorities have opened those facilities for indiscriminate use by the public.

Hazelwood never opened up the student newspaper for such indiscriminate use. The production of the newspaper was part of a regular class, not a public forum.

On slide: The court found...

Click 1: Writing the opinion...(and rest of decision summary)

Click to next slide.

The decision also says that...

First Amendment rights of students in schools are not exactly like the rights of adults in other settings. A school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school.

Educators do not offend the 1st Amendment by editing or controlling the style and content of student speech in school-sponsored activities (newspapers, plays), so long as their actions are related to educational concerns.



On slide: The decision also...

First Amendment rights of students...

Click 1: Educators do not offend...

Ask: Do you agree with this decision? Why or why not?

Click to next slide.

Three of the Justices did not agree with the majority opinion. Justice Brennan wrote the dissenting opinion. He argued:

- The 1st Amendment protects student free expression whether or not the forum is school sponsored.
- The school newspaper policy allowed for free expression.
- The students' speech did not disrupt classwork or invade the rights of others.
- State educators should not be allowed to remove "potentially sensitive" articles.
- The principal's censorship was not reasonable. He could have taken other measures to make the articles more acceptable.

On slide: All text.

Ask: Does anyone agree more with the dissent than the majority decision? Why?

How might things be different in schools had the Supreme Court ruled in favor of Kuhlmeier? Do you think things would be better or worse?

Remind the students that Supreme Court decisions become the law of the land, unless the Supreme Court gets a similar case and overturns a past decision. Whatever decisions are made, they must be based on the justices interpretation of the Constitution and Bill of Rights.

Congratulate the students for their participation.

The Courts, the Constitution and the Bill of Rights

Designed by Marshall Croddy

Written by Keri Doggett & Bill Hayes

Graphic Design by Keri Doggett

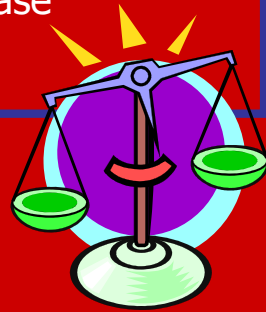
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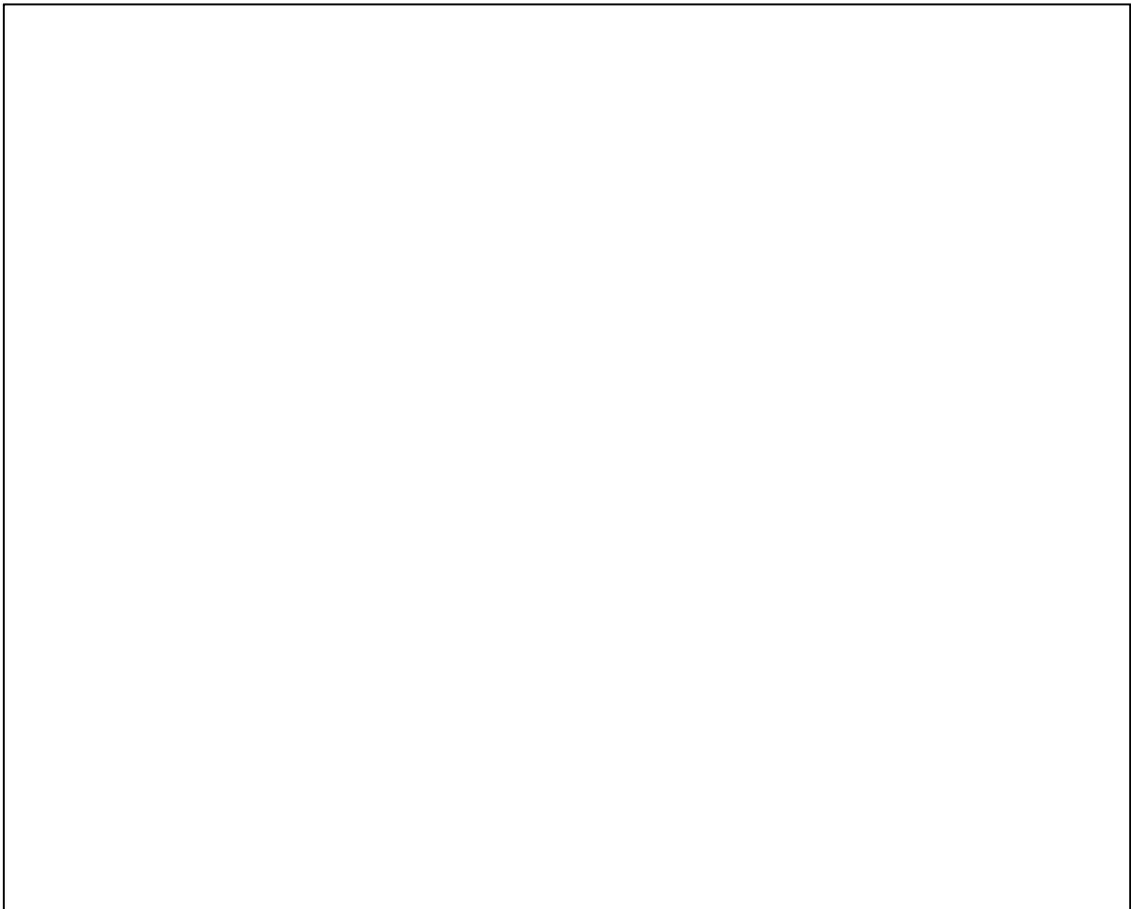
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Hazelwood v. Kuhlmeier

