

## ANSWER KEY

*Miranda* ruling has led accused persons to assume their confessions will not be used in Court.



### **Tinker v. Des Moines**

Document A: Religion, speech, press, assembly and petition. It stops Congress from restricting these freedoms.

Document B: Symbols are quick and easily understood ways of communicating ideas.

Document C: End the Vietnam War.

Document D: 1. Angry, outraged, hostile, threatening, intimidating, sarcastic, challenging. 2. Some considered the Tinkers to be unpatriotic traitors. Others suggested less disruptive ways for the Tinkers to express their beliefs.

Document E: They both see symbols as a way of communicating.

Document F: 1. Because a Des Moines student had been recently killed in Vietnam. 2. Document C depicts peaceful protest; elements of Document D illustrate the potential for violence.

Document G: 1. They were “akin to pure speech.” 2. Expressive conduct which would “materially and substantially disrupt the work and discipline of the school.”

Document H: The concurring opinion denies that First Amendment rights of children are the same as those of adults.

Document I: There is no “complete constitutional right” to speak one’s mind in any place, time or manner he chooses.

Document J: Restrictions not related to school concerns, but rather to restrict unpopular viewpoints.

Document K: 1. Answers will vary. 2. Answer will vary.

Document L: Action does not have the same protection as speech.

Document M: Both used symbols to publicly express anti-war statements. The Tinkers’ symbols were small, did not use words, and were on their individual persons. The Vietnam Veterans Against the War protest used large symbols, did use words, and defaced a piece of public property.

### **Hazelwood v. Kuhlmeier**

Document A: 1791—Newspapers, pamphlets and other printed materials. Today—Newspapers, student newspapers, pamphlets, Internet blogs, television, radio, podcasts, magazines.

Document B: 1. If it substantially interferes with school discipline. 2. Silent, passive, and orderly.

Document C: Answers will vary.

Document D: 1. Non-disruptive, passive expression. 2. Between free speech and civility.

Document E: The statement shows that the students assumed their student newspaper was protected by the First Amendment.

Document F: Verifying sources, being objective, being fair, minimizing harm, being accountable.

Document G: 1. *Tinker* involved individual student expression while *Hazelwood* involves school-sponsored speech.

Document H: 1. Because it wasn’t open to indiscriminate use by the public. 2. When they have legitimate pedagogical concerns and the speech is contrary to the school’s educational mission.

Document I: 1. He personally thought the articles were inappropriate, and not because he believed they would disrupt

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school. 2. *Tinker* held that speech must be disruptive to be censored; shielding a high school audience from objectionable viewpoints is not a legitimate end; less oppressive means were available for the school to disassociate its name from the student speech.

Document J: The first disapproves of the ruling and believes it will cause students to believe the First Amendment only protects the views held by those in power. The second approves of it, believing it will restore local control to education.

Document K: 1. Kids are more likely to believe professional newspapers should seek approval before publishing. They are equally as likely as adults to believe school papers should have to do the same. 2. Answers will vary.

### **Pottawatomie v. Earls**

Document A: Unreasonable searches.

Document B: It is a national crisis worthy of the First Lady's attention, and parents have a role in combating it.

Document C: 1. They do not need them. 2. That searches be reasonable.

Document D: 1. They are searches. 2. Adults.

Document E: 1. The war on drugs does not justify ignoring the probable cause requirement. 2. Yes, because this case is about the definition of reasonable searches in the war on drugs.

Document F: Athletes were leaders of the school drug culture; they have lowered expectations of privacy; their risk of injury is great; deterring drug use is a substantial state interest.

Document G: 1. In general, drug tests are common. 2. Government action versus private action. The Fourth Amendment does not apply to private actors.

Document H: 1. Students in all extra curricular activities do not face the same injury risk as do athletes. 2.

The expansion of the definition of reasonableness and the increasing invasion of privacy.

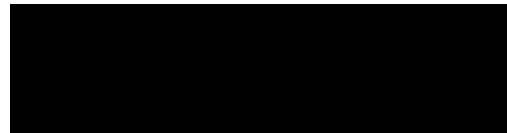
Document I: Because of the school's need to maintain discipline, health and safety. 2. Extra-curricular activities may require off-campus travel and communal undress. Further, these clubs have their own rules that don't apply to the school as a whole.

Document J: By alleviating peer pressure.

Document K: In *Vernonia*, the drug culture was led by athletes, was pervasive, and drug testing was limited to athletes, who face particular risk from drugs; in *Pottawatomie*, the drug problem was not major, and all participants in extracurricular activities had to submit to drug tests.

Document L: They have very little.

Document M: The ruling will allow communities to drug test public school students as a way to combat drug problems.



### **Schenck v. United States**

Document A: The First Amendment protects the right to speak and publish one's ideas, associate with others, practice the religion of their choice, and lobby for change.

Document B: 1. World War I. 2. To pass laws that suppress the voices and actions of those opposed and disloyal to the United States in the interest of "national peace and safety" and against those who "preach and practice disloyalty."

Document C: 1. Publishing or saying things that are not true about the government; writing letters to enemy leaders suggesting how they could gain advantage in the war; publishing