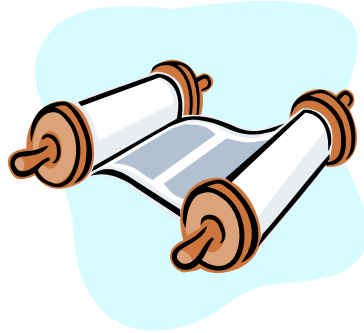


NATIONAL CONSTITUTION DAY

September, 2005



The First Amendment and Protection of Students' Rights

Description: This is an excellent unit to teach during the week before Constitution Day (Saturday, September 17 this year). The goal is to honor the Constitution by teaching students about its importance as a living document that confers basic rights and responsibilities upon them as young people in the school environment.

Objectives: To learn about the history of the Pledge of Allegiance and *Tinker v. Des Moines Independent School District*, the key case establishing that students and teachers have First Amendment rights in schools.

Length of Lesson: 2 class periods

Supplies Needed: This packet

Age Group: 9th-12th grade

Part One: Summary of *West Virginia v. Barnette*(1943) and the Pledge of Allegiance (discuss in class)

Part Two:

- Case Excerpt of *Tinker v. Des Moines Independent School District* (which can either be read and discussed in small groups during class or assigned as homework)
- Vocabulary from *Tinker* (for reference while reading the case)
- *Tinker* Case Review (which can be assigned as homework)

Part Three: Synthesis -

- For the Class (an activity to be completed in class after the first two parts)
- True/False Worksheet

Part Four: Resources for Further Study

Part One: Background of *West Virginia v. Barnette*



The Case

In 1940, the United States Supreme Court heard a case called *Minersville School District v. Gobitis* in which the child of a Jehovah's Witness family refused to join in the Pledge of Allegiance ritual and was expelled by the school. The Jehovah's Witnesses saw flag salutes as violating the religious prohibitions in the Ten Commandments against idol worship and graven images. They also wanted to show solidarity with Jehovah's Witnesses in Germany who had refused to participate in the "Heil Hitler" salute. The Court decided that public schools had the authority to compel participation in the flag salute and that it did not violate the U.S. Constitution to expel the student.

The decision unleashed a wave of repression against Jehovah's Witnesses across the country.

Amendment I

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 of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Just three years later, the Court decided to hear a case with almost identical facts. In *West Virginia v. Barnette*, another Jehovah's Witness student challenged the constitutionality of a state law that required students to salute the American flag. The student argued that the law violated his First Amendment rights. This time the Court overturned *Gobitis*. It held that the state cannot compel a person to salute the flag or "muffle expression" in any situation that does not present a clear and present danger. In short, the *Barnette* decision articulates the idea that the First Amendment protects not just speech and written words but actions that communicate meaning, also known as **expressive conduct**. *Barnette* also stands for the principle that free speech includes a right *not* to speak when a citizen does not agree with the official government script. In Justice Jackson's immortal words, "If there is any fixed star in our constitutional constellation, it is that no official...can prescribe...matters of opinion or force citizens to confess by word or act their faith therein."

Historical Context

The *Barnette* decision was extraordinarily important because it protected liberty of conscience in the middle of World War II, when the United States and its Allies were struggling to defeat **fascism** and **Nazism**. In the time between *Gobitis* and *Barnette*, the children of Jehovah's Witnesses in public schools across the country faced widespread harassment for their refusal to salute the flag during the nation's emergency mobilization against Adolph Hitler and the Axis powers.

The Court's dramatic turnaround on the flag salute was a landmark statement that the values of the Constitution apply during both wartime and peacetime.

For Discussion:

- How did the historical context of World War II influence the Justices' decisions?

History of the Pledge (source: www.flagday.org)

In 1892, public schools around the country were preparing to celebrate the 400th anniversary of Columbus Day. Francis Bellamy, a Baptist minister and chairman of a committee of state superintendents of education in the National Education Association, wanted a special celebration centered around a flag ceremony and salute. With this in mind, he wrote the original Pledge of Allegiance: "I pledge allegiance to my Flag and to the Republic for which it stands, one nation, indivisible, with liberty and justice for all."

The words "my flag" stayed in the Pledge until 1924, when a National Flag Conference announced that the words would be changed to "the flag of the United States of America."

