

# INDIVIDUAL RIGHTS

## Introduction

The First Amendment of the U.S. Constitution states:

*Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

### I

A rock band applies for a permit to perform in a public forum in a city. The city officials are worried that the band will attract a large number of rowdy, and possibly drunk, teenagers. The city officials are also worried because the band's message is "anti-authority," and most of its lyrics advocate ignoring laws and the police, as well as the use of alcohol and drugs. The city officials are worried that the concert will give teenagers "the wrong idea" and may cause an increase in serious crimes in the community. Should the city officials be able to ban the concert?

1. What will be the benefits of banning the concert?
2. Why should the city allow the concert if it knows that it will cause an increase in crime?
3. Does the city have a responsibility to ban the concert in order to protect its citizens from crime and to protect the moral welfare of its teenagers?

### II

A neo Nazi organization applies for a permit to hold a parade through a racially mixed neighborhood. The organization plans to shout slogans and phrases which are very offensive to some people. The organization hopes to get people "riled up" and is planning on saying whatever it can to get people angry. The city officials reasonably believe that, if the parade is conducted, countless fights will result, and there is a good chance that the parade will incite a large riot, which could result in serious injuries, or death. Should the city officials be able to ban the parade?

1. What will be the benefits of banning the parade?
2. Why should the city allow the parade if it knows that it will cause an increase in crime?

3. Doesn't the city have a responsibility to ban the parade in order to protect its citizens?
4. What if the organization changes its plan and agrees to conduct a peaceful march through the racially mixed neighborhood. Although the organization plans a peaceful march, everyone in the neighborhood knows that the organization is very racist, and the parade will still cause a lot of anger, maybe even a breach of the peace. Should the city allow the parade under these circumstances?

### III

A homeless individual, who is emotionally unstable, stands on the street corner of a local city and shouts to all persons within hearing that the world will end next week. In addition, he tries to pass out flyers to anyone who walks by. City officials have received numerous complaints from people who claim that the individual is bothering them. In fact, everyone the city officials have talked to has stated that the individual is a nuisance, and the overwhelming majority of people want the city to "do something." Based on these facts, should the city officials be able to force the individual to leave?

1. What will be the benefit of preventing this person from speaking on the street corner?
2. Why should the city allow the person to continue bothering people if it knows that no one is listening?
3. Doesn't the city have a responsibility to do what the majority of its citizens want done?

## **Grabber: INDIVIDUAL RIGHTS**

To Begin: Announce that all of the women in the class are to go home!

The instructor enters the classroom and announces that all the women in the class are to leave as per instructions by the Board of Education. The instructor states that women have no right to be in school anymore. He further states that women 16 and over must be at home, getting married and making babies. The instructor leads all the women out of the classroom. After a minute or two, the instructor brings the girls back into the classroom and explains that even though the instructor is a sexist pig, this was a demonstration.

The instructors then break the class into small groups where each group chooses a representative. Each group is given a handout with a description of what just occurred and 1-3 questions about individual rights. Students are given time to come to a consensus and then present their answers to their questions. After the first group finishes, each representative from the other group stands and explains how his/her questions were different and how they answered their questions.

## **GROUP 1**

Does the Board of Education's decree violate the fifth amendment of The United States Constitution? The 5<sup>th</sup> Amendment states: "No person shall be deprived of life, liberty, or property without due process of law."

Is it constitutional to have men only register with the Selective Service (Drafting Agency) and not women? Why or why not?

Can you think of any legal way to have women leave school at the age of 16?

## **GROUP 2**

Article 4, Section 2, Subsection 1 of the United States Constitution states: "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." Does the Board of Education's decree violate this section as well?

What if instead of staying home and making babies, the instructor told you that the women had to go home, put on a black dress and serve their households?

What if they allowed women to stay in school, but instead of taking reading, writing, math and history, they had to take home economics, baking, sewing and child care?

### **GROUP 3**

Does the decree violate Article IV, Section 1 of the Utah Constitution? The Utah Constitution reads: "Both male and female citizens of the State shall enjoy equally all civil, political and religious rights and privileges."

What if they stopped allowing men to get an education at the age of 21 and women at the age of eighteen because women mature faster than men?

Can you think of any legal way to have women leave school at the age of 16?

## **GROUP 4**

What if they taxed the parents of girls who wanted to continue their education? Would this be fair?

Would it make a difference if it were the Utah voters who decided that women over the age of 16 could no longer be in school?

What if a church made this decree instead of the Board of Education?