



## ACTIVITY NOTES 10

**Directions:** For each Supreme Court case, have one student in your group read the case aloud. Next, discuss the issues the Supreme Court considered. Vote on the question involved in the case. Record your vote and explain the majority and minority (if there are any) opinions. After your class discusses the case, record the actual Supreme Court decision.

### Debating Supreme Court Cases

#### Case 1: *Tinker v. Des Moines* (1969)

In 1965, several Des Moines students decided to protest the Vietnam War by wearing black armbands to school. Des Moines school principals discovered the plan. On December 14, 1965, school officials adopted a policy that any student wearing an armband to school would be asked to remove it, and would be suspended if he or she refused to do so. On December 16, Mary Beth Tinker, John Tinker, and Christopher Eckhardt wore the black armbands to school. They knew about the policy and were suspended.

The fathers of the three students filed a lawsuit in a federal district court, asking that the suspensions be cancelled. The students' lawyers argued that the school had violated the First Amendment by taking away the students' right to freedom of expression. The school district's lawyers urged the court to consider how controversial the Vietnam conflict was. They argued that school officials had made the policy because they feared that the armbands would cause a serious disturbance at the school. They also argued that officials had the right to prevent students from interfering with the school's primary purpose—education.

Evidence showed that a few students had made angry remarks to the armband wearers outside the classroom. However, there had been no threats or acts of violence on school grounds. There was no sign that schoolwork had been interrupted. It was also revealed that the school district did not ban all political symbols. They allowed campaign buttons, and some students had worn the Iron Cross, considered to be a Nazi symbol.

After hearing the evidence, the court ruled that the school authorities took reasonable action to prevent disturbance of school discipline. They stated that the schools' concerns for safety, and their responsibility to all students, limited individual students' right to freedom of expression. The families appealed. Three years later, the case was heard by the Supreme Court, which considered these issues:

1. Do students have a right to freedom of expression in school?
2. Do school officials have the right to limit freedom of expression?

**Question:** Were the students' First Amendment rights violated when they were suspended for wearing armbands? Use an extra sheet of paper if you need more space.

**Your Decision:**

**Explanation of Your Group's Majority Opinion:**

**Explanation of Your Group's Minority Opinion:**

**Actual Supreme Court Ruling:**

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### Case 2: *Hazelwood School District v. Kuhlmeier* (1988)

In 1988, a Missouri high school principal removed two pages of the school's six-page newspaper without telling the student editors. The pages had personal stories of teenagers at the school. In one article, a student had written about divorce and had brutally criticized her father. The other article was about teenage pregnancy, and described experiences with sex and birth control. The principal was concerned that in the first article the father had not been given a chance to respond. In the second article, he thought that the references to sexual activity were inappropriate for younger students. He also worried that the article might violate the privacy of the students described in it.

Cathy Kuhlmeier and other editors of *Spectrum*, the school newspaper, filed a lawsuit against the school district. They claimed that the principal's actions were censorship, and violated their First Amendment right to freedom of press. The lawyers for the student editors argued that the principal should only be allowed to omit articles that would disrupt the school. They said that these articles would not have caused any disruption. Lawyers for the school district responded that the district paid for most of the production cost of the newspaper. Therefore, they argued, the district was the publisher and had the final say on the content of the paper, just as publishers control adult newspapers. They pointed out that the principal had not limited students' private expression. He had made no attempt to stop the students from later photocopying the omitted articles and distributing them on campus.

A federal appeals court sided with the students, agreeing that their First Amendment rights had been violated. Hazelwood School District appealed to the Supreme Court, which considered these issues:

1. Who is considered the publisher of a school newspaper, with the right to determine the content of the paper?
2. Under what circumstances, if any, does the First Amendment allow school officials the right to censor school newspapers?

**Question:** Did the principal violate the students' First Amendment right to freedom of press by censoring their newspaper? Use an extra sheet of paper if you need more space.

