
Know Your Rights UNIVERSITY

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HAT'S OFF TO YOU! OR ON! BECAUSE SCHOOL ANNOUNCES NEW HAT POLICY!!!

by Lisa and Aaron

Eastman-Baldwin Junior High has updated its dress code to allow students to wear hats at school, according to Principal P.A. And the student body is *cap-tivated!*

The change comes after students and teachers said the old policy — a complete ban on headwear — was too limiting.

“The community has been requesting more room for self-expression, and we heard what they have to say,” said Principal P.A. “As long as the hats are not disruptive to learning, we are pleased to support this demonstration of symbolic speech at Eastman-Baldwin.”

Symbolic speech means ideas that are communicated without using words: like through actions, gestures, or how people dress. Just like other forms of free speech, it is protected by the First Amendment of the United States Constitution.

For some, this change to Eastman-Baldwin’s dress code took way too long to happen.

“Didn’t the Supreme Court have a ruling about this kind of stuff in the 1960s?” said senior Brandon L. “I can’t believe we’ve had to wait this long to wear the hats we want!”

Brandon was referring to *Tinker vs. Des Moines*, the historic 1969 Supreme Court case. That was when students were suspended for wearing black armbands with peace signs to protest the Vietnam War — a symbolic protest.



With help from the ACLU, the students and their families filed a lawsuit that went all the way to the Supreme Court. The court decided that students don’t lose their right to free speech or expression while they’re at school, so long as student protests don’t disrupt the educational process. It was a big victory for the First Amendment!

Still, even after *Tinker*, schools have been free to set their own dress code policies. That’s why Eastman-Baldwin was previously able to say “no hats allowed.”

But now that the rules have changed, members of the Eastman-Baldwin community can express themselves with whatever beanie, bowler, or beret they choose! And those hats can feature messages and symbols, too — like a peace sign, or a sports team logo.

Even if the hat has a message or symbol on it that others don’t like, the new policy means that the wearer cannot be disciplined more harshly than anyone else, simply because of that message.

The updated policy is a hit among students and staff alike.

“No cap, I’m pro cap,” said Mr. Charles, the newspaper club advisor. “Did I say that right?”

EPISODE 1 STUDY HALL:

Tinker vs. Des Moines: A Fight for First Amendment Rights at School



KEY FACTS

Background

- In December 1965, a group of students at a junior high school in Des Moines, IA made plans to wear black armbands to school as an act of protest against the Vietnam War.
- The school found out about the students' plans. Just before the protest, they passed a rule saying that any student who wore a black armband to school would be asked to remove them — and suspended if they did not comply.
- Mary Beth Tinker, her brother John Tinker, and Christopher Eckardt wore black armbands, acting against the new rule. All three were suspended. Their parents sued the school district.

Arguments for Each Side

- The Tinkers' case argued that wearing the armbands was a form of free speech protected under the First Amendment — and that the school had violated the students' Constitutional rights by suspending them for protesting.
- The school district argued that their actions were reasonable to prevent disruption at the school. They said that public schools are not appropriate settings for protests because they can interfere with student learning and safety.
- **The central questions at the heart of the case:**
 - *Do students have the right to exercise their First Amendment rights to free speech while they are at school?*
 - *Does school have the right to make rules that stop possible disruptions from taking place?*

The Outcome

- The case went all the way to the U.S. Supreme Court, where the justices ruled 7-2 in favor of the students.
- Tinker vs. Des Moines established that a person has the right to exercise free speech while they are at school — as long as the speech does not cause substantial disruption to the school's ability to function.
- Because wearing armbands was a form of silent protest, in the Tinker case, there was no evidence that this use of free speech would have caused a substantial disruption to school.
- However, future cases would need a way to decide what counts as a "substantial disruption." This decision-making process became known as The Tinker Test.

“

It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

— JUSTICE ABE FORTAS

EPISODE 1 STUDY HALL:

Tinker vs. Des Moines: A Fight for First Amendment Rights at School



KEY IDEAS

- The Supreme Court considered the wearing of armbands to be symbolic speech — a form of expression that gets ideas across without using words. Symbolic speech is considered a form of free speech.
- Although the Supreme Court ruled in favor of the students, it still gave schools the ability to limit student speech if that speech causes substantial disruption to learning, or if it interferes with the rights of others.
- Determining whether a form of expression is disruptive enough for schools to be allowed to limit it is known as The Tinker Test.