The final change came in 1954, when Congress added the words, "under God," to the Pledge, which became: "*I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.*"

Then-President Dwight D. Eisenhower stated, "[W]e are reaffirming the transcendence of religious faith in America's heritage and future; ... we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war."

- Why was the Pledge of Allegiance a fairly radical statement of principles when Francis Bellamy wrote it in 1892? At a time when the Reconstruction had ended and racism was resurgent in the South, what did it mean to ask students to pledge allegiance to the U.S. flag and "the Republic for which it stands, one nation indivisible, with liberty and justice for all"?
- The *Barnette* Court found that students could not be compelled to participate in the Pledge of Allegiance but that schools could still perform the ritual and invite all students to join in. Today most schools across America still recite the Pledge. Does it cheapen the meaning of the Pledge when some students do not participate or does it make the Pledge more meaningful for those who do join in? Students who choose not to participate must remain quiet and respectful. Should students and teachers who do participate be respectful of those who do not?



For further study:

- Recently, a parent challenged the words "under God" in the Pledge because he felt it violated the First Amendment's establishment clause. Michael Newdow took his challenge all the way to the Supreme Court. What was the outcome of that case?

PART TWO: Vocabulary Terms from *Tinker v. Des Moines Independent School District*
 (in the order in which they appear in the case excerpt)

| | |
|-------------------------|--|
| petitioner | Person bringing a legal claim to the Supreme Court |
| akin | Related; similar |
| deportment | Behavior |
| unaccompanied | Alone; without |
| nascent | Budding; promising; hopeful |
| intrude | Break in, interfere, impose |
| hostile | Aggressive; hurtful |
| undifferentiated | Undistinguished; not clearly identified |
| apprehension | Capture or arrest; understanding |
| departure | Move away from |
| regimentation | Strict organization and order |
| variation | Change |
| inspire | Cause |
| deviates | Veers or strays from |
| materially | Significantly; in an important way |
| substantially | Considerably; significantly |
| impinge | Be in somebody's way; impose; intrude |
| memorandum | Written statement outlining a policy or recommendation |
| contrary | Opposite ("on the <i>contrary</i> ") |
| conflagration | A big, destructive fire |
| purport | Claim; imply |
| exhibit | To show |
| opposition | Resistance; disagreement |
| enclaves | Small groups within large groups |
| totalitarianism | Dictatorship; absolutism; tyranny |

| | |
|--------------------|--|
| recipients | Receiver; beneficiary; heir ("students are <i>recipients</i> of education") |
| sentiments | Feelings; emotions |
| ordained | Intended; predestined; fated |
| inevitable | Predictable; to be expected; unavoidable |
| embrace | To hold or hug; take in mentally or visually |
| colliding | Clashing; conflicting |
| immunized | Protected |
| premises | Property; building; grounds ("no smoking is allowed on school <i>premises</i> ") |
| ordained | Intended; predestined; fated |
| intrude | Break in, interfere, impose |
| remanded | Sent back to the lower court for review and revision consistent with the Supreme Court's finding |
| boisterous | Loud; energetic; noisy |
| foresaw | Predicted; forecasted; anticipated |
| divert | To turn away |
| defy | Go against ("that argument <i>defies</i> logic") |
| flout | To scorn or show contempt for |
| tranquility | Peace |
| liberty | Freedom |
| engage | Involve; include; participate in |
| earnest | Well-intentioned |



TINKER

v.

DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT

Supreme Court of the United States

Argued Nov. 12, 1968

Decided Feb. 24, 1969

Justice FORTAS delivered the opinion of the Court.

Petitioner John F. Tinker, 15 years old, and Christopher Eckhardt, 16 years old, attend high schools in Des Moines, Iowa. Petitioner Mary Beth Tinker, John's sister, was a 13-year-old student in junior high school.

In December 1965, a group of adults and students in Des Moines held a meeting at the Eckhardt home. The group determined to publicize their objections to the hostilities in Vietnam and their support for a truce by wearing black armbands during the holiday season and by fasting on December 16 and New Year's Eve. Petitioners and their parents had previously engaged in similar activities, and they decided to participate in the program.

The principals of the Des Moines schools became aware of the plan to wear armbands. On December 14, 1965, they met and adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused he would be suspended until he returned without the armband. Petitioners were aware of the regulation that the school authorities adopted.