A First Amendment Case



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This case began at Hazelwood East High School and ended up in the U. S. Supreme Court.



Here are the basic facts of the case...

The school newspaper was written and edited by the Journalism II class at Hazelwood East High School.



- On slide: The case began... + graphics
- Click 1: Here are the basic...
- Click 2: The school newspaper... + graphic

Three students in the class worked on a special feature section for the upcoming edition. Instead of just covering dances and school sports, they wanted to do stories about real problems students at their school dealt with.

**New
interesting
relevant**



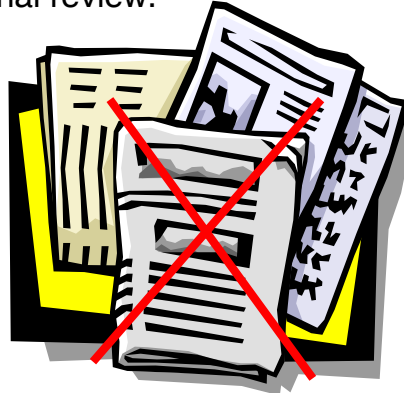
They handed in articles on different topics, including teen pregnancy and students with divorced parents. They interviewed and wrote about students' experiences. They did not use the students' real names.

On slide: Three of the students... + newspaper graphic + boxes

Click 1: They handed in...

When the school newspaper was ready to go to press, the journalism teacher reviewed it and, as always, gave it to the principal for final review.

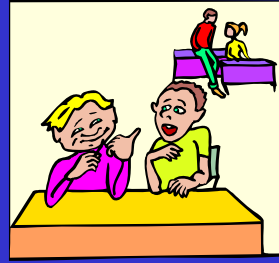
The principal directed the newspaper advisor to delete the two pages containing all the feature stories about teen problems.



The principal did not think it was appropriate to run detailed stories about pregnant students. The stories would be read by the whole community, including younger brothers and sisters of students.

- On slide: When the school... + newspaper graphic
Click 1: The principal... + x graphic
Click 2: The principal did not think it...

He was also worried that even though the names had been changed, people would be able to identify the students interviewed.



He thought that the divorce story was one-sided and did not demonstrate responsible journalism.



Though the principal only objected to the teen pregnancy and divorce stories, he did not think there was time to reformat the paper, so the whole feature section was cut.

- On slide: He was also worried... + graphic
- Click 1: He thought...
- Click 2: Though the principal... + graphic

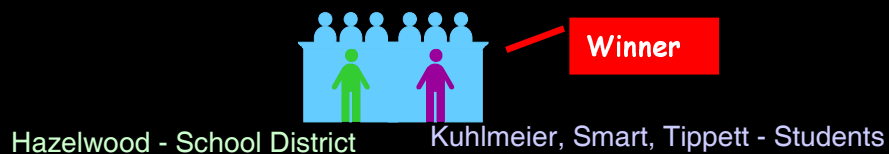
Click to next slide.

