

LESSON PLANS FOR MIDDLE SCHOOL GRADES

Lesson Plan I: Symbolic Speech at School — *Tinker v. Des Moines* *Independent Community School District*

A. As an introductory activity, help students brainstorm ways people can communicate to exercise their freedom of speech, *e.g.* talking, using sign language, newspapers, rap music, and movies. Next, discuss the concept of symbolic speech. Examples might include waving or burning flags, wearing hats backwards, or wearing buttons or armbands to communicate.

B. Read the following story of Mary Beth Tinker.

“My name is Mary Beth Tinker. My brother John and I and a few of our friends were outraged during the Vietnam War. We did not believe that the U.S. should be fighting there. Our parents were outraged, too. They expressed their anger in protest marches. Sometimes the marches ended in violence. We wanted students at our school to know how we felt without causing any violence. We decided that wearing black arm bands to school would tell students how we felt. The black arm bands would be a peaceful way of showing our opposition to the war.

“The school officials found out about our plan and passed a rule against wearing the arm bands. They were afraid that there would be violence. We decided to wear them anyway. It was very important for us to be able to express our feelings about the war. In 1965 there was a lot of controversy about the war everywhere. I believe school ought to be a place where you can discuss important issues, especially those that are very emotional.

“Lots of students noticed we were wearing the arm bands. The principal felt nobody would do schoolwork. He was also afraid of fights. There wasn’t any fighting. But we were suspended and sent home until we stopped wearing the arm bands. We had broken the school rule.

“My parents were very upset. They decided to take the school to court. They believed our right to speak against the war was protected by the Bill of Rights. We lost. The court agreed with the school. They said the school had a right to pass this rule to keep discipline in school.

“My parents didn’t give up. They finally asked the Supreme Court to take the case and decide. Did we have a right to wear the black arm bands because the Bill of Rights says we have the right to free speech?”

C. Review the facts of the story

1. What were the Tinkers protesting?
2. Why did Mary Beth and John wear black arm bands to school?
3. Why were they suspended?
4. Why did Mary Beth and John’s parents go to court?
5. What did the court say?
6. Why did Mary Beth and John’s parents ask the Supreme Court to take the case?

D. Discussion for and against, “What do you think?”

1. Arguments in favor of letting students wear their arm bands:
 - a. Students and teachers have a constitutional right to free expression outside of school. They do not

give up this right at the school house door. They have this right in school, too.

- b. The arm bands did not keep the students from doing their work. Students should be able to express themselves as long as there is discipline in the school.
 - c. Principals do not have complete power over their students. The parents have power, too. The parents agreed with their children*s actions.
2. Arguments against letting the students wear their arm bands:
- a. People do not have a constitutional right to say whatever they want to say, wherever and whenever they want to say it.
 - b. The arm bands kept students from thinking about their studies. They started thinking about the emotional subject of the Vietnam War.
 - c. School principals should have as much power as possible to keep discipline and order in their schools. Principals should not take chances. They should avoid trouble.

E. The actual result.

1. Justice Abe Fortas defined the following issues:
 - a. Whether the lower court was correct to rule that the principals had a right to suspend the students because the principals were afraid that students wearing armbands would cause a disturbance and other students would not be able to learn.
 - b. Whether the principals* fear of a disturbance was enough to limit the students* constitutional right to freedom of speech (in this case, symbolic speech) which is guaranteed by the First Amendment.

The Supreme Court’s decision:

Justice Fortas said that students and teachers do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. He also said that the principals had the right to control the conduct of the students and make sure that the learning of students was not interrupted by any disturbances.

However, he thought that, in this instance, there was no disruption and that the principals only were concerned that there “might “be a disturbance. In order for the principals to prevent the students from exercising their freedom of speech, the principals would have to prove that wearing armbands would “materially and substantially interfere with the requirements of appropriate discipline in the operation of the school.” Justice Fortas concluded that the facts did not show that there was a “substantial disruption or material interference with school activities.” Therefore, the students should not have been suspended from school.

Lesson Plan II: Amazing Constitutional Facts

Complete the problems on the left. Write each answer on the line provided within each sentence. Read the sentence to find an amazing fact about the Constitutional times.

1. 1,000 squared	The population of the United States at this time was under _____ people.
2. 5 squared + 1	The youngest delegate was Jonathan Dayton of New Jersey; he was ____ years old.
3. 10 squared	In some places tea cost more than ____ dollars a pound.

4. Square root of 36	Among the delegates, _____ had signed the Declaration of Independence.
5. Square root of 25	_____ of the delegates to the Convention had signed the Articles of Confederation
6. 4 squared + 3	_____ of the delegates never showed up for the Convention for personal reasons and lack of support of the idea.