On December 16, Mary Beth and Christopher wore black armbands to their schools. John Tinker wore his armband the next day. They were all sent home and suspended from school until they would come back without their armbands. They did not return to school until after the planned period for wearing armbands had expired - that is, until after New Year's Day....

I

The District Court recognized that the wearing of the armband for the purpose of expressing certain views is the type of symbolic act that is within the Free Speech Clause of the First Amendment. As we shall discuss, the wearing of the armbands in the circumstances of this case was entirely divorced from actually or potentially disruptive conduct by those participating in it. It was closely **akin** to "pure speech" which, we have repeatedly held, is entitled to comprehensive protection under the First Amendment.

First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech

or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years....

... Our problem lies in the area where students in the exercise of First Amendment rights collide with the rules of the school authorities.

II

The problem posed by the present case does not related to regulation of the length of skirts or the type of clothing, to hair style, or **deportment**. It does not concern aggressive, disruptive action or even group demonstrations. Our problem involves direct, primary First Amendment rights akin to "pure speech."

The school officials banned and sought to punish petitioners for a silent, passive, expression of opinion, **unaccompanied** by any disorder or disturbance on the part of petitioners. There is here no evidence whatever of petitioners' interference, actual or **nascent**, with the schools' work or of collision with the rights of other students to be secure and to be let alone. Accordingly, this case does not concern speech or action that **intrudes** upon the work of the schools or the rights of other students.

Only a few of the 18,000 students in the school system wore the black armbands. Only five students were suspended for wearing them. There is no indication that the work of the schools or any class was disrupted. Outside the classrooms, a few students made **hostile** remarks to the children wearing armbands, but there were no threats or acts of violence on school premises.

The District Court concluded that the action of the school authorities was reasonable because it was based upon their fear of a disturbance from the wearing of the armbands. But, in our system, **undifferentiated** fear or **apprehension** of disturbance is not enough to overcome the right to freedom of expression. Any **departure** from absolute **regimentation** may cause trouble. Any **variation** from the majority's opinion may **inspire** fear. Any word spoken, in class, in the lunchroom, or on the campus, that **deviates** from the views of another person may start an argument or cause a disturbance. But our Constitution says we must take this risk[,] and our history says it is this sort of hazardous freedom - this kind of openness - that is the basis of our national strength and of the independence and vigor of Americans who grow up and live in this relatively permissive ... society.

In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. Certainly where there is no finding and no showing that engaging in the forbidden conduct would "**materially** and **substantially** interfere with the requirements of appropriate discipline in the operation of the school," the prohibition cannot be sustained.

In the present case, the District Court made no such finding, and our independent examination of the record fails to yield evidence that the school authorities had reason to anticipate that the wearing of the armbands would substantially interfere with the work of the school or **impinge** upon the rights of other students. Even an official **memorandum** prepared after the suspension that listed the reasons for the ban on wearing the armbands made no reference to the anticipation of such disruption.

On the **contrary**, the action of the school authorities appears to have been based upon an urgent wish to avoid the controversy which might result from the expression, even by the silent symbol of armbands, of opposition to this Nation's part in the **conflagration** in Vietnam....

It is also relevant that the school authorities did not **purport** to prohibit the wearing of all symbols of political or controversial significance. The record shows that students in some of the schools wore buttons relating to national political campaigns, and some even wore the Iron Cross, traditionally a symbol of Nazism. The order prohibiting the wearing of armbands did not extend to these. Instead, a particular symbol - black armbands worn to **exhibit opposition** to this Nation's involvement in Vietnam - was singled out for prohibition. Clearly, the prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with schoolwork or discipline, is not constitutionally permissible.

In our system, state-operated schools may not be **enclaves** of **totalitarianism**. School officials do not possess absolute authority over their students. Students in school as well as out of school are "persons" under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit **recipients** of only that which the State chooses to communicate. They may not be confined to the expression of those **sentiments** that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their view

The principle of these cases is not confined to the supervised and **ordained** discussion which takes place in the classroom. The principal use to which the schools are dedicated is to accommodate students during prescribed hours for the purpose of certain types of activities. Among those activities is personal intercommunication among the students. This is not only an **inevitable** part of the process of attending school; it is also an important part of the educational process. A student's rights, therefore, do not **embrace** merely the classroom hours. When he is in the cafeteria, or on the playing field, or on the campus during the authorized hours, he may express his opinions, even on controversial subjects like the conflict in Vietnam, if he does so without "materially and substantially interfer(ing) with the requirements of appropriate discipline in the operation of the school" and without **colliding** with the rights of

others. But conduct by the student, in class or out of it, which for any reason - whether it stems from time, place, or type of behavior - materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not **immunized** by the constitutional guarantee of freedom of speech

