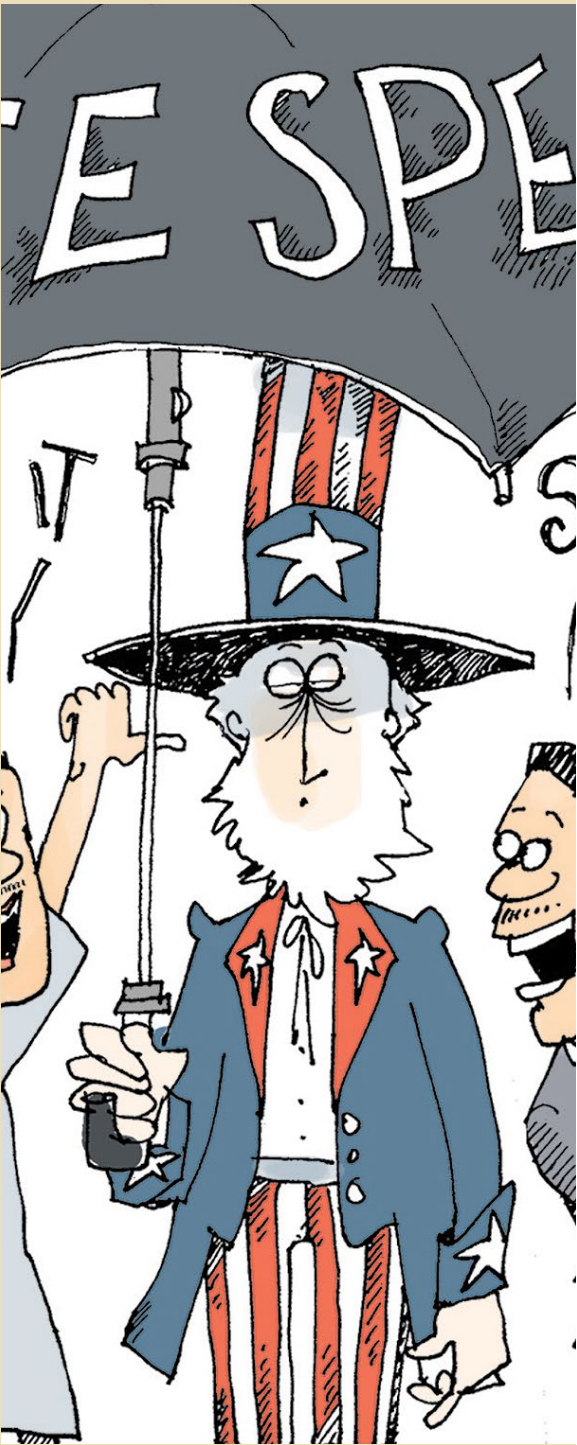




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**FREE SPEECH IN US HISTORY,  
1917–1988**  
Grades 6–8



"Free Speech," by Signe Wilkinson, August 18, 2017. Signe Wilkinson Editorial Cartoon used with the permission of Signe Wilkinson, the Washington Post Writers Group and the Cartoonist Group. All rights reserved.

# FREE SPEECH IN US HISTORY, 1917–1988

by John McNamara and Ron Nash

(created 2020, revised 2023)

*John McNamara and Ron Nash taught social studies in New York and New Jersey high schools for over thirty years. They are project consultants for the Gilder Lehrman Institute of American History.*

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## Grade Levels

6–8

## Recommended Time for Completion

Five 45-minute class periods for historical material. Five 45-minute class periods for civic engagement.

## Overview

This unit is one of the Gilder Lehrman Institute's Teaching Civics through History™ (TCTH) resources, designed to align with the Common Core State Standards. These units were developed to provide students with foundational knowledge of the history of current civic and social issues facing their communities and the nation while building their literacy, research, and critical thinking skills. Through incorporating and linking history and civics, this unit will

1. enable students to understand the historical foundations of current political, economic, social, and cultural issues

2. encourage students to use their historical literacy, document analysis, and critical thinking skills to connect past and present
3. empower students to develop their civic voices

Over one to two weeks, students will explore how legislation and the courts shaped the twentieth-century history of free speech in the United States and the history of free speech in schools. They will read and assess primary and secondary sources, analyze articles written from different perspectives, and develop knowledgeable and well-reasoned points of view.

Students will demonstrate their comprehension through their oral and written assessment of the primary sources, their responses to the essential questions, and how they choose, plan, and implement the civic engagement project.

Students will be able to

- Analyze primary source documents using close-reading strategies

- Identify pivotal court cases in the history of free speech and free speech in schools
- Distinguish between facts and opinions and identify their proper use in visual and written source materials
- Develop a viewpoint, present it, and write a response based on textual and visual evidence
- Develop and implement a civic engagement project

## Essential Questions

- What claims did twentieth-century legislators and judges make about the importance of free speech?
- When have Americans found it especially challenging to maintain a commitment to freedom of speech?
- How and when have Congress and the Supreme Court restricted and regulated speech?
- What has the Supreme Court ruled about the protections for and limitations on free speech in schools?
- What should the protections for and limitations on speech be?

## Common Core State Standards

CCSS.ELA-LITERACY.RH.6-8.1: Cite specific textual evidence to support analysis of primary and secondary sources.

CCSS.ELA-LITERACY.RH.6-8.4: Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.

CCSS.ELA-LITERACY.RH.6-8.8: Distinguish among fact, opinion, and reasoned judgment in a text.

CCSS.ELA-LITERACY.RH.6-8.9: Analyze the relationship between a primary and secondary source on the same topic.

CCSS.ELA-LITERACY.WHST.6-8.1: Write arguments focused on discipline-specific content.

CCSS.ELA-LITERACY.WHST.6-8.6: Use technology, including the Internet, to produce and publish writing and present the relationships between information and ideas clearly and efficiently.

CCSS.ELA-LITERACY.WHST.6-8.8: Gather relevant information from multiple print and digital sources, using search terms effectively; assess the credibility and accuracy of each source; and quote or paraphrase the data and conclusions of others while avoiding plagiarism and following a standard format for citation.

CCSS.ELA-LITERACY.WHST.6-8.9: Draw evidence from informational texts to support analysis, reflection, and research.

CCSS.ELA-LITERACY.WHST.8.7: Conduct short research projects to answer a question (including a self-generated question), drawing on several sources and generating additional related, focused questions that allow for multiple avenues of exploration.

CCSS.ELA-LITERACY.SL.8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on [grade-level] topics, texts, and issues, building on others' ideas and expressing their own clearly.

