**LIMITS & SAFEGUARDS TO RIGHTS**

**A. Notes.**  Go through the accompanying PowerPoint with the class on the different ways that rights can be limited and protected. Fill in the right-hand column with the correct words or phrases for your notes.

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| **LIMITS TO RIGHTS** | **NOTES** |
| 1) Claims that are protected by law are called \_\_\_\_\_\_\_\_\_\_. |  |
| 2) Are rights unlimited? |  |
| 3) Why may rights be limited? |  |
| 4) Where are rights outlined? |  |
| 5) The Constitution limits the power of the government; what does this do for our rights? |  |
| 6) Why are our rights limited? (give 3 reasons) |  |
| 7) My rights end \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. |  |
| 8) The Supreme Court has ruled that individual rights can be limited in certain situations to protect the common good. What do we call this precedent? |  |

**B. Limits to Free Speech.** Watch the video at https://www.youtube.com/watch?v=rNpmC8iuVTA. Then answer the following questions.

1. Where does the principle behind the limits on free speech come from?

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1. What are some of the limits on free speech? Try to think of at least two from the video.

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**C. Notes.**  Go through the accompanying PowerPoint with the class on the different ways that rights can be limited and protected. Fill in the right-hand column with the correct words or phrases for your notes.

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| **SAFEGUARDS FOR RIGHTS** | **NOTES** |
| 1) Who safeguards, or protects, our rights? |  |
| 2) Those who protect our rights by interpreting and applying the law without outside influences, like money, public opinion, and personal opinion, are called… |  |
| 3) Judges should be fair and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. |  |
| 4) Judges make decisions \_\_\_\_\_\_\_\_\_\_\_\_\_. |  |
| 5) The principle that the government has to provide a cause or reason for holding a person in jail is called \_\_\_\_\_\_\_\_\_\_\_. |  |
| 6) The government can’t pass a law that makes an act a crime after the crime has been committed; this kind of law would be called \_\_\_\_\_\_\_\_\_\_\_\_\_\_. |  |

7) Below is a statement from Chief Justice John Roberts:

“Students do not shed their First Amendment rights at the school house gate.”

*Source: Morse v. Frederick (2007)*

Why is this statement significant? How does this reflect a balancing test imposed by the courts on the freedoms and rights that we enjoy?

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**D. You Play the Judge.** Read through the following scenarios and apply this idea of a “balancing test” between your rights and the common good to each scenario. Decide whether individual rights can be limited in each scenario, and why.

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| **SCENARIO** | **CAN THEIR RIGHTS BE LIMITED? WHY/WHY NOT?** |
| 1) To enter an airport terminal in order to catch a flight, individuals must pass through a security line, have their luggage searched and screened, take off their shoes and belts, and pass through a metal detector designed to catch any kind of weapon that someone might attempt to bring onto a plane. A group of people complained loudly about this security screening, claiming that their 4th Amendment right to be protected against an “unreasonable search” was being violated. | Yes! Passengers are searched to protect the safety of the public. |
| 2) Susan was not happy with the president’s foreign policy toward China, so she posted some negative opinions about the president on Twitter. Susan believes that the 1st Amendment right to freedom of the press would allow her to criticize the government and would protect her from the government trying to arrest her or discourage her from speaking. |  |
| 3) A young girl walked into the movie theatre and, although there was no real emergency, decided to yell “fire”. Everyone started to scream loudly, they panicked and pushed their way out, and some customers even got hurt. Her poor judgement caused terror and fear among the movie goers, causing a dangerous situation. |  |
| 4) Peter was frustrated with his neighbor over a dispute that they had regarding a fence between their property. They had attempted to solve the problem over a span of months, but they couldn’t reach an agreement. In frustration, Peter lost his temper and threatened to burn down his neighbor’s house. The neighbor became frightened and called the police on Peter. Peter argued to the police that he had a 1st Amendment right to freedom of speech and had never taken any actual actions against his neighbor, but the police arrested him anyway. |  |
| 5) A group of Floridians gathered together at the state capitol building to protest a bill that would limit the ability for ordinary citizens to purchase a firearm. The protestors chanted angry slogans and held up many signs, but they remained peaceful. The state police prevented protestors from blocking the street in front of the capitol building so that traffic could still get through, but otherwise, they did not restrict them. |  |
| 6) Heather was a government employee who believed that a war that the United States was in was deeply unfair, and she decided to speak out against it. She began by protesting against the war, but when she saw that this was not accomplishing anything, she decided to give US government secrets to the country at war with the United States in order to deeply embarrass the country and to try to bring the war to a close. She thinks the 1st Amendment will protect her actions. |  |
| 7) Two siblings, John and Mary Beth Tinker, were teenagers who decided, with permission from their parents, to silently protest the Vietnam War by wearing black armbands to their schools in December. Upon learning of their intentions, and fearing that the armbands would create problems and cause disturbances on campus, the principals warned the students that they would be suspended if they wore the armbands to school. Despite the warning, the students wore the armbands to school and were suspended for several days. There were no disturbances or disruptions at school when they wore the armbands. The students' parents sued the school district for violating their children's right to free speech. |  |
| 8) Students in a journalism class at Hazelwood East High School were responsible for writing and editing the school's paper, The Spectrum. Two of the articles submitted for publication in the final edition of the paper contained stories on divorce and teenage pregnancy. The divorce article featured a story about a girl who blamed her father's actions for her parents' divorce. The teenage pregnancy article featured stories in which pregnant students at Hazelwood East shared their experiences. To ensure their privacy, the girls' names were changed in the article.  The school principal felt that the subjects of these two articles were inappropriate for school. He concluded that journalistic fairness required that the father in the divorce article be informed of the story and be given an opportunity to comment. He also stated his concerns that simply changing the names of the girls in the teenage pregnancy article may not be sufficient to protect their anonymity and that this topic may not be suitable for the younger students. As a result, he prohibited these articles from being published in the paper. Because there was no time to edit the paper if it were to go to press before the end of the school year, entire pages were eliminated. The students sued, claiming that their 1st Amendment rights to freedom of the press were being violated. |  |

Now, think of your own scenario! Think of a way in which someone’s rights could legally be limited, and create your own scenario to demonstrate this.

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