The three students believed that their constitutional rights under the 1st Amendment had been violated.
They took the school district to court.

The case first went to the federal district court where the court ruled in favor of Hazelwood (the students lost).



The attorneys for the students appealed, and the case went to the U.S. Court of Appeals, where the students won.



On slide: The case first... + graphic

Click 1: Winner graphic

Click 2: The attorneys for the students... + graphics

Elaboration: Ensure that students understand the appeals process the case went through.

Click to next slide.

Both sides presented oral arguments and briefs to the appeals courts.

Attorneys for the Hazelwood District presented this argument:



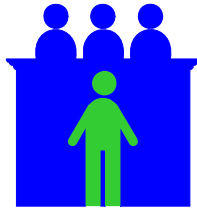
The newspaper was part of the school curriculum, and the principal and school board are allowed and expected to control curriculum.



It is up to the teacher, principal, and school board to decide whether students' articles run in the newspaper. Articles can be censored for reasonable academic concerns.



The principal acted reasonably.



*On slide: Both sides... + bottom graphic
Attorneys for the Hazelwood...*

Click 1: Gavel + The newspaper was...


Click 2: Gavel + It is up to the teacher...


Click 3: Gavel + The principal acted...

Elaboration: Ensure that students understand each argument.

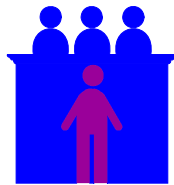
Click to next slide.

Attorneys for Kuhlmeier (the students) presented this argument:

 According to school policy, student publications will not restrict free expression...within the rules of responsible journalism and only speech that interferes with the educational environment or invades the rights of others can be prohibited.

 The students had a constitutional right to express themselves in the paper.

 The principal's censorship was unreasonable.



On slide: Attorneys for Kuhlmeier... + lower graphic

Click 1: Gavel + According to school...

Click 2: Gavel + The students had...

Click 3: Gavel + The principal's censorship...

Elaboration: Ensure that students understand each argument.

Click to next slide.

**Hazelwood school
district appealed the
case and it went to the
U. S. Supreme Court.**



The Supreme Court had to decide these questions:

Can school authorities control the free expression of ideas in the school newspaper?

Was the principal's censorship reasonable?

On slide: Hazelwood... + graphic

Click 1: The U.S. Supreme...

Click 2: Can school...(in box)

Elaboration: Ensure that students understand the questions before the court.

Click to next slide.

**You are going to take the case
to the Supreme Court.**

You will take the roles of:



Justices of the U.S. Supreme Court.

Attorneys for the Hazelwood
School District.



Attorneys for Kuhlmeier and the
other students.

- On slide: Your are going to take...
- Click 1: You will take...
- Click 2: Graphic + Justices of...
- Click 3: Attorneys for the Hazelwood... + graphic
- Click 4: Attorneys for... + graphic

PAUSE to get students into groups.

1. Divide the class into three sections. Assign each section one of the roles:
 - Justices
 - Attorneys for Hazelwood
 - Attorneys for Kuhlmeier
2. Distribute Handout 1 to each student and explain that each group will work together to prepare to present the case of *Hazelwood v. Kuhlmeier*.

Click to next slide.

To prepare for the case...

Attorneys for Hazelwood: Create arguments to convince the justices that the principal had a right to censor the newspaper and acted reasonably.

Attorneys for Kuhlmeier: Create arguments that the students' 1st Amendment rights were violated by the principal removing their articles from the paper.

Justices of the U.S. Supreme Court: Create at least three questions to ask each side to help you determine the case.

Decide who will represent your group to perform the moot court.

On slide: All text and graphics.

PAUSE to assign tasks:

1. As you present the instructions for each group, ask the students if they have questions.
2. Review the questions before the court and remind students that the case should focus on these issues.
3. Tell the students how much time they have to prepare their arguments and questions. Circulate among the groups and help them prepare.