## Materials

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- Source 1: “Free Speech,” by Signe Wilkinson, August 18, 2017. Signe Wilkinson Editorial Cartoon used with the permission of Signe Wilkinson, the Washington Post Writers Group and the Cartoonist Group. All rights reserved.
- Source 2: “Uncle Sam Bound and Gagged,” by Angelo Lopez, October 1, 2017, used with the permission of the artist
- Activity Sheet 1: Analyzing a Cartoon
- Source 3: The First Amendment, US Constitution, The Bill of Rights: A Transcription, *America’s Founding Documents*, National Archives, [archives.gov/founding-docs/bill-of-rights-transcript](https://www.archives.gov/founding-docs/bill-of-rights-transcript)
- Activity Sheet 2: Free Speech Situations and Statements with Answer Key
- Source 4: Excerpt from the Espionage Act (1917), Act of June 15, 1917, Public Law 24, “An Act to Punish Acts of Interference with the Foreign Relations, the Neutrality, and the Foreign Commerce of the United States, to Punish Espionage, and Better to Enforce, the Criminal Laws of the United States, and for Other Purposes,” Enrolled Acts and Resolutions of Congress, 1789–2013, National Archives and Records Administration, [catalog.archives.gov/id/5721240](https://www.archives.gov/id/5721240)
- Source 5: Excerpts from the Sedition Act (1918), “An Act to Amend Section Three, Title One, of the Act Entitled, ‘An Act to Punish Acts of Interference with the Foreign Relations, the Neutrality, and the Foreign Commerce of the United States, to Punish Espionage, and Better to Enforce, the Criminal Laws of the United States, and for Other Purposes,’ May 16, 1918,” Statutes at Large, 65th Congress, [loc.gov/law/help/statutes-at-large](https://www.loc.gov/law/help/statutes-at-large)
- Activity Sheet 3: Document Analysis for the Espionage Act (1917) and the Sedition Act (1918)
- Source 6: Excerpts from a Dissenting Opinion in the US Supreme Court Case *Abrams v. United States*, 250 US 616 (1919), *US Reports*, pp. 624 and 630–631, Library of Congress, [cdn.loc.gov/service/ll/usrep/usrep250/usrep250616/usrep250616.pdf](https://www.cdn.loc.gov/service/ll/usrep/usrep250/usrep250616/usrep250616.pdf)
- Activity Sheet 4: Document Analysis for *Abrams v. United States* (1919)
- Activity Sheet 5: Excerpts from the US Supreme Court Decision in *Hazelwood School District et al. v. Kuhlmeier et al.*, 484 US 260 (1988), *US Reports*, pp. 260–261 and 277–291, Library of Congress, [cdn.loc.gov/service/ll/usrep/usrep484/usrep484260/usrep484260.pdf](https://www.cdn.loc.gov/service/ll/usrep/usrep484/usrep484260/usrep484260.pdf)
- Articles from AllSides.com linked on the Gilder Lehrman Institute’s Teaching Civics through History web page, [gilderlehrman.org/tcth](https://www.gilderlehrman.org/tcth) (Click on the “Free Speech” tile in the middle of the page.)
- Activity Sheet 6: Analyzing a News Article
- Source 7: Civil Discourse Guidelines. The guidelines provided here are adapted from “Managing Difficult Classroom Discussions,” Center for Innovative Teaching and Learning, Indiana University Bloomington, [citl.indiana.edu/teaching-resources](https://citl.indiana.edu/teaching-resources).
- Activity Sheet 7: Civic Engagement Project Proposal
- Teachers’ Resources: Civic Engagement Project Pacing Guidance and a Student Rubric available on the Gilder Lehrman Institute’s Teaching Civics through History web page: [gilderlehrman.org/tcth](https://www.gilderlehrman.org/tcth)

## Historical Background

### A History of Free Speech in the United States, Part 1: From the Bill of Rights to Civil Rights

by Bruce Allen Murphy, Lafayette College

Although the First Amendment to the United States Constitution was ratified in 1791, it took generations of Supreme Court justices to reshape the meaning of those rights into the protections that we know today. Originally, the text was not only meant to prevent “prior restraint,” or censorship, of speech and writing, but also to allow for punishment after the fact, called “subsequent punishment,” for any harmful actions that resulted from those words. In its first decade of existence, the amendment was undermined by the passage of the 1798 Sedition Act, which punished opponents of President John Adams and the Federalist Party majority in Congress for speaking or writing critically about the government. Only after Thomas Jefferson became president in 1801, and his supporters were freed from prison, had their fines repaid, and were pardoned, were people free to criticize the federal government once again. But they still had no protections at the state level because the First Amendment did not apply to those jurisdictions until the early 1900s.

During World War I, the government arrested people who protested against the military draft and the government’s war policy. In 1919, when appeals from those cases came to the Supreme Court, Justices Oliver Wendell Holmes and Louis D. Brandeis created the “clear and present danger” test, limiting the government’s ability to regulate or ban speech to cases where the actions resulting from the speech presented “a clear and present danger of a substantive evil that Congress had a right to prevent.” This meant that the danger to the government and society had to be immediate

and real. In those early cases, the emergency of being at war permitted regulation. Later that year, Holmes argued that dissenting views should be tolerated to create a “free marketplace of ideas” that functioned without interference from the government.

By 1927, Holmes and Brandeis had expanded their protective reach by arguing that in order for government to limit speech, “the evil apprehended [must be] so imminent that it may befall before there is opportunity for full discussion.” In 1951, the Court abandoned the clear and present danger test to allow for the punishment of the leaders of the American Communist Party, who were seen as threatening to overthrow the government of the United States. In a balancing test called the “gravity of the evil” test, the justices ruled that the government needed to prove “whether the gravity of the ‘evil,’ discounted by its improbability,” justified limiting free speech in order to “avoid the danger.” Since the Communist Party was seen by the Court as a dire governmental threat, the government would only have to prove that there was the smallest likelihood of their success to justify censorship and imprisonment. It was not until 1969, in a case called *Brandenburg v. Ohio* dealing with a Ku Klux Klan rally where members brought guns and burned a cross, that the Court created the modern, nearly total, protection for free speech. Now speech can only be punished “where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.”

### A History of Free Speech in the United States, Part 2: Three Levels of Judicial Scrutiny

by Bruce Allen Murphy, Lafayette College

The Supreme Court created other tests for judging the limits governing freedom of assembly and symbolic speech rights. In 1942, in the case of *Chaplinsky v. New Hampshire*, a man distributing religious literature on a public sidewalk shouted such horrible and libelous words at a police officer that he was arrested for using “offensive, derisive or annoying word(s).” While the Court at this time was normally very protective of citizens’ rights, here it created a two-level test defining the difference between “speech” and “conduct.” For the justices, speech was

normally in a “preferred position,” meaning that it could not be regulated because it had social worth. But the state could ban lewd, obscene, profane, libelous, insulting, or “fighting” words because “by their very utterance, [they] inflict injury or tend to incite an immediate breach of the peace.” In short, they are not a discussion of ideas, but become regulatable conduct. Using this test, speech meant to offend, intimidate, or threaten people, sometimes called “hate speech,” can be banned.