KEY WORDS

- **Disruption:** A situation in which something is prevented from continuing in its usual way.
- **Protest:** Something that you do to show publicly that you think that something is wrong and unfair, or to support something.
- **Substantial:** Major, serious, or considerable.
- **Sued:** Made a legal claim against someone because they harmed you in some way.
- **Suspended:** Being made to leave school for a short time because you have broken the rules.
- **Symbolic Speech:** A form of expression through action, that doesn't use words.
- **Tinker Test:** The way courts decide whether student speech causes a substantial to learning.
- **Vietnam War:** A war between the United States and Vietnam, a country in southwest Asia, that took place from 1955-1975.
- **Violated:** Acted against an official agreement, law, or principle.

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EPISODE 1 STUDY HALL:

First Amendment FAQs



1. What is the First Amendment?

The First Amendment is one of the most important parts of the Constitution, the United States' founding document.

The Constitution lays out how our system of government works: how it is organized, what its rules are, and how the Constitution itself can be changed. These changes are known as "Amendments." And the First Amendment is — you guessed it! — the very first change made to the Constitution after it was approved in 1789.

It says:

"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."

And here are the five "freedoms" it protects:

- **Disruption:** A situation in which something is prevented from continuing in its usual way.
- **Protest:** Something that you do to show publicly that you think that something is wrong and unfair, or to support something.
- **Substantial:** Major, serious, or considerable.
- **Sued:** Made a legal claim against someone because they harmed you in some way.
- **Suspended:** Being made to leave school for a short time because you have broken the rules.
- **Symbolic Speech:** A form of expression through action, that doesn't use words.
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- **Violated:** Acted against an official agreement, law, or principle.

2. What is Freedom of Expression?

The term "freedom of expression" does not appear in the U.S. Constitution. Rather, it is a term we use to collectively refer to the freedoms protected by the First Amendment — freedoms that allow us to express ourselves, our opinions, and our beliefs without government interference.

EPISODE 1 STUDY HALL:

First Amendment FAQs



3. If we have the right to express ourselves freely, that means we can say or do anything we want... right?!

Not exactly. The First Amendment was designed to protect an individual from the government silencing or censoring them. It does not mean that a person has the freedom to say or do anything that they want, whenever they want, without consequence.

Sometimes, the limits of free speech are clear. Intentionally spreading falsehoods about someone in a way that harms their reputation, for example, is illegal (it's called "defamation"). Different private institutions — like workplaces, social media platforms, and even private schools — may be able to enforce their own rules of conduct around acceptable speech, activity, and behavior.

Other times, determining precisely what qualifies as "freedom of expression" or "freedom of speech" can be complicated. These debates often end up before the Supreme Court — the highest court in the United States, with the final say on legal questions. When a free speech issue goes all the way up to the Supreme Court, it's up to the nine Supreme Court justices to decide if, or how, First Amendment protections apply.

In all cases, words are powerful. So think about how you use them!

4. Do I have First Amendment rights at school?

Yes — with some conditions. The landmark Supreme Court case *Tinker vs. Des Moines* established that you do not lose your right to free speech when you are on school grounds. That means you have the right to speak out, hand out flyers and petitions, and wear expressive clothing in school — as long as by doing so, you are not disrupting the school's normal functions or violating viewpoint-neutral school policies.

But what is a "viewpoint-neutral" policy? And what counts as being "disruptive"? That's where things get tricky.

In a viewpoint-neutral policy, the "viewpoint" is the particular message that's being expressed. A viewpoint-neutral policy doesn't regulate just one side of a hot-button debate, but treats all viewpoints equally. So, for example, if your school has a "no sports logos" dress code, it doesn't matter if you're wearing a Yankees jersey or a Red Sox cap — your school isn't taking sides in that historic sports rivalry! It just cares that you're wearing something with a sports logo in the first place. That's a viewpoint-neutral policy.

As far as what counts as being "disruptive," that's a little less cut-and-dry. It depends on the context of what's going on. But a school disagreeing with your position or thinking your speech is controversial, or in "bad taste," is not enough to qualify.

**Know
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**S1. EP2
Study Guide**

LIBERTY GAZETTE

JAMES AND THE GIANT BAN

by Lisa and Aaron

Aside from causing a paper cut every now and then, books never hurt anyone. Right?

Wrong. Or at least, that's what some people want you to think!!!