When the groups are almost finished preparing, click to next slide, then give them three more minutes for final preparation.

Rules for the Oral Argument

- 1. Attorneys for Hazelwood will present first.**
- 2. Attorneys for Kuhlmeier will present second.**
- 3. Justices will ask questions of both sides during the arguments.**

The Justices' Decision

- 1. After oral arguments, the justices meet and discuss the case.**
- 2. Then they vote.**
- 3. The justices will explain the reasons for the decision.**

PAUSE to provide final preparation time (3 minutes) and conduct moot courts.

1. After the students have had time to prepare, present the Rules for Oral Argument.
2. Explain that the attorneys for Hazelwood present first because the school district is the party appealing the case from the lower court.
3. Have each side choose two or three people to make its presentation. Give each side a set amount of time for the presentation, e.g. 2 minutes. Don't count as part of the 2 minutes the time each takes to answer questions from judges.
3. After the oral arguments, ask the justices to discuss, out loud, their thoughts about the case. Explain that this is always done behind closed doors, but that you are interested in hearing their rationale.
4. Ask the justices to take a vote.
5. Ask the rest of the class if they agree or disagree with the decision. Ask students to give reasons why.

After the justices have decided, click to next slide.

The Decision of the U.S. Supreme Court in *Hazelwood v. Kuhlmeier* (1988)

As the attorneys argued the case,
an important question came up...

Is Hazelwood East High School's newspaper a "Public Forum"?

Public Forum: Streets, parks, or any public facilities which have traditionally been used for the exercise of democracy, including purposes of assembly, communicating thoughts, and discussing public questions.

The 1st Amendment protects free speech in public forums.
This issue became important in the Supreme Court's decision.

On slide: The Decision...

Click 1: As the attorneys argued...

Click 2: Is Hazelwood...

Public forum...

Click 3: The 1st Amendment protects...

This issue became important...

Elaboration: Ask students why they think this might have been an important issue in the Supreme Court's decision. Ask the students if they think public schools are public forums. Ask them why or why not?

Click to next slide.

The court found in favor of Hazelwood.

Writing the opinion of the court, Justice Byron White said:

Forums for public expression are places like streets and parks...used by citizens for purposes of assembly and discussing public questions. School facilities only become public forums if the school authorities have opened those facilities for indiscriminate use by the public.

Hazelwood never opened up the student newspaper for such indiscriminate use. The production of the newspaper was part of a regular class, not a public forum.

On slide: The court found...

Click 1: Writing the opinion...(and rest of decision summary)

Click to next slide.

The decision also says that...

First Amendment rights of students in schools are not exactly like the rights of adults in other settings. A school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school.

Educators do not offend the 1st Amendment by editing or controlling the style and content of student speech in school-sponsored activities (newspapers, plays), so long as their actions are related to educational concerns.



On slide: The decision also...

First Amendment rights of students...

Click 1: Educators do not offend...

Ask: Do you agree with this decision? Why or why not?

Click to next slide.

Three of the Justices did not agree with the majority opinion. Justice Brennan wrote the dissenting opinion. He argued:

- The 1st Amendment protects student free expression whether or not the forum is school sponsored.
- The school newspaper policy allowed for free expression.
- The students' speech did not disrupt classwork or invade the rights of others.
- State educators should not be allowed to remove "potentially sensitive" articles.
- The principal's censorship was not reasonable. He could have taken other measures to make the articles more acceptable.

On slide: All text.

Ask: Does anyone agree more with the dissent than the majority decision? Why?

How might things be different in schools had the Supreme Court ruled in favor of Kuhlmeier? Do you think things would be better or worse?

Remind the students that Supreme Court decisions become the law of the land, unless the Supreme Court gets a similar case and overturns a past decision. Whatever decisions are made, they must be based on the justices interpretation of the Constitution and Bill of Rights.

Congratulate the students for their participation.

The Courts, the Constitution and the Bill of Rights

Designed by Marshall Croddy

Written by Keri Doggett & Bill Hayes

Graphic Design by Keri Doggett

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