In the last half century, the Supreme Court has created three levels of judicial scrutiny for protecting speech. At the lowest level, if the state's regulation is "reasonable" or has a "rational basis," meaning that a "reasonable person," specifically the judge, would allow it, the Court will nearly always permit state regulation. However, the state's power to regulate speech is much weaker if the speech is offered by someone in a "suspect classification," such as being a member of a "discrete or insular minorit(y)," or if the speech involves a "fundamental interest," such as being part of the election process or the discussion of a public issue in a public place. In these cases, the Court will judge the regulation using "strict scrutiny," asking whether it is the only possible means for the state to achieve that law's purpose, and whether the law was "closely tailored" to

restrict only conduct and not speech. Under this test, the individual almost always wins.

In between these two levels, the justices use an intermediate balancing technique by evaluating the importance of the state's regulatory interests and asking whether the law was "substantially related" to those interests, weighed against the individual's speech interests. Using this approach, the Court has upheld a law preventing the burning of draft cards to protest a war but has overturned state or federal regulations against burning the American flag in protest. In a public-school setting, the Court allowed students to silently protest the Vietnam War by wearing black armbands, so long as they did not "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school."

Bruce Allen Murphy is the Fred Morgan Kirby Professor of Civil Rights at Lafayette College. He has written several Pulitzer Prize-nominated biographies of Supreme Court justices, including *Scalia: A Court of One* (2014) and *Wild Bill: The Legend and Life of William O. Douglas* (2003).

## LESSON 1: MOTIVATING ACTIVITIES

by John McNamara and Ron Nash (created 2020, revised 2023)

### Overview

This lesson motivates students to explore the role of freedom of speech in American democracy, as well as the protections and limitations that might enable or inhibit that freedom. Students will examine modern political cartoons and take a provocative quiz. They will demonstrate their understanding of the value of free speech through class discussion.

Students will be able to

- Analyze primary source documents using close-reading strategies
- Identify pivotal court cases in the history of free speech and free speech in schools
- Distinguish between facts and opinions and identify their proper use in visual and written source materials

*John McNamara and Ron Nash taught social studies in New York and New Jersey high schools for over thirty years. They are project consultants for the Gilder Lehrman Institute of American History.*

**Grade Levels:** 6–8

**Time for Completion:** One 45-minute period

**Unit Overview:** This unit is one of the Gilder Lehrman Institute’s Teaching Civics through History™ (TCTH) resources, designed to align with the Common Core State Standards. These units were developed to provide students with foundational knowledge of the history of current civic and social issues facing their communities and the nation while building their literacy, research, and critical thinking skills. Over one to two weeks, students will explore how legislation and the courts shaped the twentieth-century history of free speech in the United States and the history of free speech in schools and develop a civic engagement project.

### Essential Question

- What should the protections for and limitations on speech be?

### Materials

- Source 1: “Free Speech,” by Signe Wilkinson, August 18, 2017. Signe Wilkinson Editorial Cartoon used with the permission of Signe Wilkinson, the Washington Post Writers Group and the Cartoonist Group. All rights reserved.
- Source 2: “Uncle Sam Bound and Gagged,” by Angelo Lopez, October 1, 2017, used with the permission of the artist
- Activity Sheet 1: Analyzing a Cartoon
- Source 3: The First Amendment, US Constitution, The Bill of Rights: A Transcription, *America’s Founding Documents*, National Archives, [archives.gov/founding-docs/bill-of-rights-transcript](https://www.archives.gov/founding-docs/bill-of-rights-transcript)
- Activity Sheet 2: Free Speech Situations and Statements with Answer Key

### Procedure

1. Distribute Sources 1 and 2, the twenty-first-century political cartoons that address free speech and freedom of expression in American society, with Activity Sheet 1: Analyzing a Cartoon. You may choose to engage with the cartoons as a whole-class activity or allow the students to work in groups or independently.
2. Ask students how the content of these political cartoons relates to the essential question for this lesson: What should the protections for and limitations on speech be?
3. Explain that the Constitution guarantees freedom of speech. Display and distribute Source 3, the text of the First Amendment, which prohibits the federal government from abridging American citizens’ right to freedom of expression, including free speech.
4. You may choose to have the students read the amendment to themselves or “share read” the text with the class. If you choose to share read the text, have the students follow along silently while you read the

amendment aloud, modeling prosody, inflection, and punctuation. Then ask the class to join in on a second reading while you continue to read aloud, still serving as the model for the class. This technique will support struggling readers as well as English language learners (ELL).

3. Ask the students to explain how the US Constitution addresses citizens' right to free speech and other related modes of expression.
4. Display and distribute the list of statements and situations that highlight controversies surrounding the Constitution and citizens' lawful exercise of free speech in American society today. The students may work as

individuals or collaborate in pairs or small groups to discuss the situations and statements and determine the accuracy of each by indicating that it is True or Untrue. The students can then share their viewpoints on these situations and statements, which can serve as a springboard for a brief class discussion. It is likely that they will consider some of the correct answers surprising. Encourage them to consider how the Supreme Court explains its decisions, and builds upon precedent.

An answer key is provided. You may choose to share the answer key with the class so they can check their own work.



## LESSON 2: FREE SPEECH AND WORLD WAR I, 1917–1918

by John McNamara and Ron Nash (created 2020, revised 2023)

### Overview

This lesson introduces students to the problem of tensions between national interests and free speech protections, especially in wartime. As a case study, students will examine legislation and the Supreme Court’s assessment of the constitutionality of that legislation. They will demonstrate their understanding of the value and challenges of free speech by completing intermediate learning activities (activity sheets) that prepare them for a class discussion.

Students will be able to

- Analyze primary source documents using close-reading strategies

### Essential Questions

- What claims did twentieth-century legislators and judges make about the importance of free speech?
- When have Americans found it especially challenging to maintain a commitment to freedom of speech?
- How and when have Congress and the Supreme Court restricted and regulated speech?

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**Grade Levels:** 6–8

**Time for Completion:** One 45-minute period

**Unit Overview:** This unit is one of the Gilder Lehrman Institute’s Teaching Civics through History™ (TCTH) resources, designed to align with the Common Core State Standards. These units were developed to provide students with foundational knowledge of the history of current civic and social issues facing their communities and the nation while building their literacy, research, and critical thinking skills. Over one to two weeks, students will explore how legislation and the courts shaped the twentieth-century history of free speech in the United States and the history of free speech in schools and develop a civic engagement project.