Across the country, schools and libraries are being told to get rid of certain books so that people can't read them. They say these books are somehow harmful to readers in some way.

Like, maybe the authors use words some people don't like. Maybe people disagree with the ideas in the books, or they think the characters behave badly.

When someone complains that a book should get taken away, that's called a "book challenge." And if the challenged book ends up taken away, it's called a "book ban."

(This is just Aaron writing now.)
That's what happened to one of my favorite books of all time: James and the Giant Peach, by Roald Dahl. I tried to check it out from the library, only to find out it had been banned!!

(Now back to me and Lisa!)
Book banning goes against our First Amendment right to free speech. Books may not speak out loud, but their written words are considered protected speech, just the same. Authors have the right to write, and readers have the right to read!

So if you've got a problem with a book, we have a solution: instead of banning it... just don't read it! But don't keep others from reading it, either, because that's not fair. A book you don't like might be somebody else's favorite.



After all, some of the best books we've ever read are books that have been banned or challenged. Read them for yourself to see what all the fuss is about. Trust us: IT'S LIT...erary!

AARON & LISA'S TOP FIVE BEST BANNED OR CHALLENGED BOOKS OF ALL TIME:

**#5: *The Wonderful Wizard of Oz*,
by L. Frank Baum**
"We'll ban you, Dorothy! And
your little dog, too!"

That's right! This classic story has been banned and challenged many times since it was first published more than 100 years ago. People have complained about it being "untrue to life," that it features strong girl characters, and that it describes some witches as being "good," like Glinda.

#4: *Charlotte's Web*, by E.B. White
People have tried to ban this book about Charlotte, a spider who uses the power of words to save a pig named Wilbur, because they object to talking animals. The challengers consider this to be "unnatural" and "blasphemous," or disrespectful towards God. They also think the ending of the book is inappropriate for children. We won't spoil it for you, so you'll have to read *Charlotte's Web* for yourself to decide if that's true! (Our take: it's not. But you may want to grab tissues while you read, all the same.)

#3: *Captain Underpants*, by Dav Pilkey
A tale about a hero in tighty-whities became the most complained-about book in America for two years in a row (in 2012 and 2013). People say *Captain Underpants* has bad language and is too violent, making

it "unsuited for [kids]." We say it's hilarious and weird! We laughed our underpants off! So to all you challengers out there, before you throw *Captain Underpants* in with the dirty laundry, maybe we just agree to disagree?

#2: *New Kid*, by Jerry Craft
This award-winning book, about a Black boy named Jordan who starts 7th grade at a mostly-white school, was banned for a short time in 2021. Some parents were upset by how the book talks about race. They even went so far as to try and cancel a school event with the author, Jerry Craft! Thankfully, a group of reviewers found that there was nothing inappropriate about the book, and it was returned to the shelves.

**#1: *James and the Giant Peach*,
by Roald Dahl**
Our #1 pick for best banned or challenged book is - you guessed it! - Aaron's favorite: *James and the Giant Peach*, by Roald Dahl. It's a story about a little boy who sets sail for New York in an enormous, magical peach along with an earthworm, a spider, a centipede, a ladybug, and a grasshopper. The book has been challenged and banned for hinting at things that might be inappropriate for kids, and for being too scary. But that completely ignores the fact that this book is super funny and AMAZING!

EPISODE 2 STUDY HALL:

How To Start a Banned Book Club



Book bans and challenges are designed to stop people from reading certain books. Fortunately, there is a fun way to oppose this practice: read them, anyway!

That's what then-high school junior [Ella Scott](#) did in 2021, when she discovered that her school district planned to remove books from public school classrooms and library shelves. She and her best friend started a Banned Book Club with their classmates, to exercise their First Amendment rights and decide for themselves what they thought about the books the district didn't want them to read.

Want to do the same, but don't know where to start? Here are five easy steps for getting your Banned Book Club up and running:

Step 1: Invite some fellow readers

Book clubs can be big or small – reading along with just one or two other people can be enough to get started. The important thing is that you're all interested in reading and open to talking about what you've read.

Ask a few friends and/or family members if they'd like to form a book club where the only things you read are banned or challenged books. You can start with two or three other readers, inviting more people to join you each time.

