

THE CONSTITUTION IN THE CLASSROOM



TEACHING MODULE:
Tinker and the First Amendment
[Elementary Grades]

OVERVIEW OF LESSON PLAN

- Description: This unit was created to recognize the 40th anniversary of the Supreme Court's decision in *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), which established that school officials could not punish or prohibit student speech unless that speech will result in a substantial disruption of school activities or invades the rights of others.
- Objectives: The goal is to use this significant case with special relevance to young people to teach appreciation and respect for the Constitution and the Bill of Rights.
- Length of Lesson: 1 class period (45-60 minutes)
- Supplies Needed: This packet
- Age Group: Elementary grades

- Part One:** *Tinker v. Des Moines*
- Facts/summary to be read out loud to the class.
- Part Two** Basics about the Constitution and the Bill of Rights
- Facts/summary to be read out loud to the class.
- Part Three** The Five Freedoms
- **Handout:** Distribute the one page handout to the class.
- Part Four** Discussion Points on the First Amendment and on Freedom of Speech
- Part Five** Flash Cards / Quiz
- Public/private spaces – where is speech proper?

[Some optional questions/subtopics are set off in bold italics in brackets]

The *Tinker* Case: Students Taking a Stand

John Tinker and his little sister Mary Beth and their friend Chris Eckhardt were against the United States going to war back in the 1960s. To show how they felt, they made black arm-bands and wore them to school. A couple of other students asked them why they were wearing the arm-bands, and some of those kids did not agree with their opinions, but nobody got into any fights. The school told John, Mary Beth and Chris to go home until they agreed to take off the arm-bands, and they were suspended for several weeks.



The students' families thought that it was wrong to punish people for having strong political views, so they went to court. The case went all the way up to the United States Supreme Court, the highest court in the country. On February 24, 1969, the Supreme Court said that John, Mary Beth and Chris were right – they shouldn't have been suspended because all they did was peacefully show their opinions, and their right to express their opinion was protected by *the First Amendment to the United States Constitution*.

The Constitution and the Bill of Rights

- We have a Constitution because the Founding Fathers of our country got together in 1787 in Philadelphia and decided to write a set of rules for running the government [**Q: What are some other types of rules you know about – sports, etc.]**
- When they started out, they just wrote rules about the Congress and the President and the States – and then they realized something was missing: rules about the PEOPLE



- That's what the Bill of Rights is for – the Founding Fathers went back and added 10 more rules (these are called *AMENDMENTS* because they were added in later) that make sure the government can't get carried away and stop people from having the freedom to live their lives – and one of these is the *FIRST AMENDMENT*, that protected John and Chris and Mary Beth
- Remember, that's the whole reason people came to live in America – because they thought the King of England was taking away their freedoms

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.”

WHAT ARE THE FIVE FREEDOMS?

- RELIGION
- SPEECH
- PRESS
- ASSEMBLE
- PETITION THE GOVERNMENT

First Amendment Discussion Points

FIRST AMENDMENT TEXT REVIEW

(1) What does it mean when a person has “rights?”

The government can't force you to do something or stop you from doing something (but that only means the government, not your family)

(2) Talk about each of the five freedoms and what they mean

Religion: The government can't tell you what to believe, or what church to go to

Speech: The government can't tell you what to say

Press: Newspapers and magazines and TV stations get to say what they want

Assembly: The government can't stop you from having a meeting

Petition: You get to call or write to your representative

(3) Why is it important to have freedom of speech?

That's how we let our government officials know if they're doing a good job or a bad job – that's how you get something changed if you disagree with it: by speaking out

(4) Do kids have any rights?

EXAMPLES: Can't be kept in jail forever for no reason

Tinker: Right to wear something that shows your viewpoint as long as it's not disruptive

(5) Do kids have all the same rights as adults?

EXAMPLES: Can't vote / can't run for president / etc.

Freedom of Speech Discussion Points

Q: Which of the Five Freedoms was the one that protected John and Mary Beth and Chris when they wore their arm-bands?

A: Speech

Q: How can something be SPEECH when John and Mary Beth and Chris didn't say anything out loud?

A: When they wrote SPEECH in the Bill of Rights, they meant all types of COMMUNICATING – back in those days there were no telephones, no TVs, no internet, so the way people communicated was either by talking or by printing flyers and handouts and giving them out on the streets

Q: What are some other ways that you can communicate without actually speaking?

A: EXAMPLES: Singing a song, painting a picture, putting a sticker on a car, putting a sign in your yard, writing a letter to the newspaper, making a movie, etc.

Q: So if we have freedom of speech, does that mean you get to say anything you want, anywhere and anytime you want?

A: No, there are still rules:

- If you are in a government building like a school or City Hall, you can talk but you can't be disruptive [Q: *What does it mean to be "disruptive?"*]
- You can't threaten people or pick fights with people – that's illegal.
- If you are on somebody's private property – like someone's house, or inside the mall – that's not a government building. The people who own the building get to make the rules, and if they don't like what you say, they can ask you to leave

Right to Speak / Flash Cards

SHOW the students the picture of each space that follows

[NOTE: *Sidewalks and parks are quintessential public forums*]

ASK: Would this be a proper place for a person to give a speech or hand out flyers?

Why or why not?

What problems might come up if somebody tried to give a speech here?

What if somebody who hears you speaking doesn't agree with you – does that mean they can call the police and make you stop talking?

(No, that's why we have freedom of speech – because not everyone agrees with everyone's opinion, and it's OK to say something other people disagree with. When America first started out, not everyone agreed with becoming an independent country, but aren't we glad that the people who supported independence were allowed to speak?)

So if I can give a speech in the park or on the sidewalk, does that mean I can put up a great big billboard and just leave it there?

(No, the government can always regulate the WAY you speak to stop you from stepping on other people's rights, and if you put up a billboard, that might stop other people from using the park or the sidewalk.)

ON THE SIDEWALK?



INSIDE THE LIBRARY?



IN THE PARK?



INSIDE A STORE?