### Materials

- Source 4: Excerpt from the Espionage Act (1917), Act of June 15, 1917, Public Law 24, “An Act to Punish Acts of Interference with the Foreign Relations, the Neutrality, and the Foreign Commerce of the United States, to Punish Espionage, and Better to Enforce, the Criminal Laws of the United States, and for Other Purposes,” Enrolled Acts and Resolutions of Congress, 1789–2013, National Archives and Records Administration, catalog.archives.gov/id/5721240
- Source 5: Excerpts from the Sedition Act (1918), “An Act to Amend Section Three, Title One, of the Act Entitled, ‘An Act to Punish Acts of Interference with the Foreign Relations, the Neutrality, and the Foreign Commerce of the United States, to Punish Espionage, and Better to Enforce, the Criminal Laws of the United States, and for Other Purposes,’ May 16, 1918,” Statutes at Large, 65th Congress, loc.gov/law/help/statutes-at-large
- Activity Sheet 3: Document Analysis for the Espionage Act (1917) and the Sedition Act (1918)

### Procedure

- Display and introduce the Essential Questions.
  - The students should read Sources 4 and 5, the excerpts from the Espionage and Sedition Acts, and complete the Activity Sheet 3. You may share read the text as described in Lesson 1. The students may work individually or collaboratively.
  - The students should share and discuss their responses to the critical thinking section, leading to a class discussion. The following questions could be used to focus the discussion:
    - The government is responsible for keeping people safe. How did the espionage and sedition laws help the government do that work?
    - The government is also supposed to respect citizens’ First Amendment rights to freedom of speech and expression. What parts of the espionage and sedition laws threatened freedom of speech?
- Make sure the class stays focused on evidence-based responses.

## LESSON 3: ABRAMS V. UNITED STATES, 1919

by John McNamara and Ron Nash (created 2020, revised 2023)

### Overview

This lesson further explores the problem of tensions between national interests and free speech protections, especially in wartime. As a case study, students will examine legislation and the Supreme Court’s assessment of the constitutionality of that legislation. They will demonstrate their understanding of the value and challenges of free speech by completing intermediate learning activities (activity sheets) that prepare them for a class discussion.

Students will be able to

- Analyze primary source documents using close-reading strategies
- Identify pivotal court cases in the history of free speech and free speech in schools

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**Grade Levels:** 6–8

**Time for Completion:** One 45-minute period

**Unit Overview:** This unit is one of the Gilder Lehrman Institute’s Teaching Civics through History™ (TCTH) resources, designed to align with the Common Core State Standards. These units were developed to provide students with foundational knowledge of the history of current civic and social issues facing their communities and the nation while building their literacy, research, and critical thinking skills. Over one to two weeks, students will explore how legislation and the courts shaped the twentieth-century history of free speech in the United States and the history of free speech in schools and develop a civic engagement project.

### Essential Questions

- What claims did twentieth-century legislators and judges make about the importance of free speech?
- When have Americans found it especially challenging to maintain a commitment to freedom of speech?
- How and when have Congress and the Supreme Court restricted and regulated speech?

### Materials

- Source 6: Excerpts from a Dissenting Opinion in the US Supreme Court Case *Abrams v. United States*, 250 US 616 (1919), *US Reports*, pp. 624 and 630–631, Library of Congress, [cdn.loc.gov/service/ll/usrep/usrep250/usrep250616/usrep250616.pdf](https://cdn.loc.gov/service/ll/usrep/usrep250/usrep250616/usrep250616.pdf)
- Activity Sheet 4: Document Analysis for *Abrams v. United States* (1919)

### Procedure

1. Display the Essential Questions as the framework for the lesson.
2. Review the material from Lesson 2. The constitutionality of the legislation restricting speech discussed in that lesson was tested by the Supreme Court in *Abrams v. United States*.
3. Distribute Source 6: Excerpts from a Dissenting Opinion in the US Supreme Court Case *Abrams v. United States* and Activity Sheet 4: Document Analysis for *Abrams v. United States* (1919). The students should read the case background and the opinion and complete the activity sheet.
4. The students should share and discuss their responses to the critical thinking questions as you facilitate class discussion on this topic, ensuring the class stays focused on evidence-based responses. The following questions could be used to focus and sustain the discussion:
  - How did the Supreme Court define what types of speech are not protected?
  - How have the courts explained the relationship between freedom of speech and democracy?

## LESSON 4: HAZELWOOD V. KUHLMEIER (1988) AND FREE SPEECH IN SCHOOLS

by John McNamara and Ron Nash (created 2020, revised 2023)

### Overview

In this lesson, students will read, discuss, and assess a landmark US Supreme Court ruling that specifically applies to freedom of expression for students in schools: *Hazelwood School District et al. v. Kuhlmeier et al.* (1988). The students' comprehension will be evaluated through class discussion, completed activity sheets, and responses to an essential question.

Students will be able to

- Analyze primary source documents using close-reading strategies
- Identify pivotal court cases in the history of free speech and free speech in schools

*John McNamara and Ron Nash taught social studies in New York and New Jersey high schools for over thirty years. They are project consultants for the Gilder Lehrman Institute of American History.*

**Grade Levels:** 6–8

**Time for Completion:** Two 45-minute class periods

**Unit Overview:** This unit is one of the Gilder Lehrman Institute's Teaching Civics through History™ (TCTH) resources, designed to align with the Common Core State Standards. These units were developed to provide students with foundational knowledge of the history of current civic and social issues facing their communities and the nation while building their literacy, research, and critical thinking skills. Over one to two weeks, students will explore how legislation and the courts shaped the twentieth-century history of free speech in the United States and the history of free speech in schools and develop a civic engagement project.

### Essential Questions

- What claims did twentieth-century legislators and judges make about the importance of free speech?
- How and when have Congress and the Supreme Court restricted and regulated speech?
- What should the protections for and limitations on free speech in schools?
- When have Americans found it especially challenging to maintain a commitment to freedom of speech?
- What has the Supreme Court ruled about the protections for and limitations on speech be?

### Materials

- Source 3: First Amendment, US Constitution
- Activity Sheet 5: Excerpts from the US Supreme Court Decision in *Hazelwood School District et al. v. Kuhlmeier et al.*, 484 US 260 (1988), *US Reports*, pp. 260–261 and 277–291, Library of Congress, [cdn.loc.gov/service/ll/usrep/usrep484/usrep484260/usrep484260.pdf](https://cdn.loc.gov/service/ll/usrep/usrep484/usrep484260/usrep484260.pdf)

### Procedure

1. Introduce and display the lesson's Essential Questions.
2. Alternatively, you may wish to display a question that directly addresses the issues presented in the court case. For example, Should administrators and faculty be empowered to censor or limit students' oral and written viewpoints in a school setting?
3. Display and review the First Amendment (Source 3) and remind students of the role of the Supreme Court in assessing laws regarding free speech.
4. Distribute Activity Sheet 5: Excerpts from the US Supreme Court Decision in *Hazelwood v. Kuhlmeier* (1988). Students may work individually or collaboratively.
5. Explain to the students that this landmark US Supreme Court case has affected students' freedom of speech and expression in a school setting. Young people have different amounts and types of freedom in public and in schools.