It doesn't matter if you've known your fellow readers for a long time, or if you've just met. One of the joys of having a book club is getting to know others better than you had before. Everyone imagines and interprets a story differently, and it can be a lot of fun to hear what different people in your group think about the same piece of writing. You may be surprised by how much you learn about each person!

Step 2: Pick a book to read

Pick a book for the whole group to read together. This might sound simpler than it is! There have been so many books that have been banned or challenged over the years that it can be hard to know where to begin.

If you know of a book challenge or ban that is underway in your area, you might want to start there. But if not, check out the ACLU's list of [Popular Books that have been Banned or Challenged](#), which groups together titles based on different categories. Or the American Library Association's [Challenged Books Archive](#), which lists the top 10 most frequently challenged books by year, going back to 2001. Common Sense Media also has a list of [Frequently Challenged and Banned Books for Kids and Teens](#) that includes everything from picture books to classic literature.

Step 3: Find a copy

If the book you've chosen has been banned where you live, this could be tricky. You may not be able to find it at your public library, or at your school.

Start by asking other people in your book club if they have a copy of the book at home. Once they are done reading, they can pass it back and forth among the book club members.

If not, you might be able to find an online recording of someone reading the book out loud – especially if it's short, like a picture book. The ACLU has [an awesome playlist](#) of artists reading from some of their favorite banned books. You might also be able to find an audiobook version to stream. (Audiobooks totally count as reading!)

Finally, if you are able, consider buying the book from a local or online bookseller, or putting together a wish-list for books people could buy for you. Among other things, book bans hurt authors by making it hard for them to earn money from sales of their books.

EPISODE 2 STUDY HALL:

How To Start a Banned Book Club



Step 4: Read and discuss

Now comes the fun part! Read the book on your own. Take note of what you think about it. What do you like or dislike about the story? Which characters do you relate to? What surprises you about the book? What disappoints you? Why do you think someone might find the book controversial enough to challenge or ban it? Would you recommend it to a friend?

When your book club gets together, pose these same questions to the group. It's okay if not everyone agrees; that's what makes book clubs so interesting! Listen to what others have to say about it, and share your own opinions, too.

Once everyone has had a chance to talk about it, see if you can learn more about why the book has been challenged in the first place. Talk about whether the criticisms against the book or its author make sense to you, and what is gained or lost when others can't read it.

Step 5: Decide what book to read next

Congratulations: you've had your first book club meeting! Now it's time to plan the next one.

As a group, decide how to choose the next banned book to read. You can do this a few different ways. Some book clubs make a list of 5-10 books, then go through them one by one until it's time to pick another 5-10 titles. Others nominate a few books per meeting and vote on what they most want to read next. You can also assign a different person to pick what the group should read. There's no right or wrong way to do it! The important thing is that you keep on reading, and thinking, and sharing your ideas.

That's what free speech is all about!

EPISODE 2 STUDY HALL:

Book Bans and Challenges FAQs



1. What is a book challenge? What is a book ban?

When someone makes a complaint about a book they strongly object to, with the goal of getting it removed from a school or library, that's called a book challenge. If they succeed, and the book is taken away so that others can't read it, that's a book ban.

2. Why do people ban or challenge books?

A person or a group might challenge a book if they disagree with the kinds of ideas it expresses. Challengers want to keep others from being exposed to what they consider to be inappropriate ideas and information inside the book, even if it might be valuable to somebody else. These might include ideas about gender, sexuality, race, religion, politics... or even how kids should behave in school!

People have even challenged books because they don't approve of the kind of language, humor, or tone that the author uses. (Captain Underpants by Dav Pilkey is a classic example!)

If enough people with decision-making power – like a school board, or state legislators – agree with a book challenge, they will demand that the book be removed from shelves, even if students want to read it. In other words: they will ban it.

3. Why are book challenges and bans a First Amendment issue?

The First Amendment of the U.S. Constitution protects our right to free speech. This means that people are free to share their thoughts and opinions, without fear of the government telling them they can't.

Books may not speak out loud, but the words and ideas they communicate are considered free speech just the same. Book bans keep authors from being able to share their ideas freely – and they keep readers from being able to explore those ideas, too.

It's important to remember that challenging a book is not the same as saying that you don't like a book. Freedom of speech means that we are allowed to express our opinions – even if they are negative! But there is a difference between saying “I don't like this book” and “Because I don't like this book, no one should ever have the chance to read it.” Book challenges and book bans restrict our freedom to make our own decisions and form our own opinions.