**Your Decision:**

**Explanation of Your Group's Majority Opinion:**

**Explanation of Your Group's Minority Opinion:**

**Actual Supreme Court Ruling:**



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## Debating Supreme Court Cases

### Case 3: *Wallace v. Jafree* (1985)

In 1982, a lawyer named Ishmael Jafree discovered that his five-year-old son was being asked to recite prayers in his Alabama public school class. Jafree felt that this violated the Constitution's "separation of Church and State" clause, as well as his son's First Amendment right to freedom of religion. At the time, Alabama law authorized one minute of silence in all public schools "for meditation or voluntary prayer." Jafree filed a lawsuit in the federal district court to strike down the law.

Alabama state lawyers argued that the law called only for a "moment of silence," and did not require a child to pray to a particular God or to pray at all. Jafree's lawyers argued that the law intended to establish religion in the schools. Thus, they argued, it clearly violated the First Amendment. In addition, the lawyers pointed out that the children had been taught specific prayers, including "The Lord's Prayer" and "God is Great, God is Good." In some cases, students had been asked to recite the prayers in place of a moment of silence. If children refused to participate, other students teased them. Therefore, Jafree's lawyers argued, the law was not being followed as it was written.

The federal district court decided in favor of the state, saying that states had a right to establish an official religion. The United States Court of Appeals overturned the decision, saying that the teacher's activities violated the First Amendment. The court also stated that the law in Alabama encouraged religious activities. The State of Alabama appealed the case to the Supreme Court, which considered these issues:

1. Was the law authorizing a moment of silence for meditation or voluntary prayer an attempt to establish a religion?
2. Is a child's First Amendment right to freedom of religion violated if voluntary prayer is allowed in the school?

**Questions:** Did the Alabama law violate the First Amendment clause that prohibits the government from establishing a religion? Did the law violate the child's First Amendment right to freedom of religion? Use an extra sheet of paper if you need more space.

**Your Decision:**

**Explanation of Your Group's Majority Opinion:**

**Explanation of Your Group's Minority Opinion:**

**Actual Supreme Court Ruling:**

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### Debating Supreme Court Cases

#### Case 4: *New Jersey v. T.L.O.* (1985)

In 1980, T.L.O., a 14-year-old freshman at a New Jersey high school, was caught smoking in the bathroom. T.L.O. told the vice principal she had not been smoking and claimed she did not smoke at all. The vice principal then searched her purse. He found not only cigarettes, but rolling papers, a small amount of marijuana, a pipe, a large amount of cash, and a list of student names and amounts of money owed to T.L.O. The school gave this evidence to the juvenile court, which prosecuted T.L.O. for drug dealing.

T.L.O.'s lawyers argued that the vice principal had violated the Fourth Amendment, which protects citizens against unreasonable search and seizure. They said that the evidence should be thrown out because it was obtained illegally. The juvenile court refused to throw out the evidence. The court ruled that school officials could search students if they had reasonable suspicion that a student was doing something illegal or against school rules. They stated that the vice principal's suspicion that T.L.O. had been smoking justified his decision to open her purse. Once the purse was open and he discovered rolling papers, his reasonable suspicion that she was carrying marijuana justified a further search. The court convicted T.L.O. of drug dealing.

T.L.O. appealed the juvenile court's decision to the New Jersey Supreme Court. This court disagreed that the vice principal had reasonable grounds to search T.L.O.'s purse. According to the court, the crime T.L.O. was accused of—smoking—was not related to what was in her purse. Smoking on campus violated school rules, but possession of cigarettes was not against the rules. The court stated that the vice principal's belief that T.L.O. was lying was not enough to justify the search of her purse. Finally, even if he had been justified in opening the purse, the evidence he saw of drug use did not justify the extensive search of her things. The New Jersey court overturned the juvenile court ruling. This case came before the U.S. Supreme Court, which considered these issues:

1. Does the Fourth Amendment protect students from searches by school officials?
2. Under what circumstances, if any, can school officials search students or their belongings?

**Question:** Was the search of T.L.O.'s purse illegal? Use an extra sheet of paper if you need more space.

**Your Decision:**

**Explanation of Your Group's Majority Opinion:**

**Explanation of Your Group's Minority Opinion:**

**Actual Supreme Court Ruling:**