6. Once the students have completed the reading and answered the questions, reconvene the class and facilitate a discussion on this topic. Focus the discussion around an Essential Question or the alternative question and make sure the students are giving evidence-based responses.
7. As a concluding exercise, ask students to mobilize their historical knowledge to support well-reasoned responses to the unit's final essential question:
  - What should the protections for and limitations on speech be?

## Additional Resources

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For a different perspective on student free speech, see *Tinker v. Des Moines Independent Community School District*, 393 US 503 (1969), Library of Congress, [cdn.loc.gov/service/ll/usrep/usrep393/usrep393503/usrep393503.pdf](https://cdn.loc.gov/service/ll/usrep/usrep393/usrep393503/usrep393503.pdf), pp. 505–526.

## LESSON 5: MODERN PROBLEMS IN FREE SPEECH

by John McNamara and Ron Nash (created 2020, revised 2023)

### Overview

Students will read, analyze, and assess news articles on free speech issues facing Americans today, building on the historical knowledge gained in the previous lessons. They will learn how to use the link to AllSides.com on the Gilder Lehrman Institute’s Teaching Civics through History web page. AllSides.com is a website that identifies articles written from right, center, and left perspectives.

Students will be able to

- Distinguish between facts and opinions and identify their proper use in source materials
- Compare and contrast opinions expressed by modern sources

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**Grade Levels:** 6–8

**Time for Completion:** Two 45-minute class periods

**Unit Overview:** This unit is one of the Gilder Lehrman Institute’s Teaching Civics through History™ (TCTH) resources, designed to align with the Common Core State Standards. These units were developed to provide students with foundational knowledge of the history of current civic and social issues facing their communities and the nation while building their literacy, research, and critical thinking skills. Over one to two weeks, students will explore how legislation and the courts shaped the twentieth-century history of free speech in the United States and the history of free speech in schools and develop a civic engagement project.

### Essential Questions

- When have Americans found it especially challenging to maintain a commitment to freedom of speech?
- How and when have Congress and the Supreme Court restricted and regulated speech?
- What has the Supreme Court ruled about the protections for and limitations on speech in schools?
- What should the protections for and limitations on speech be?

### Materials

- Articles from AllSides.com linked on the Gilder Lehrman Institute’s Teaching Civics through History web page, [gilderlehrman.org/tcth](http://gilderlehrman.org/tcth) (Click on the “Free Speech” tile in the middle of the page.)
- Activity Sheet 6: Analyzing a News Article
- Source 7: Civil Discourse Guidelines. The guidelines provided here are adapted from “Managing Difficult Classroom Discussions,” Center for Innovative Teaching and Learning, Indiana University Bloomington, [citl.indiana.edu/teaching-resources](http://citl.indiana.edu/teaching-resources).

### Procedure

1. Introduce the scope and purpose of this lesson. A demonstration of the AllSides resources will allow students to begin to research materials that reflect right, center, and left perspectives on the political spectrum. You might need to explain the terms *right*, *center*, and *left*.
2. Students will explore (either in groups or individually) some of the current articles on issues reflecting free speech and freedom of expression.
3. You may assign three articles from AllSides representing different points on the political spectrum (right, center, left) or allow students to select their own three articles.
4. Students will read the three articles and complete Activity Sheet 6: Analyzing a News Article for each.
5. Facilitate a class discussion about the students’ responses to the questions in the activity sheet. To help maintain civil discourse throughout the discussion, you may ask

the students to develop guidelines to follow as they discuss potentially divisive issues that affect them and their families or communities. Student input is important, and helping them create the rules for civil discourse themselves will give them greater commitment to follow those rules. Sample guidelines have been provided in Source 7.

6. Students will develop an oral or written response to the following question:

How do the important issues presented in the articles about free speech and freedom of expression reflect, refute, and/or compare with the historical development of free speech and freedom of expression in the United States?

Make sure that the students cite evidence from the articles and use their historical knowledge to support their viewpoints.

## LESSON 6: CIVIC ENGAGEMENT PROJECT

by John McNamara and Ron Nash (created 2020, revised 2023)

### Overview

The final component of the unit is the design, development, and evaluation of a student civic engagement project. The projects will be supported by the historical background; the ability to discuss, analyze, and assess articles on current issues; and the students' interest in issues that affect their communities. They will choose engagement activities, formulate action steps for implementation, and present on the effectiveness of their projects.

Students will be able to

- Develop a viewpoint, present it, and write a response based on textual and visual evidence
- Develop and implement a civic engagement project

### Essential Question

- What should the protections for and limitations on speech be?

### Materials

- Activity Sheet 7: Civic Engagement Project Proposal
- Teachers' Resources: Civic Engagement Project Pacing Guidance and a Student Rubric available on the Gilder

*John McNamara and Ron Nash taught social studies in New York and New Jersey high schools for over thirty years. They are project consultants for the Gilder Lehrman Institute of American History.*

**Grade Levels:** 6–8

**Time for Completion:** Three 45-minute periods

**Unit Overview:** This unit is one of the Gilder Lehrman Institute's Teaching Civics through History™ (TCTH) resources, designed to align with the Common Core State Standards. These units were developed to provide students with foundational knowledge of the history of current civic and social issues facing their communities and the nation while building their literacy, research, and critical thinking skills. Over one to two weeks, students will explore how legislation and the courts shaped the twentieth-century history of free speech in the United States and the history of free speech in schools and develop a civic engagement project.

Lehrman Institute's Teaching Civics through History web page: [gilderlehrman.org/tcth](http://gilderlehrman.org/tcth)

### Procedure

1. Based on the knowledge and understanding of the historical roots of current civic issues facing their communities and the nation; their literacy, research, and critical thinking skills; and their experience discussing, analyzing, and assessing current articles written from different perspectives, the students will design and develop civic engagement projects on topics that interest them.
2. The students may work collaboratively or independently to plan, implement, and present civic engagement projects that relate to free speech and freedom of expression in the United States today. The class will work collaboratively with you to develop a list of possible projects that could address an issue in their school and/or community. For example,
  - Collaborate with the school administration on the development/revision of editorial and censorship guidelines (digital and print) for student-run school publications, such as the newspaper, yearbook, literary magazine, website, etc.
  - Collaborate with the school administration on the development/revision of the school dress code and guidelines on student artistic, cultural, and musical expression and symbolic speech such as student attire
  - Create a "Free Speech Wall" on the school campus that features a new issue, question, or topic each month and invites classmates throughout the school to post (write, draw, etc.) their views and publicly share their ideas and opinions. Students from various school clubs could collaborate on this initiative.