As we have discussed, the record does not demonstrate any facts which might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities, and no disturbances or disorders on the school **premises** in fact occurred. These petitioners merely went about their **ordained** rounds in school. Their deviation consisted only in wearing on their sleeve a band of black cloth, not more than two inches wide. They wore it to exhibit their disapproval of the Vietnam hostilities and their advocacy of a truce, to make their views known, and, by their example, to influence others to adopt them. They neither interrupted school activities nor sought to **intrude** in the school affairs or the lives of others. They caused discussion outside of classrooms, but no interference with work and no disorder. In the circumstances, our Constitution does not permit officials of the State to deny their form of expression....

Reversed and remanded.

Justice BLACK, dissenting.

... While the absence of obscene remarks or **boisterous** and loud disorder perhaps justifies the Court's statement that the few armband students did not actually "disrupt" the classwork, I think the record overwhelmingly shows that the armbands did exactly what the elected school officials and principals **foresaw** they would, that is took the students' minds off their classwork and **diverted** them to thoughts about the highly emotional subject of the Vietnam war. And I repeat that if the time has come when pupils of state-supported schools, kindergartens, grammar schools, or high schools, can **defy** and **flout** orders of school officials to keep their minds on their own schoolwork, it is the beginning of a new revolutionary era of permissiveness in this country fostered by the judiciary. The next logical step, it appears to me, would be to hold unconstitutional laws that bar pupils under 21 or 18 from voting, or from being elected members of the boards of education....

Change has been said to be truly the law of life but sometimes the old and tried and true are worth holding. The schools of this Nation have undoubtedly contributed to giving us **tranquility** and to making us a more law-abiding people. Uncontrolled and uncontrollable **liberty** is an enemy to domestic peace. We cannot close our eyes to the fact that some of the country's greatest problems are crimes committed by the youth, too many of school age. School discipline, like parental discipline, is an integral and important part of training our children to be good citizens - to be better citizens. Here a very small number of students have crisply and summarily refused to obey a school order designed to give pupils who want to learn the opportunity to do so. One does not need to be a prophet or the son of a prophet to know that after the Court's holding today some students in Iowa schools

and indeed in all schools will be ready, able, and willing to defy their teachers on practically all orders. This is the more unfortunate for the schools since groups of students all over the land are already running loose, conducting break-ins, sit-ins, lie-ins, and smash-ins. Many of these student groups, as is all too familiar to all who read the newspapers and watch the television news programs, have already **engaged** in rioting, property seizures, and destruction. They have picketed schools to force students not to cross their picket lines and have too often violently attacked **earnest** but frightened students who wanted an education that the pickets did not want them to get. Students engaged in such activities are apparently confident that they know far more about how to operate public school systems than do their parents, teachers, and elected school officials.... I dissent.

Did you know that...

After her case, Mary Beth's parents were shunned by the community, red paint was thrown at the Tinker family's door, and death threats were made against them.

Case Review: *Tinker v. Des Moines Independent Community School District*

1. In what year was this case decided?
2. What else was going on during that time?
3. Who delivered the majority opinion in this case?
4. In what important 1967 case did he write the majority opinion?
5. What did the Supreme Court decide in that case?
6. Who were the petitioners in this case?
7. What happened in December 1965?
8. Did the principals of the Des Moines schools know about the plan to wear armbands to school?
9. How did they react to the plan?

10. Did petitioners know about this policy?
11. What did petitioners do on December 16?
12. How were they punished?
13. When did they return to school?
14. According to the Court, was this act of wearing the black armbands akin to or similar to "pure speech?"
15. What did Justice Fortas say about whether students and teachers have First Amendment rights in schools?
16. Did the petitioners' actions cause any disturbance or disorder in the school?
17. Were there any threats or acts of violence on school premises?

