

INDIVIDUAL RIGHTS GROUP ACTIVITY

Today you get to be the judge. You are a member of the United States Supreme Court. You are going to hear a case and decide what the outcome should be, what the rule should be, and why.

Divide the class into groups of five to seven students.

Each group must work together and discuss together to come to a decision. Like the real U.S. Supreme Court, you probably will not all agree. So, if you choose, you may have a dissenting opinion as well as a majority opinion. These two cases today deal with the First Amendment in high schools.

The First Amendment guarantees the right to Freedom of Speech. This means you have the right to say what you believe even if it is unpopular. However, individual rights are not absolute and can be abrogated under certain conditions.

CASE 1: THE ANTI-SEMITIC TEE SHIRT

President Bush failed to create peace in the Middle East through negotiations. He has decided that it is in the best interests of the nation to bring peace between the Israelis and Palestinians by going to war.

President Bush has not yet declared war on Palestine, but has sent troops to Israel to train the Israeli military and to assist in the fight. Already, a large number of U.S. service people have been killed.

Many people in the U.S. are upset about the war. There is a group of Palestinian and Arab immigrants who are especially upset. To protest the war, they created an organization called the PLOA - the Palestinian Liberation Organization in America. The PLOA printed tee shirts. The students came to school wearing these shirts which had a slogan on the front saying "GO HOME JEWS" and a swastika on the back.

Upon arrival at school, the students were told to either change their shirts or be suspended. The students refused to remove the shirts and were suspended. The students filed a lawsuit claiming violation of their First Amendment rights to free speech.

CASE 2: THE GREEN BANDANAS

At another high school in the same school district, some non-Arab students were upset about the war because several students had family members who were killed and didn't like the fact that the U.S. was involved. These students believe that the Palestinians should have a country for their own and that Israel should be divided into two states peacefully.

To protest the war, the students wore green bandanas on their arms to show their support of Palestine and to protest U.S. military involvement. The School District has a policy against wearing any gang related paraphernalia.

Upon arrival at school, the students were told to either take off their bandanas or go home. The students refused to remove the bandanas and were suspended. (Incidentally none of the students were gang members.) The students filed a lawsuit against the school claiming the school violated their First Amendment rights to free speech.

You decide: Who should win each case, why, and what the rule should be in future cases like these where free speech in school is at issue.

Have each group give their decision and dissenting decision and discuss the different results.

Tinker v. Des Moines discussion....