- Create a “Free Speech Wall” at a centralized community location (library, town hall, community center, etc.) that features a new issue, question, or topic each month and invites residents to post (write, draw, etc.) their views and publicly share their ideas and opinions. The monthly results could be published on the community/town website, in a local newspaper, at the community center, etc.
3. Distribute Activity Sheet 7: Civic Engagement Project Proposal to each student or student group. The student or group will complete the proposal and submit it to you for evaluation and approval. You may return it to them with suggestions and request revisions before signing off.
  4. Based on the time available and your students’ experience, establish a schedule of due dates for implementation and presentation of the projects. You can find Project Pacing Guidelines and a Student Rubric on the Gilder Lehrman Institute’s Teaching Civics through History web page: [gilderlehrman.org/tcth](http://gilderlehrman.org/tcth). This project may require addition time outside of class.
- Guidelines for student projects:
- Identify issues related to the First Amendment right to freedom of speech and expression that are important to the students’ lives and communities.
  - Select an issue to address.
  - Research the chosen issue and discuss what specific actions could improve the situation.
  - Plan an activity that could effect change, keeping in mind what the specific goal is; who or what body has the power to make the change; how that person or body can be approached; and what steps to take to accomplish the goal.
  - Carry out the plan (write letters, convene meetings with community members or officials, create flyers/exhibitions/websites, etc.) depending on the specific goals of the project.
  - Assess the effort when it is completed in order to understand successes, challenges, and ways to continue learning in the future.
5. Discuss what the challenges were and how the students addressed those challenges; how successful their civic engagement projects were; and what they could do to be more effective in the future.



Source 1: "Free Speech" by Signe Wilkinson, August 18, 2017



Signe Wilkinson Editorial Cartoon used with the permission of Signe Wilkinson, the Washington Post Writers Group and the Cartoonist Group. All rights reserved.

Source 2: "Uncle Sam Bound and Gagged" by Angelo Lopez, October 1, 2017



Used with the permission of the artist.

## Activity Sheet 1: Analyzing a Cartoon

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Source #

Give your own original title to this cartoon:

What is the significance of the central figure(s) and/or object(s) in this cartoon?

What action is taking place in the cartoon?

What mood or tone is created by the cartoon and what in the image is creating that mood or tone?

Briefly explain the message that the artist is giving to the viewer.

## Source 3: First Amendment, US Constitution

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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.

Source: The Bill of Rights: A Transcription, *America's Founding Documents*, National Archives

## Activity Sheet 2: Free Speech Situations and Statements

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Determine whether each statement describing the exercise of free speech is **True (T)** or **Untrue (U)** based on the interpretation of the First Amendment and Fourteenth Amendment in American society today.

1. Freedom of speech includes the right not to speak (specifically, the right not to salute the flag).
2. Freedom of speech includes the right to participant in an anti-war protest.
3. Freedom of speech includes the right to engage in symbolic speech (e.g., burning the flag in protest).
4. Freedom of speech includes the right of students to advocate illegal drug use at a school-sponsored event.
5. Freedom of speech includes the right to make or distribute obscene materials.
6. Freedom of speech includes the right to use certain offensive words and phrases to convey political messages.
7. Freedom of speech includes the right to contribute money (under certain circumstances) to political campaigns.
8. Freedom of speech includes the right of students to wear black armbands to school to protest a war.
9. Freedom of speech includes the right to encourage actions that would harm others.
10. Freedom of speech includes the right to advertise commercial products and professional services (with some restrictions).
11. Freedom of speech includes the right of students to make an obscene speech at a school-sponsored event.
12. Freedom of speech includes the right to permit students to print articles in a school newspaper over the objections of the school administration.

## Answer Key for Free Speech Situations and Statements

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- |  |  |  |   |
|--|--|--|---|
| <div style="border: 1px solid gray; padding: 2px; display: inline-block; margin-bottom: 10px;"><b>TRUE</b></div>   | 1. Freedom of speech includes the right not to speak (specifically, the right not to salute the flag).           | <div style="border: 1px solid gray; padding: 2px; display: inline-block; margin-bottom: 10px;"><b>TRUE</b></div>   | 7. Freedom of speech includes the right to contribute money (under certain circumstances) to political campaigns.                                     |
| <div style="border: 1px solid gray; padding: 2px; display: inline-block; margin-bottom: 10px;"><b>UNTRUE</b></div> | 2. Freedom of speech includes the right to participate in an anti-war protest.                                   | <div style="border: 1px solid gray; padding: 2px; display: inline-block; margin-bottom: 10px;"><b>TRUE</b></div>   | 8. Freedom of speech includes the right of students to wear black armbands to school to protest a war.  |
| <div style="border: 1px solid gray; padding: 2px; display: inline-block; margin-bottom: 10px;"><b>TRUE</b></div>   | 3. Freedom of speech includes the right to engage in symbolic speech (e.g., burning the flag in protest).        | <div style="border: 1px solid gray; padding: 2px; display: inline-block; margin-bottom: 10px;"><b>UNTRUE</b></div> | 9. Freedom of speech includes the right to encourage actions that would harm others.  |
| <div style="border: 1px solid gray; padding: 2px; display: inline-block; margin-bottom: 10px;"><b>UNTRUE</b></div> | 4. Freedom of speech includes the right of students to advocate illegal drug use at a school-sponsored event.    | <div style="border: 1px solid gray; padding: 2px; display: inline-block; margin-bottom: 10px;"><b>TRUE</b></div>   | 10. Freedom of speech includes the right to advertise commercial products and professional services (with some restrictions).                         |
| <div style="border: 1px solid gray; padding: 2px; display: inline-block; margin-bottom: 10px;"><b>UNTRUE</b></div> | 5. Freedom of speech includes the right to make or distribute obscene materials.                                 | <div style="border: 1px solid gray; padding: 2px; display: inline-block; margin-bottom: 10px;"><b>UNTRUE</b></div> | 11. Freedom of speech includes the right of students to make an obscene speech at a school-sponsored event.   |
| <div style="border: 1px solid gray; padding: 2px; display: inline-block; margin-bottom: 10px;"><b>TRUE</b></div>   | 6. Freedom of speech includes the right to use certain offensive words and phrases to convey political messages. | <div style="border: 1px solid gray; padding: 2px; display: inline-block; margin-bottom: 10px;"><b>UNTRUE</b></div> | 12. Freedom of speech includes the right to permit students to print articles in a school newspaper over the objections of the school administration. |

## Source 4: Excerpt from the Espionage Act (1917)

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Sec. 3. Whoever, when the United States is at war, shall wilfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both. . . .

Source: Act of June 15, 1917, Public Law 24 (Espionage Act), "An Act to Punish Acts of Interference with the Foreign Relations, the Neutrality, and the Foreign Commerce of the United States, to Punish Espionage, and Better to Enforce, the Criminal Laws of the United States, and for Other Purposes," Record Group 11: General Records of the United States Government, Enrolled Acts and Resolutions of Congress, 1789–2013, National Archives.

