

Teacher Guide

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 First 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 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 First 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.

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: Lesson Reflection	5 minutes
Part V: Share the Supreme Court's decision	<u>5 minutes</u> 50 minutes

Part I and II—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 in helping students begin to develop their arguments and questions.

Part III—Conducting the Moot Court Activity

1. Tell the students they are now at the Supreme Court of the United States. Read through the “To Prepare for the Case” and “Rules for the Oral Arguments” from the Student Handout with them. Make sure students understand the rules.
2. Form them into groups of seven. Each group is its own court. You can assign roles or the students can select their role. Each member of each group will have one of the following roles:
 - Two will be attorneys for the school district, Hazelwood (appellants)
 - Two will be attorneys for the students, Kuhlmeier (respondents)
 - Three will be Supreme Court Justices (the three justices are a “triad”)
3. Give courts enough time, probably 15 minutes, to prepare according to the Student Handout.
4. When all groups are ready, attorneys for the school district (Hazelwood), will speak first. Attorneys for the students (Kuhlmeier) will speak second.
5. Remind students that the justices may ask questions at any time.
6. Attorneys for the school district take turns giving a one-minute summary of their arguments.
7. Attorneys for the students take turns giving a one-minute summary of their arguments.
8. Justices should spend a few minutes asking questions of each side.
9. After hearing both sides, justices in each group deliberate out loud. Attorneys listen but do not interrupt the justices.
 - Justices deliberate by discussing the arguments they heard. Justices share with each other the most persuasive and least persuasive arguments they heard.
 - Justices provide reasons why they thought arguments were most persuasive or least persuasive.
 - After justices deliberate, each triad votes whether they will rule in favor of the school district or the students.
10. After justices deliberate, take a poll of the triads in the classroom. How many triads voted for the school district? How many for the students? How many triads were unanimous in their decision? How many had a dissenting justice (voting differently than the other two)?
11. Alternatively, have the judge triads come to the front of the room to deliberate in a fishbowl activity.

Part IV—Lesson Reflection

Debrief the activity with the students. Ask these questions in a whole-class discussion:

- What was the most persuasive argument you heard?
- Which side in the case do you think had the stronger arguments? Why?
- What facts of the case do you think were the most important for the school district?
- What facts of the case do you think were most important for the students?
- How do you think the real Supreme Court decided this case? What makes you think the court decided the case that way?

Part V—Share the Supreme Court’s decision from the PowerPoint

Reveal the Supreme Court’s ruling. How was it similar or different than the student justices ruling?

Teacher Tips

During the prep for the moot court activity, you might use the following prompts to help the student groups get started:

Students (Kuhlmeier)

How could you convince the justices that ...

1. The principal was wrong to take the two pages of the newspaper out before it was published?
2. The school newspaper's free expression policy was violated by the principal?
3. The students used responsible journalism in writing the stories?
4. The students' Constitutional rights do not end when they enter the school building?
5. Can't students differentiate between fact and fiction on their own? Why do they need a protective sensor?
6. Can't students see and hear all of the things in the article on television, radio, and on websites? Isn't this meaningless "protection?"
7. Isn't school where you are supposed to learn to distinguish fact from fiction?
8. 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?
9. Aren't these the authors' views, not the school's?

School District (Hazelwood)

How could you convince the justices that...

1. The principal had the right and duty to make sure the stories were not published?
2. Teachers and principals should oversee what students are learning in all classes, including classes that publish the school newspaper?
3. Principals have to protect the rights and safety of ALL students. The stories could have caused people to get hurt.
4. 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?
5. Shouldn't the privacy of the girls be protected?
6. 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?
7. This looks like a school-sponsored paper. Isn't the school endorsing these ideas by having them appear in the paper?
8. Shouldn't the school and school-sponsored things try to develop positive messages consistent with educational goals?

Justices:

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

1. Why the students should have the right to publish stories that might cause problems for other students in the school?
2. 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?
3. What is the purpose of having a school newspaper? News? Learning?

The Question 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 (School District): Create arguments to convince the justices that the principal had a right to censor the school newspaper and acted reasonably.

Attorneys for Kuhlmeier (the students): Create arguments to convince the court 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 whether the principal actions violated students First Amendment rights.

Rules for the Oral Argument

1. Attorneys representing Hazelwood (School District) appealed the case to the Supreme Court, they are *appellants*. They will present first.
2. Attorneys representing Kuhlmeier (the students), are responding to the appeal, they are *respondents*. They will present second.
3. Justices will ask questions of both sides during the arguments.
4. After hearing both sides, justices deliberate out loud. Attorneys listen but do not interrupt.
 - Justices, deliberate by discussing the arguments you heard. Share with each other the most persuasive and least persuasive arguments you heard.
 - Justices, provide reasons why you thought arguments were most persuasive or least persuasive.
 - After deliberating, vote whether your court rules in favor of the students or in favor of the University.

The Arguments of Hazelwood (Appellant)

Attorneys representing the school district argued the principal's censorship of the school newspaper did not violate the students First Amendment rights. To support their position they argued:

1. The principal acted reasonably.
2. The newspaper was part of the school curriculum, and the principal and school board are allowed and expected to control curriculum.
3. 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 Arguments of Kuhlmeier (Respondent):

Attorneys representing the students argued the principal's censorship did violate the student's First Amendment rights. To support their position they argued:

1. The principal's censorship was unreasonable.
2. 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.
3. The students had a constitutional right to express themselves in the paper.

First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or 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.