



DISCOVERING JUSTICE DISCOVERING THE BILL OF RIGHTS

THE FIRST AMENDMENT & STUDENT SPEECH

MATERIALS FOR ATTORNEYS AND JUDGES

Discovering the Bill of Rights is a ninety-minute, courtroom-based program that provides middle and high school students with an interactive learning experience in constitutional law. Using U.S. Supreme Court cases from recent history, **Discovering the Bill of Rights** makes the U.S. Constitution come alive for young people. Through this program, students will learn that the Constitution, particularly the Bill of Rights, plays an important role in their everyday lives.

There are two options for **Discovering the Bill of Rights**: a First Amendment activity or a Fourth Amendment activity. Each activity uses a landmark Supreme Court case as a teaching tool to illustrate how the Constitution protects individual rights. Prior to the program date, classroom teachers will have selected one of the activities. Teachers have been asked to provide their students with some general information about the Bill of Rights and the relevant amendment before the field trip.

PROGRAM OVERVIEW

Discovering the Bill of Rights takes place in a courtroom and engages students in a modified mock appellate argument. Upon entering the courtroom, the students are divided into two teams, each representing one of the parties in the case. Students then receive workbooks containing the text of the amendment, the facts of the case, and guiding questions designed to help the teams develop their arguments.

The remainder of **Discovering the Bill of Rights** is comprised of four distinct parts:

- 🔥 **A SIMULATION ACTIVITY** introduces students to the basic facts of their case and provides the foundation for a general review of the Bill of Rights and a close reading of either the First or Fourth Amendment.
- 🔥 **SMALL GROUP SESSIONS** focus students on developing arguments that support their team's side of the case.
- 🔥 **A PRESENTATION OF ARGUMENTS** is then made by four to six students on each team after a brief lesson in courtroom procedures. An actual judge or a volunteer attorney will preside over the arguments and ask questions designed to help students clarify their thinking and encourage debate.

- 🔥 **A CLASS DISCUSSION**, led by the judge or volunteer attorney, follows the oral arguments to emphasize how the issues in the case are relevant today.

In the pages that follow, you will find a lesson plan for leading the **Discovering the Bill of Rights** program about the First Amendment using the case of *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969). *The judge's parts are highlighted for your convenience.*

CASE DESCRIPTION

Tinker v. Des Moines Independent Community School District (First Amendment)

This case established a new standard for student speech in public schools. Two siblings, John and Mary Beth Tinker, and their friend Christopher Eckhardt wore black armbands to school to protest the Vietnam War. The Tinkers and Eckhardt were suspended for violating a school policy that banned wearing black armbands. Alleging that their First Amendment rights had been violated, the students (through their parents) filed suit in federal court, eventually appealing their case to the U.S. Supreme Court.

LEARNING GOALS

Discovering the Bill of Rights aligns with the Massachusetts History and Social Science Curriculum Framework.

BY PARTICIPATING IN THIS PROGRAM, STUDENTS WILL:

- 🔥 Identify important rights protected under the First Amendment;
- 🔥 Learn the facts of a U.S. Supreme Court case based on those rights;
- 🔥 Apply the First Amendment to the facts of the case;
- 🔥 Understand that the challenge of implementing the Bill of Rights is finding the balance between the rights of the individual and the needs of government; and
- 🔥 Make connections between the Bill of Rights and their own experiences.