7. 20 squared + 10 squared	After the Constitution was inscribed on parchment, the Convention ordered _____ copies of it to be printed.
8. 50 squared - 563	The name of the gifted scribe of the embellished Constitution was forgotten until _____.
9. 12 squared + 17	James Madison gave _____ speeches, second only to Gouverneur Morris.

10. 9 squared + 4	_____ newspaper articles written about the Constitutional events later became known as <i>The Federalist Papers</i> .
11. Square root of 4	When George Washington arrived at the Convention, he was escorted by three generals, two colonels, and _____ majors.
12. 7 squared - 6	The average age of the fifty-five delegates was a little over _____.

13. Square root of 81	Of the delegates, 26 were college graduates; ____ were foreign born.
14. 6 squared - 21	Virginia governor, Edmund Randolph, submitted the Virginia Plan -- a ____-point plan -- to the delegates.
Bonus: In #8 above, who was the scribe?	

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Answer key:

1. 1,000,000
 2. 26
 3. 100
 4. 6
 5. 5
 6. 19
 7. 500
 8. 1937
 9. 161
 10. 85
 11. 2
 12. 43
 13. 9
 14. 15
- Bonus: Jacob Shallus

Editor's Note: This lesson plan, found at <http://www.educast.com/arc/lp/soc/9712227o>, asks why Jacob Shallus name was not remembered until 1937, but does not give the answer. If you know, please advise.*

Lesson Plan III: Is It Constitutional?

1. Point out to students that citizens of a free and democratic society have many rights and freedoms. The Constitution of the United States protects many of our most important rights and freedoms.
2. Explain to students that a law could be passed that would take away some of these rights. If this happened, the Supreme Court would say that the law was unconstitutional and could not be enforced. When a law is passed, it is very important to ask if it is constitutional.
3. Tell students that many of our most basic rights and freedoms are protected by amendments to the Constitution. Reproduce and distribute the three shown below. Read the original wording of each amendment to the class (the original wording is not given in this handbook).
4. Discuss each amendment with students. Remind them that a law or action taken by the government cannot contradict an amendment. If it does, the law or action can be challenged and reversed.
5. Read to students the list of laws below that might be passed or actions that might be taken by the government. Discuss whether it is or is not constitutional, and identify appropriate amendment number.

(continued)

IS IT CONSTITUTIONAL?

1. A state passes a law that allows men to vote, but not women.
2. The government does not like a man*s ideas, so it does not allow him to make a speech in public.
3. A woman accused of a serious crime wants a jury trial, but the government says it doesn*t have enough money for such a trial.
4. A town does not like the religious beliefs of a certain group, so it forbids it from building a place in which to worship.
5. A man accused of a serious crime refuses to give evidence against himself.
6. A state passes a law that allows women to vote at age 18 but says men must wait until they are 21 before they can vote.
7. The government orders a newspaper to stop printing editorials that criticize the government too much.
8. A person*s house is in the way of a proposed highway expansion. The government offers the owner a fair price for the house.
9. A group of people are arrested because they wrote to Congress saying that they did not like a certain law.
10. A woman receives a parking ticket. She insists on a jury trial. The government says she doesn*t need a jury because her offense is not a serious one.

Answer key:

1. No (19th)
2. No (1st)
3. No (5th)
4. No (1st)
5. Yes (5th)
6. (Skip)
7. No (1st)
8. Yes (5th)
9. No (1st)
10. Yes (5th)

AMENDMENTS

First Amendment: The government may not interfere with freedom of religion, freedom of speech, freedom of the press, or the right to meet together with other people in a peaceful way or to send petitions to the government.

Fifth Amendment: People accused of serious crimes have the right to a trial by jury. They can't be forced to give evidence against themselves. A person's life, freedom, and property can't be taken unfairly. If the government must take a person's property for public use, the owner must be paid a fair price for it.

Nineteenth Amendment: No citizen, man or woman, may be denied the right to vote.

Lesson Plan IV: Could It Really Be a Law?

Read the following laws/ordinances to the class and decide for each why it might originally have been enacted. What public interest might it have served in days gone by? Is it needed today? How could it be improved?

1. In Oregon it is against the law to pump your own gas.
2. In Georgia it is against the law to slap someone on the back.
3. In Detroit it is against the law to fall asleep in the bathtub.
4. It is against the law to have a frog jumping contest in Boston.
5. In Ann Arbor, Michigan, it is against the law to walk on any public street, alley, or park.
6. In New York it is a misdemeanor to arrest a dead man.
7. A woman may not drive while wearing a bathrobe in California.
8. It is against the law to imitate criminals in Florida.
9. In Oklahoma it is against the law for three or more dogs to meet on someone*s property without a permit.
10. In Michigan it is against the law for a barbershop to be open on Sundays.
11. It is against the law anywhere to tell your children to go to bed.
12. It is against the law to dance to the “Star Spangled Banner.”
13. It is against the law in Michigan to participate in sports on Sundays — the fine is \$5.00.
14. It is a crime to blow your nose in public in Maine.
15. In Michigan there is a law that says drinking cups must be available at public drinking fountains.