## Source 5: Excerpts from the Sedition Act (1918)

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Sec. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall willfully make or convey false reports, or false statements, . . . or incite or attempt to incite, insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct or attempt to obstruct the recruiting or enlistment service of the United States, and whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the

United States, or the Constitution of the United States, or the military or naval forces of the United States . . . or shall willfully display the flag of any foreign enemy, or shall willfully . . . urge, incite, or advocate any curtailment of production . . . [or] advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than 20 years, or both. . . .

Source: An Act to Amend Section Three, Title One, of the Act Entitled, "An Act to Punish Acts of Interference with the Foreign Relations, the Neutrality, and the Foreign Commerce of the United States, to Punish Espionage, and Better to Enforce, the Criminal Laws of the United States, and for Other Purposes," May 16, 1918, *US Statutes at Large*, vol. 40 (1917–1919), 65th Congress, pp. 553–554.

## Activity Sheet 3: Document Analysis for the Espionage Act (1917) and Sedition Act (1918)

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### IMPORTANT PHRASES

In these laws, which phrases or sentences related to free speech in the United States are the most important or powerful? Choose three and give the reason for each choice.

Phrase 1:

Why is this phrase important or powerful?

Phrase 2:

Why is this phrase important or powerful?

Phrase 3:

Why is this phrase important or powerful?





## Source 6: Excerpts from the Dissenting Opinion in *Abrams v. United States* (1919)

### Background

*After having distributed leaflets opposed to sending US troops to Russia during World War I, the defendants in this case were labeled anarchists and convicted of undermining the war effort. The US Supreme Court was asked to determine if the law in question, the Sedition Act of 1918, was constitutional. The Court decided it was, but Justice Holmes, who had during previous cases argued for limitations on free speech, here refined his position. How?*

### Excerpts from Justice Oliver Wendell Holmes's Dissenting Opinion

I refer to the First Amendment to the Constitution that Congress shall make no law abridging the freedom of speech.

I never have seen any reason to doubt that the questions of law that alone were before this Court in the cases of *Schenck*, *Frohwerk* and *Debs* were rightly decided. I do not doubt for a moment that by the same reasoning that would justify punishing persuasion to murder, the United States constitutionally may punish speech that produces or is intended to produce a clear and imminent danger that will bring about forthwith certain substantive evils that the United States constitutionally may seek to prevent. The power undoubtedly is greater in time of war than in time of peace because war opens dangers that do not exist at other times.

But as against dangers peculiar to war, as against others, the principle of the right to free speech is always the same. It is only the present danger of immediate evil or an intent to bring it about that warrants Congress in setting a limit to the expression of opinion where private rights are not concerned. Congress certainly cannot forbid all effort to change the mind of the country. Now nobody can suppose that the surreptitious publishing of a silly leaflet by an unknown man [which is the case at hand], without more, would present any immediate danger that its opinions would hinder the success of the government arms or have any appreciable tendency to do so. . . .

\*\*\*

In this case sentences of twenty years imprisonment have been imposed for the publishing of two leaflets that I believe the defendants had as much right to publish as the Government has to publish the Constitution of the United States now vainly invoked by them. Even if I am technically wrong . . . the most nominal punishment seems to me all that possibly could be inflicted, unless the defendants are to be made to suffer not for what the indictment alleges but for the [anarchism] that they

avow—a creed that I believe to be the creed of ignorance and immaturity when honestly held, as I see no reason to doubt that it was held here, but which, although made the subject of examination at the trial, no one has a right even to consider in dealing with the charges before the Court.

. . . [The national interest] is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution. It is an experiment, as all life is an experiment. Every year if not every day we have to wager our salvation upon some prophecy based upon imperfect knowledge. While that experiment is part of our system I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country. I wholly disagree with the argument of the Government that the First Amendment left the common law as to seditious libel in force. History seems to me against the notion. I had conceived that the United States through many years had shown its repentance for the Sedition Act of 1798, by repaying fines that it imposed. Only the emergency that makes it immediately dangerous to leave the correction of evil counsels to time warrants making any exception to the sweeping command, “Congress shall make no law . . . abridging the freedom of speech.” Of course I am speaking only of expressions of opinion and exhortations, which were all that were uttered here, but I regret that I cannot put into more impressive words my belief that in their conviction upon this indictment the defendants were deprived of their rights under the Constitution of the United States.

Source: *Abrams v. United States*, 250 US 616 (1919)

## Activity Sheet 4: Document Analysis for *Abrams v. United States* (1919)

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### IMPORTANT PHRASES

In this US Supreme Court opinion, which phrases or sentences related to free speech in the United States are the most important or powerful? Choose three and give the reason for each choice.

Phrase 1:

Why is this phrase  
important or  
powerful?

Phrase 2:

Why is this phrase  
important or  
powerful?

Phrase 3:

Why is this phrase  
important or  
powerful?

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### CRITICAL THINKING

*Cite evidence from the text in your answers.*

In what type of situation would Justice Holmes argue that a restriction on free speech is a good idea?

## Activity Sheet 5: Excerpts from the US Supreme Court Decision in *Hazelwood School District et al. v. Kuhlmeier et al.* (1988)

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### Background

*In 1983, a high school principal removed two articles that were to be published in the Spectrum, the school-sponsored student newspaper of Hazelwood East High School in suburban St. Louis, Missouri. The question before the Supreme Court was whether students in schools had identical free speech rights as adults did in other settings. The justices disagreed with each other, and two of the opinions are featured below.*

Directions: Read the excerpts from the justices' majority and dissenting opinions and briefly respond to the questions that follow.

### Justice Byron White's Majority Opinion (Clerk's Summary)

"Held: Respondents' First Amendment rights were not violated.

"(a) First Amendment rights of students in the public schools are not automatically coextensive with the rights of adults in other settings, and must be applied in light of the special characteristics of the school environment. A school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school."

#### 1. According to Justice White, what was special about schools?

"(b) The school newspaper here cannot be characterized as a forum for public expression. School facilities may be deemed to be public forums only if school authorities have by policy or by practice opened the facilities for indiscriminate use by the general public, or by some segment of the public, such as student organizations. If the facilities have instead been reserved for other intended purposes, communicative or otherwise, then no public forum has been created, and school officials may impose reasonable restrictions on the speech of students, teachers, and other members of the school community. The school officials in this case did not deviate from their policy that the newspaper's production was to be part of the educational curriculum and a regular classroom activity under the journalism teacher's control as to almost every aspect of publication. The officials did not evince any intent to open the paper's pages to indiscriminate use by its student reporters and editors, or by the student body generally. Accordingly, school officials were entitled to regulate the paper's contents in any reasonable manner."

