

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 presenter's oral narrative. It is designed to provide flexibility for presenters to focus on key concepts most appropriate for the group of participating 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 presenters with procedures for conducting the activity using the slides as cues for the students.

Time Estimations

Part I: The Constitution and the Bill of Rights: Free Expression	7 -10 minutes
Part II: <i>Hazelwood v. Kuhlmeier</i> PowerPoint introduction	7 -10 minutes
Part III: Moot Court activity	20 minutes
Part IV: Share the Court's decision	<u>5 minutes</u>
	45 minutes

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 to narrate the presentation *The Constitution and the Bill of Rights: Free Expression*. You may want to provide additional depth on specific topics, depending on what you predict the students will be most interested in. Possible questions and facts you might use with your group are included in the "Talking Points" which are provided in the PowerPoint presentation using the "Notes Page" command in "View."
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” which can be viewed using the “Notes Page” command in “View.” Below you will find questions and analyses you might consider **prior** to your visit in preparing to work with the student attorney/justice groups as well as a set of “prompts” you might use **during** your visit to help students begin to develop their arguments and questions.

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.

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

Possible Questions to Assist Attorney and Justice Groups

- I. **Prior** to teaching the lesson consider the following questions and how you might use these analyses to focus discussions among the students in the attorney and justice groups.

Kuhlmeier

- A. Can't students differentiate between fact and fiction on their own? Why do they need a protective sensor?
- B. Can't students see and hear all of the things in the article on television, radio, and on websites? Isn't this meaningless “protection?”
- C. Isn't school where you are supposed to learn to distinguish fact from fiction?
- D. The student reporters did not use real names in the articles. Didn't that protect the student's privacy? Weren't the students already known anyway?
- E. Aren't these the authors' views, not the school's?

Hazelwood

- A. Shouldn't the father have the right to respond to the claims in the article? Shouldn't he have had that right before the paper was published?
- B. Shouldn't the privacy of the girls be protected?
- C. Shouldn't the principal be able to prevent the school paper from exposing students in the 9th or 10th grades to issues concerning sex and divorce? And how about even younger students in the community who read the high school paper?

- D. This looks like a school-sponsored paper. Isn't the school endorsing these ideas by having them appear in the paper?
- E. Shouldn't the school and school-sponsored things try to develop positive messages consistent with educational goals?

II. During the Moot Court activity, you might use the following prompts, along with the questions above, to help the student groups get started:

Kuhlmeier Attorneys:

How could you convince the justices that ...

- the principal was wrong to take the two pages of the newspaper out before it was published?
- the school newspaper's free expression policy was violated by the principal?
- the students used responsible journalism in writing the stories?
- the students' Constitutional rights do not end when they enter the school building.

Hazelwood Attorneys:

How could you convince the justices that...

- the principal had the right and duty to make sure the stories were not published?
- teachers and principals should oversee what students are learning in all classes, including classes that publish the school newspaper?
- principals have to protect the rights and safety of ALL students. The stories could have caused people to get hurt.

Justices:

What questions could you ask that might help you understand...

- why the students should have the right to publish stories that might cause problems for other students in the school?
- if there is a difference between the rights and responsibilities student reporters have on a school newspaper and the rights reporters have on a regular community/city newspaper?
- what is the purpose of having a school newspaper? News? Learning?

Arguments Presented in Lower Courts

These could give you ideas for arguments and questions the justices might ask.

Attorneys for the Hazelwood District

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 so long as it relates to reasonable academic concerns.

The principal acted reasonably.

Attorneys for Kuhlmeier (the students):

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.

The Questions Before the U.S. Supreme Court:

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

Was the principal's censorship reasonable?

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 the Kuhlmeier, et. al: 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.

Attorneys should decide who will present the argument and who will answer questions during the moot court. Justices should decide who will ask the different questions.

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.