Lesson Plan V: Vocabulary Match

Reproduce and distribute:

1. ___ Executive	A. An institution that makes, interprets and enforces laws at the federal, state and local levels.
2. ___ History	B. To refuse to admit or approve.
3. ___ Majority	C. A written idea for a new law.
4. ___ Judicial	D. The rules used to govern a country, state or social group.
5. ___ Compromise	E. This branch of government enforces the law.
6. ___ Laws	F. A permanent written record of the past.
7. ___ Legislature	G. A settlement of differences; give and take.

8. ___ Amendment	H. An amount greater than half of the total.
9. ___ Bill	I. This branch of government interprets the law.
10. ___ Constitution	J. Supreme law of the land, exists to provide order and protect people's rights and welfare.
11. ___ Veto	K. A change added to improve an existing law.
12. ___ Government	L. This branch of government makes/creates laws.

Lesson Plan VI: Bill of Rights

The Bill of Rights sets forth the rights with which government cannot interfere. Passed by Congress September 25, 1789; ratified by the States December 15, 1791.

Amendment I: Freedom of religion, separation of church and state, freedom of speech, freedom of the press, freedom of assembly, freedom to petition the government to right a wrong.

Amendment II: Right to keep and bear arms.

Amendment III: Right not to be forced to allow soldiers to stay in one's home in time of peace or in time of war unless procedures described by law are followed.

Amendment IV: Freedom from unreasonable searches and seizures of self, home, papers, and belongings; no issuing of warrants for search or seizure without probable cause.

Amendment V: Right to due process of law when accused of a crime; freedom from being tried for the same crime twice and from being forced to testify against oneself.

Amendment VI: Right to a speedy, public, and fair trial, including a lawyer, when accused of a crime.

Amendment VII: Right to a trial by jury in civil cases with a claim of more than \$20.

Amendment VIII: Right to fair bail; freedom from excessive fines and cruel and unusual punishment.

Amendment IX: Guarantee that the listing of rights in the above amendments or elsewhere in the Constitution would not be taken to mean that these were the only rights people had.

Amendment X: Provision that powers not given to the United States by the Constitution or not prohibited from the states would stay with the states or the people.

Lesson Plan VII: Classroom Negligence

By Kelly Rundell

Introduction: Explain briefly that the class is going to decide a civil comparative fault case like a jury might have to do. Then give a narrative of the facts.

Facts: (assign students in the class to roles #1-10, teacher and student teachers are # 11 & 12). All facts occur just before school starts in the morning as the students are coming to class.

- 1 _____ bicyclist in parking lot that #2 swerves to miss (Optional)
- 2 _____ while driving his car in school parking lot, hits #3*s car
- 3 _____ looks out window and sees his car being hit by #2, runs out
- 4 _____ sees #3*s car being hit and #3 running, trips #3 (Optional)
- 5 _____ just finished eating banana; drops banana peel when #3 loses balance and bumps him
- 6 _____ slips on banana peel that #5 dropped and grabs #7*s desk while falling
- 7 _____ the Pepsi can on #7*s desk spills when #6 grabs it
- 8 _____ slips on Pepsi and falls; cuts hand on the buckle of #9*s backpack which is in the aisle
- 9 _____ left backpack in the aisle
- 10 _____ laughs at the whole scene & embarrasses #8 (Optional)
- 11 _____ student teacher who would not let #8 leave after class starts, #8 bleeds all through class (Optional)
- 12 _____ teacher who routinely allows food and drink in the classroom, although it is against the school*s rules, which all the students know.

Other Facts: #8 is seriously injured, has to have stitches, and later needs surgery to fix a tendon. Scars badly. Misses finals and graduation. School lets #8 take tests later, and he/she graduates. But while taking the tests, he/she misses first 4 days of full-time summer job as waiter at Yia Yia*s, so he/she loses job and ends up with minimum wage, part-time job at K-Mart.

The cost of repairing the damage to #3*s car is split equally by #2*s insurance company and #1*s parents.

#8 and parents sue everyone and school to recover. Medical bills (\$10,000), lost wages (\$2,500) and pain and suffering (\$250,000).

Group Discussion: Ask the class to assess comparative fault and award damages. They should talk about the factors a jury would consider and also may need to determine how to resolve differences among jury members.