

The First Amendment



First Amendment United States Constitution

“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.”

The Silent Protest



Students Against War v. Liberty High School

Last year, three students at Liberty High School decided to speak out against the war in Iraq. They decided to have a silent protest and wear black armbands to school. Before they wore the armbands to school, the students told the principal about their idea. The principal did not like the idea. The next day, the principal told all of the students in the school about a new rule. The new rule said that students could not wear armbands to school.

The next week, the students came to school wearing plain black armbands on their right arms. The armbands were one inch wide. The students were sent to the principal's office and were suspended from school for two weeks.

The three students sued the school. The students said that they should have been able to wear their armbands because of the First Amendment's right to free speech.

At trial, the school argued that letting students protest the war would cause trouble and keep other students from learning. The trial court agreed with the school. The students appealed the trial court's decision to the District Court of Appeal. The district court agreed with the trial court and said that schools need to be safe places where students are always learning.

The students appealed the district court's decision to the Florida Supreme Court. The Supreme Court is ready to hear oral argument in this case.

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Case Study Sheet

I. What are the Facts?

II. State the Issue to be Decided:

III. Arguments for Petitioner:

IV. Arguments for Respondent:

V. What Would You Decide?

VI. Reason/Evaluation:

VII. Mock Supreme Court Conference Decision:

VIII. Actual Decision of the Court:

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Constitutional Question

Did the school violate the students' First Amendment right to free speech by stopping their silent protest?

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Petitioner Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE STUDENTS. NOT LETTING THE STUDENTS WEAR THE ARMBANDS TAKES AWAY THEIR RIGHT TO FREE SPEECH AND GOES AGAINST THE FIRST AMENDMENT.

Students' Arguments (*for allowing the protest*) include:

1. Students should be able to speak out against things that they don't like, such as war.
2. The reason the students wore armbands was so that the protest would not keep other students from learning.
3. Students need to learn about their rights and how to use them the right way.
4. If students asked their teachers about the armbands, the teachers could have talked about the protest and students might have learned something.

Try to think of other arguments for the silent protest. Write these arguments on the note pad at your seat.

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Respondent Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE SCHOOL. THE FIRST AMENDMENT DOES NOT ALLOW STUDENTS TO WEAR ARMBANDS TO SCHOOL TO PROTEST A WAR.

The School's Arguments (for *not allowing the protest*) include:

1. People don't always agree about war. When people say something really unpopular, there will most likely be trouble.
2. Schools must be able to stop speech at school that will keep students from learning.
3. When students are away from school, they can speak out against whatever they want to.
4. The rule also helps protect the students who wear the armbands because students who don't agree with the armbands might act up.

Try to think of other arguments against the silent protest. Write these arguments on the note pad at your seat.

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Sample Questions for Justices

Questions to ask the Petitioner (Students):

1. Why should students be allowed to disrupt classes and school work by wearing armbands to school to protest a war?
2. Should students be allowed to say anything they want to in schools?
3. How could speech like wearing armbands help students learn?
4. Shouldn't the principal be able to control what students can say, so that the school can stay safe?

Try to think of other questions for the attorneys who are for the silent protest. Write these questions on the note pad at your seat.

Questions to ask the Respondent (School):

1. Why shouldn't students be allowed to say what they want at school since adults are allowed to say what they want?
2. If students wear armbands peacefully, why should the school be able to stop students from wearing them?
3. Isn't finding out about different ideas an important part of learning?
4. How would keeping students from wearing armbands stop students from messing with or hurting each other?

Try to think of other questions for the attorneys who are against the silent protest. Write these questions on the note pad at your seat.

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Marshal's Script

*(You must call Court to order in a very **loud** voice.)*

All rise.

Hear ye! Hear ye! Hear ye!

The Supreme Court of Florida is now in session.

All who have cause to plea, draw near, give attention, and you shall be heard.

God save these United States, this great State of Florida, and this honorable Court.

Ladies and gentlemen, the Florida Supreme Court.

Please be seated.

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Chief Justice's Script

**The Court is ready to hear the case of
Students Against War v. Liberty High School.**

Are the attorneys ready to proceed?

Attorneys for the Petitioners may begin.

[When the Marshal calls time, you tell the petitioners' attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]

Attorneys for the Respondent may begin.

[When the Marshal calls time, you tell the respondent's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]

Attorneys for the Petitioners may present rebuttal.

[When the Marshal calls time, you tell the petitioners' attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]

Attorneys, thank you for your arguments. The Court will announce its decision shortly.

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Vote Sheet

Votes:

Chief Justice Lewis

Petitioner/Students Respondent/School

Justice Wells

Petitioner/Students Respondent/School

Justice Anstead

Petitioner/Students Respondent/School

Justice Pariente

Petitioner/Students Respondent/School

Justice Quince

Petitioner/Students Respondent/School

Justice Cantero

Petitioner/Students Respondent/School

Justice Bell

Petitioner/Students Respondent/School

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Clerk

(place on Clerk's desk)

After the arguments, the Justices will vote on the case. Count the votes for the Petitioner (Students) and Respondent (School).

READ:

The Florida Supreme Court has reached a decision in this case. By a vote of _____ to _____ the Court rules in favor of the _____.

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Similar Court Decisions

Tinker v. Des Moines School District (1969)

Available at <http://laws.findlaw.com/us/393/503.html>

In this case, a group of adults and students decided to wear black armbands during the Christmas/New Year's holiday season to protest the Vietnam War. Students were to wear their armbands to school. Fearing a massive disturbance, the principals of the Des Moines School District created a policy that any student wearing an armband to school would be suspended.

John F. Tinker, his younger sister Mary Beth, and one of John's friends wore armbands to school even though they were aware of the policy. They were suspended from school, and they did not return to school until after New Year's Day.

The students' parents filed suit against the school board in United States District Court. The court ruled that the principal's actions were acceptable, given the imminent threat of disturbance caused by the wearing of the armbands.

Tinker's parents did not stop there. They appealed to United States Court of Appeals for the Eighth Circuit. The Court of Appeals affirmed the lower court's opinion and held that the school had a right to stop the student from wearing armbands to school.

Finally, Tinker appealed to the United States Supreme Court. The Court ruled that since the armbands were "quiet and passive" and did not reasonably appear to cause disruption, the school violated the students' First Amendment right to free speech, by not allowing the students to wear the armbands.