18. What did the District Court decide about the school authorities' actions?
19. According to Justice Fortas, is freedom of expression worth the risk of potential disturbance?
20. What must school officials show to justify prohibition of a particular expression of opinion?
21. In this case, did the school officials expect a disruption as a result of the armbands?
22. If the school's actions weren't based on a fear of disruption, on what were they based?
23. Did the school authorities prohibit wearing other political symbols?
24. Why was this important to Justice Fortas?

25. What did Justice Fortas say about totalitarianism in public schools?
26. What did he mean by that?
27. According to Justice Fortas, what is the principal use to which the schools are dedicated?
28. According to Justice Fortas, do students have rights only when they are in the classroom?
29. What was Justice Fortas' conclusion about whether the petitioners had the right to wear the armbands protesting the Vietnam War?
30. Who wrote the dissenting opinion?
31. Why didn't he agree with the majority?
32. Do you think Justice Black valued students' individual right to free speech more than school rules and discipline? Include a quotation from the case as supporting evidence.

Case Review Answers

1. 1969
2. The Vietnam War
3. Justice Fortas
4. In re Gault. See Justice Fortas' bio on p. 26.
5. The Supreme Court decided that young people in juvenile proceedings should enjoy many of the same constitutional protections as adults, including the right against self-incrimination and the right to counsel.
6. John F. Tinker, age 15
Christopher Eckhardt, age 16
Mary Beth Tinker, age 13
7. A group of adults and students in Des Moines held a meeting at the Eckhardt home. The group, including petitioners and their parents, decided to publicize their objections to Vietnam and their support for a truce by wearing black armbands during the holiday season and by fasting on December 16 and on New Year's Eve.
8. Yes.
9. They adopted a policy that any student wearing an armband to school would either have to remove it or be suspended until he returned without it.
10. Yes.
11. Mary Beth and Christopher wore black armbands to school and John wore his armband the next day.
12. They were all sent home and suspended until they would come back without their armbands.
13. They returned after the planned period for wearing the armbands had expired (after New Year's Day).
14. Yes, so it is entitled to comprehensive protection under the First Amendment.
15. Justice Fortas said that students and teachers do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."
16. No.
17. No.
18. That the action of the school authorities was reasonable because it was based upon their fear of a disturbance from the wearing of the armbands.

19. Yes.
20. They must show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. There must be a "material and substantial interference with the requirements of appropriate discipline in the operation of the school."
21. No.
22. The Court found that the school authorities' actions appear to have been based on a desire to avoid controversy.
23. No.
24. Because it seemed like this particular expression of opinion was censored, which is unconstitutional.
25. "State-operated schools may not be enclaves of totalitarianism."
26. He meant that school officials do not possess absolute authority over their students. Students have rights that school officials must respect.
27. To accommodate students during school hours for certain types of activities, including personal intercommunication.
28. No. Students also have free speech rights in the cafeteria, on the playground, and on other parts of the school grounds.
29. Since there was no material or substantial disruption of classwork and no substantial disorder or invasion of the rights of others, the petitioners' speech was unconstitutionally censored by school officials.
30. Justice Black
31. Justice Black thought school officials were right. He thought the petitioners' actions took other students' minds off their classwork and diverted them to thoughts about the war.
32. School rules and discipline were more important. "One does not need to be a prophet or the son of a prophet to know that after the Court's holding today some students in Iowa schools and indeed in all schools will be ready, able, and willing to defy their teachers on practically all orders. This is the more unfortunate for the schools since groups of students all over the land are already running loose, conducting break-ins, sit-ins, lie-ins and smash-ins."

PART THREE: FOR THE CLASS

SOFT DRINKS, HARD CHOICES. This exercise requires you to integrate your knowledge of *Barnette* and *Tinker* cases and apply it to a contemporary problem. Hypothetical High School, which has been having financial problems, enters a national competition sponsored by Coca-Cola in which it tries to show its "Coca-Cola pride" to win educational tools worth tens of thousands of dollars, including televisions, VCRs, computers, and printers. On the appointed day, all Hypothetical High students wear a Coca-Cola T-shirt (donated by the company) to school - that is, all students except senior class clown Randy Rabblrouser, who wears a Pepsi T-shirt. When told by the principal to take it off and put on a Coca-Cola T-shirt, he says, "I'm no robot, man." The principal has invited executives from the Coca-Cola Corporation and local media to drop in at the school throughout the day and has also asked one of the art teachers to videotape students in their Coca-Cola garb. The principal is afraid that Randy's Pepsi T-shirt will be seen by the visiting corporate executives and news reporters or may be picked up on videotape. He gives Randy one more chance to take off his T-shirt and put on the Coca-Cola shirt, saying, "You are being disruptive of our mission, Randall. There's a lot at stake here." But Randy says, "You can't make me wear the flag of Coke." The principal has a hearing in his office where Randy talks about Mary Beth Tinker and Martin Luther King. The principal says, "If you want to be a civil disobedient, then you pay the price." He suspends Randy for three days for refusing to follow the rules and policies of the school. Randy goes to federal court to ask for an injunction against his suspension.



Divide the classroom into two law firms and argue before a panel of three (student) federal district judges whether the suspension is constitutional or not. How do you rule and why?

An increasing number of public high schools are signing contracts with large corporations to sell and market their products on campus and at athletic events. For example, the Martin County, Florida, school district in the 1990s okayed a \$155,000 contract between South Fork High School and Pepsi-Cola in which South Fork contracted to make its best effort to maximize all sales opportunities for Pepsi-Cola products."

TRUE OR FALSE

Cover up the right column and ask yourself whether the statements of law are true or false.

| STATEMENT | TRUE OR FALSE | ANSWER |
|---|---------------|--|
| The Constitution allows teachers to punish misbehaving students by swatting them on their behinds with a wooden paddle. | | TRUE. The Supreme Court has found that corporal punishment does not violate the Eighth Amendment ban on cruel and unusual punishment. But many states have banned corporal punishment and most courts have awarded money damages against schools where there is a severe injury and the force applied was wholly disproportionate to the underlying problem or misbehavior. |
| Students in public schools can be forced to abide by dress codes. | | TRUE. In the interest of safety and order, courts have upheld reasonable school dress codes. The Supreme Court in <i>Tinker</i> seemed to uphold dress codes. |
| Students in public schools cannot be subject to strip searches. | | TRUE. Generally, strip searches are beyond the scope of what is considered reasonable in the school setting. |
| Students have a First Amendment right to wear their hair the way they want. | | FALSE. According to at least one court (Fifth Circuit Court of Appeals in <i>Karr v. Schmidt</i>), students do not necessarily have a right to wear their hair the way they want. |
| Students have unlimited free speech rights in school. | | FALSE. Students do enjoy First Amendment rights in school but school officials may censor student speech that is lewd and offensive (<i>Bethel v. Fraser</i>), materially and substantially disruptive of school functioning (<i>Tinker</i>), or speech in school-sponsored publications or events for legitimate "pedagogical" (related to teaching) reasons (<i>Hazelwood v. Kuhlmeier</i>). |

Resources for further study:

***We the Students: Supreme Court Cases for and about Students*, by Jamin B. Raskin**

Designed to help students achieve "constitutional literacy," *We the Students* examines dozens of interesting and relevant Supreme Court cases pertaining to young people at school. Through meaningful and engagingly written commentary, excerpts of relevant cases, and exercises and class projects, the text provides students with the tools to gain an understanding and appreciation of democratic freedoms and challenges, underscoring students' responsibility in preserving constitutional principles. Topics include bullying on campus, religion in schools, sexual harassment, segregation and desegregation, drug testing, school vouchers, affirmative action, corporal punishment in schools, freedom of speech, and much more. Available through cqpress.com, amazon.com, and borders.com.

***Youth Justice in America*, by Maryam Ahranjani, Andrew G. Ferguson, and Jamin B. Raskin**

This textbook covers the rights and responsibilities of young people in the juvenile justice . The curriculum focuses on issues and cases that relate to the Fourth, Fifth, Sixth, and Eighth Amendments to the U.S. Constitution (including search and seizure, self-incrimination, the right to legal counsel, and cruel and unusual punishment). The book offers an excellent overview of the criminal justice system. Available through cqpress.com, amazon.com, and borders.com.

Web sites

www.wcl.american.edu/wethestudents

www.band-of-rights.org

www.constitutioncenter.org

www.justicelearning.org and www.justicetalking.org

This teaching unit was written by Maryam Ahranjani, a lawyer, teacher, and author. She can be reached at mahranjani@wcl.american.edu.

Portions of the unit were drawn from *We the Students: Supreme Court Cases for and about Students*, by Jamin B. Raskin.