#### 2. Why, according to Justice White, might student newspapers require more oversight than other types of newspapers?

“(c) The standard for determining when a school may punish student expression that happens to occur on school premises is not the standard for determining when a school may refuse to lend its name and resources to the dissemination of student expression. Educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.

“(d) The school principal acted reasonably in this case in requiring the deletion of the pregnancy article, the divorce article, and the other articles that were to appear on the same pages of the newspaper.”

**3. What kind of control and censorship of school-sponsored publications and students’ freedom of expression was permitted within schools?**

**Justice William J. Brennan’s Dissenting Opinion**

“When the young men and women of Hazelwood East High School registered for Journalism II, they expected a civics lesson. *Spectrum*, the newspaper they were to publish, “was not just a class exercise in which students learned to prepare papers and hone writing skills, it was a . . . forum established to give students an opportunity to express their views while gaining an appreciation of their rights and responsibilities under the First Amendment to the United States Constitution. . . . [At] the beginning of each school year,” the student journalists published a Statement of Policy—tacitly approved each year by school authorities—announcing their expectation that ‘*Spectrum*, as a student-press publication, accepts all rights implied by the First Amendment. . . . Only speech that “materially and substantially interferes with the requirements of appropriate discipline” can be found unacceptable and therefore prohibited.’ The school board itself affirmatively guaranteed the students of Journalism II an atmosphere conducive to fostering such an appreciation and exercising the full panoply of rights associated with a free student press. ‘School sponsored student publications,’ it vowed, ‘will not restrict free expression or diverse viewpoints within the rules of responsible journalism.’”

**4. Why did Justice Brennan believe that the student journalists should have more protection for their First Amendment (free speech) rights and less censorship and editorial control by school officials?**

“This case arose when the Hazelwood East administration breached its own promise, dashing its students’ expectations. The school principal, without prior consultation or explanation, excised six articles—comprising two full pages—of the May 13, 1983, issue of *Spectrum*. He did so not because any of the articles would ‘materially and substantially interfere with the requirements of appropriate discipline,’ but simply because he considered two of the six ‘inappropriate, personal, sensitive, and unsuitable’ for student consumption.

“In my view, the principal broke more than just a promise. He violated the First Amendment’s prohibitions against censorship of any student expression that neither disrupts classwork nor invades the rights of others, and against any censorship that is not narrowly tailored to serve its purpose.”

**5. According to Justice Brennan, how did the high school principal violate the free speech rights of the student journalists?**

“Public education serves vital national interests in preparing the Nation’s youth for life in our increasingly complex society and for the duties of citizenship in our democratic Republic. . . . Accordingly, we have traditionally reserved the ‘daily operation of school systems’ to the States and their local school boards. We have not, however, hesitated to intervene where their decisions run afoul of the Constitution.

“Free student expression undoubtedly sometimes interferes with the effectiveness of the school’s pedagogical functions. . . .

“If mere incompatibility with the school’s pedagogical message were a constitutionally sufficient justification for the suppression of student speech, school officials could censor each of the students or student organizations . . . converting our public schools into ‘enclaves of totalitarianism,’ that ‘strangle the free mind at its source.’ The First Amendment permits no such blanket censorship authority.”

**6. Why did Justice Brennan believe that “mere incompatibility with the school’s pedagogical message” was not a good enough reason for school officials to censor students’ freedom of expression?**

“While the ‘constitutional rights of students in public school are not automatically coextensive with the rights of adults in other settings,’ students in the public schools do not ‘shed their constitutional rights to freedom of speech or expression at the schoolhouse gate,’ . . . public educators must accommodate some student expression even if it offends them or offers views or values that contradict those the school wishes to inculcate. . . .”

7. **Do you agree or disagree with the following statement by Justice Brennan: “public educators must accommodate some student expression even if it offends them or offers views or values that contradict those the school wishes to inculcate”? Briefly explain your point of view.**

“Finally, even if the majority were correct that the principal could constitutionally have censored the objectionable material, I would emphatically object to the brutal manner in which he did so. . . . The principal used a paper shredder. He objected to some material in two articles, but excised six entire articles. He did not so much as inquire into obvious alternatives, such as precise deletions or additions (one of which had already been made), rearranging the layout, or delaying publication. Such unthinking contempt for individual rights is intolerable from any state official. It is particularly insidious from one to whom the public entrusts the task of inculcating in its youth an appreciation for the cherished democratic liberties that our Constitution guarantees. . . .”

8. **What had the high school principal done that, to Justice Brennan, displayed “unthinking contempt for individual rights” of the student journalists”?**

The Court[s] . . . analysis in this case . . . denud[es] high school students of much of the First Amendment protection that *Tinker* itself prescribed. Instead of ‘teach[ing] children to respect the diversity of ideas that is fundamental to the American system,’ and ‘that our Constitution is a living reality, not parchment preserved under glass,’ the Court today ‘teach[es] youth to discount important principles of our government as mere platitudes.’ The young men and women of Hazelwood East expected a civics lesson, but not the one the Court teaches them today. I dissent.”

9. **In what way, according to Justice Brennan, did the majority ruling of the Supreme Court in *Hazelwood School District et al., v. Kuhlmeier* (1988) weaken free speech protections for students?**



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## Activity Sheet 6: Analyzing a News Article

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Source (*name of newspaper/magazine/website*):

Date published:

Article title:

1. What did you already know about the topic?

2. Basic information presented:

Who?

What?

When?

Where?

NAME

DATE

PERIOD

Why?

How?

3. Does your article have a right/center/left point of view? What evidence leads you to that conclusion?

4. What audience was this article written for? What evidence supports your conclusion?

5. Reliability of Sources

a. Is there an author's name?

If so, who is the author:

b. What source or sources does the author quote or refer to in the article? Do you think these sources are reliable? Why or why not? What evidence supports your conclusion?

6. Personal Reaction: What do you think of this article? (Include two points made in the text to support your answer.)

## Source 7: Civil Discourse Guidelines

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- 1. Listen respectfully without interrupting.**
- 2. Allow everyone the opportunity to speak.**
- 3. Criticize ideas, not individuals or groups.**
- 4. Avoid inflammatory language, including name-calling.**
- 5. Ask questions when you don't understand; don't assume you know others' thinking or motivations.**
- 6. Don't expect any individuals to speak on behalf of their gender, ethnic groups, class, status, etc. (or the group(s) you perceive them to be a part of).**
- 7. Base your arguments on evidence, not assumptions.**

NAME

DATE

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## Activity Sheet 7: Civic Engagement Project Proposal

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Project Title:

Project:

Participant(s):

Project Goal:

Steps:

### TEACHER'S COMMENTS

Questions  
to Consider:

Revisions Needed:

Approved: