

## Warmup



### How can the judiciary balance individual rights with the common good?

**A.** What does the phrase *common good* mean to you?

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**B.** Which do you think is more important—protecting individual rights or protecting the common good? Explain your answer.

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**C.** Individual freedoms of religion, speech, press, and assembly are not absolute. They can be restricted when they infringe upon the rights of others, violate laws, or threaten safety. Read the statements below, which describe restrictions on or support for individual freedoms. Write whether you think each statement is true (T) or false (F).

- \_\_\_\_\_ **1.** Public officials may prevent the publication of articles insulting to them.
- \_\_\_\_\_ **2.** Worshipers may use poisonous snakes in religious rituals.
- \_\_\_\_\_ **3.** Religious groups do not have to salute the flag.
- \_\_\_\_\_ **4.** No Internet site may knowingly transmit indecent speech or images to any person under age 18.
- \_\_\_\_\_ **5.** Animals may be sacrificed in church services.
- \_\_\_\_\_ **6.** A permit is required to hold a religious parade on public property.
- \_\_\_\_\_ **7.** Government has the right to prevent publication of material that it says is harmful to national security.
- \_\_\_\_\_ **8.** Government can draft those who have religious objections to military service.
- \_\_\_\_\_ **9.** Reporters are constitutionally protected against having to reveal their sources during a trial.
- \_\_\_\_\_ **10.** Government officials may prohibit a group with racist ideas from holding a demonstration in public.
- \_\_\_\_\_ **11.** It is legal to read aloud a prayer before public high school graduation ceremonies.
- \_\_\_\_\_ **12.** It is legal to display a Christmas tree in a government building.

# Exploration

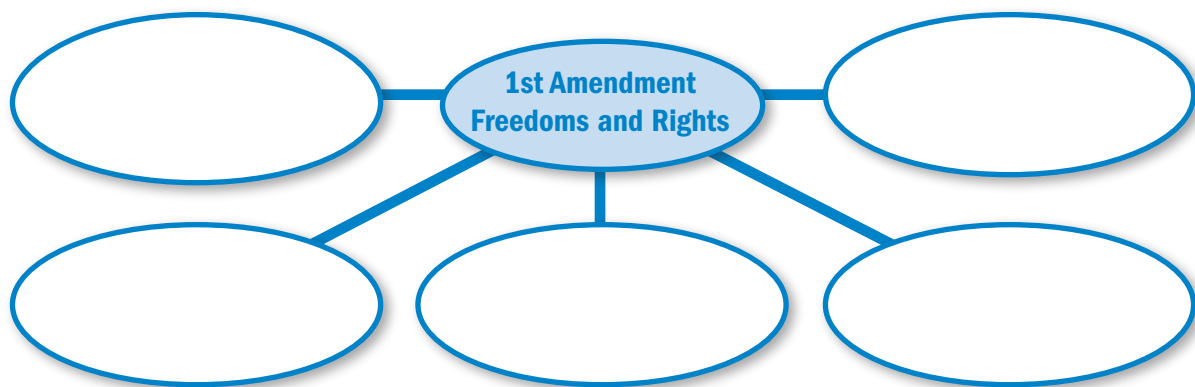
## I. The Unalienable Rights

### ➔ Find Out

**A.** Use your print or online textbook to define or describe the following:

1. civil liberties: \_\_\_\_\_  
\_\_\_\_\_
2. civil rights: \_\_\_\_\_  
\_\_\_\_\_
3. Bill of Rights: \_\_\_\_\_  
\_\_\_\_\_
4. unalienable rights: \_\_\_\_\_  
\_\_\_\_\_
5. 14th Amendment's Due Process Clause: \_\_\_\_\_  
\_\_\_\_\_
6. 9th Amendment: \_\_\_\_\_  
\_\_\_\_\_

**B.** Complete the diagram below by listing the 1st Amendment freedoms and rights.



**C.** Explain what this statement means: Rights are relative, not absolute.

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**D.** Explain how civil liberties conflict with the common good in the following scenarios:

**1.** A public demonstration blocks traffic for hours.

Civil liberty: \_\_\_\_\_

Common good: \_\_\_\_\_

**2.** A neighbor blares her stereo in the middle of the night.

Civil liberty: \_\_\_\_\_

Common good: \_\_\_\_\_

**3.** The government halts publication of war-related information.

Civil liberty: \_\_\_\_\_

Common good: freedom of the press and the public's right to know



### What Do You Think?

**E.** What additional rights would you consider “unalienable”? Explain.

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## II. Government and Religion



### Find Out

**A.** The constitutional guarantee of religious freedom has two parts: the Establishment Clause and the Free Exercise Clause. Use your print or online textbook to find the answers to the questions about these two clauses below.

#### Establishment Clause

1. What does it create?

2. What does it prohibit?

#### Free Exercise Clause

1. What does it guarantee?

2. What does it NOT protect?

- B.** Use your print or online textbook to review the religious actions in public schools that have been found unconstitutional by the Supreme Court. List five examples below, and write the reason behind the Court's decisions.

**1.** Action: \_\_\_\_\_

**2.** Action: \_\_\_\_\_

**3.** Action: \_\_\_\_\_

**4.** Action: \_\_\_\_\_

**5.** Action: \_\_\_\_\_

Reason for Court's decisions: \_\_\_\_\_

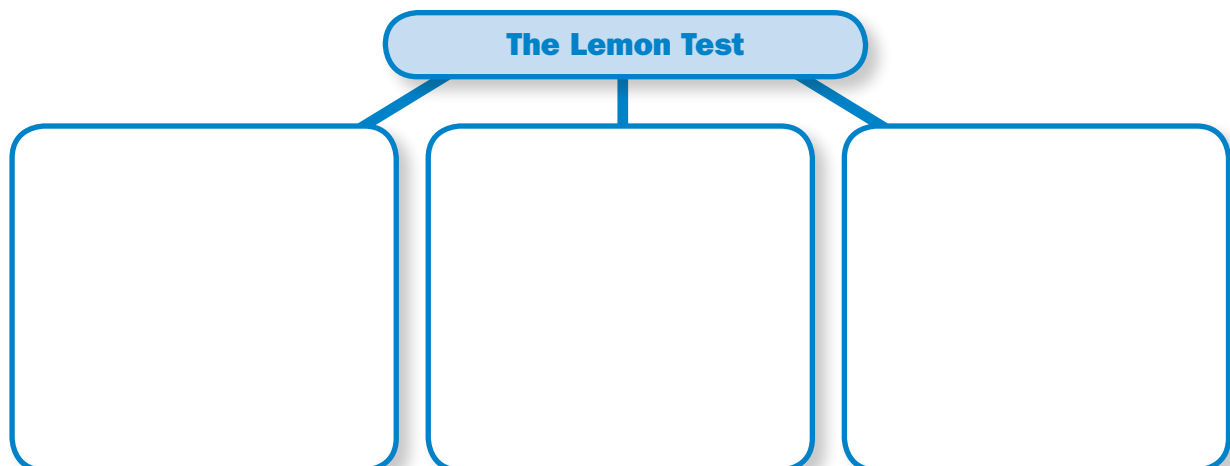
What religious actions are allowed in public schools? List three examples below.

**6.** Action: *Individuals can pray when and as they choose in any place.*

**7.** Action: \_\_\_\_\_

**8.** Action: \_\_\_\_\_

- C.** Use your print or online textbook to review the three standards of the *Lemon* test, which is used to determine whether a State law amounts to an “establishment” of religion. Write these standards in the diagram below.



**D.** Why has the Court ruled that the following actions violate the Establishment Clause?

**1.** Seasonal displays of a single religious doctrine at government buildings

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**2.** Public displays of the Ten Commandments inside government buildings

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**E.** Review the Free Exercise Clause. Give four examples of government regulations that have limited the free exercise of religion in order to benefit the common good.

Law upheld: *vaccination of school children, even if their religion opposes it*

Law upheld: \_\_\_\_\_

Law upheld: \_\_\_\_\_

Law upheld: \_\_\_\_\_

**F.** Give three examples of laws that the Court has overturned in order to uphold the free exercise of religion.

Law overturned: \_\_\_\_\_

Law overturned: \_\_\_\_\_

Law overturned: \_\_\_\_\_



## What Do You Think?

**G.** How are individual rights balanced with the common good when religious expression is prohibited in public schools?

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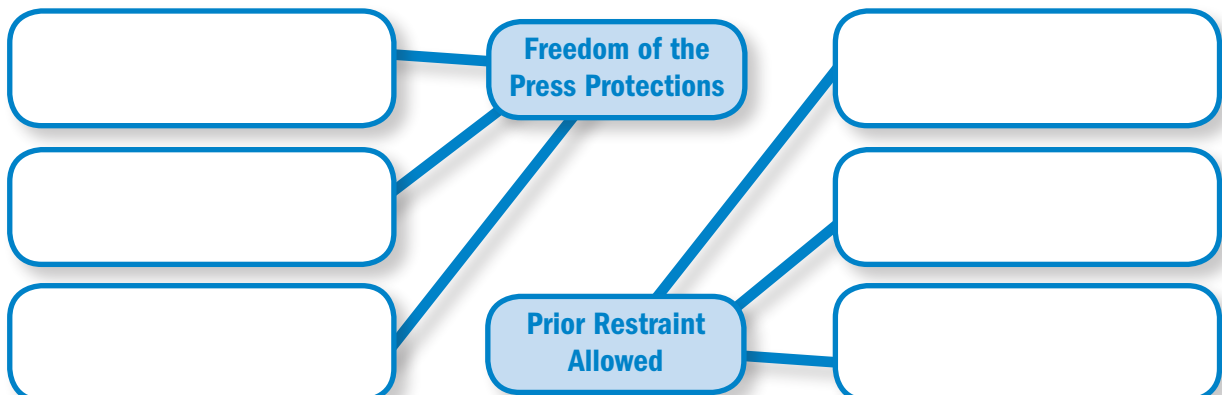
## III. Freedom of Expression

### ➔ Find Out

- A.** The 1st and 14th amendment guarantees of free speech and press protect a person's right to speak freely and to hear what others have to say. Some forms of expression are not protected, however. Review the types of expression and their restrictions in your print or online textbook. Then complete the chart below.

Type of Expression	Restrictions
<b>Seditious speech</b> <i>Definition:</i>	
<b>Obscenity</b> <i>Definition:</i>	
<b>Symbolic speech</b> <i>Definition:</i>	
<b>Commercial speech</b> <i>Definition:</i>	

- B.** Complete the diagram below. Identify at least three cases, issues, or examples that protect freedom of the press, and at least three exceptions that allow prior restraint on publications.





## What Do You Think?

- C.** The Supreme Court and lower courts have ruled that students' freedoms of speech and press are limited by the "special characteristics of the school environment."
- 1.** What might these "special characteristics" be?
- \_\_\_\_\_
- \_\_\_\_\_
- 2.** Does limiting individual rights of students benefit the common good of the school? Explain.
- \_\_\_\_\_
- \_\_\_\_\_

## IV. The Right to Assemble



### Find Out

- A.** (1) What are some examples of assembly? (2) What are the advantages of joining a group to protest a policy or to express an opinion?
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- B.** The government may place reasonable limits on when, where, and how an assembly may be conducted. List four examples of these "time-place-manner" rules applied to organized demonstrations to keep the public peace.
- Example 1:** \_\_\_\_\_
- Example 2:** \_\_\_\_\_
- Example 3:** \_\_\_\_\_
- Example 4:** \_\_\_\_\_
- C.** Review *Forsyth County v. Nationalist Movement*, 1992, in your print or online textbook. What issue did this case decide regarding government's rules about assembly?
- \_\_\_\_\_
- \_\_\_\_\_



## What Do You Think?

- D.** What might happen if Americans were not allowed to protest?
- \_\_\_\_\_
- \_\_\_\_\_

# Apply What You’ve Learned Activity

**A.** Suppose you are helping to organize a demonstration for a political cause. Write three questions you should ask to determine if the Supreme Court would consider your demonstration to be constitutionally protected. Use this worksheet to write your questions and possible answers.

Question	Possible Answer

**B.** Now create an outline of information that you would include in a brochure for the participants in your demonstration under two headings: “Know Your Rights” and “Know Your Limits.” In the space below, list or illustrate the rights and limits on freedom of speech, press, and assembly.

Know Your Rights	Know Your Limits

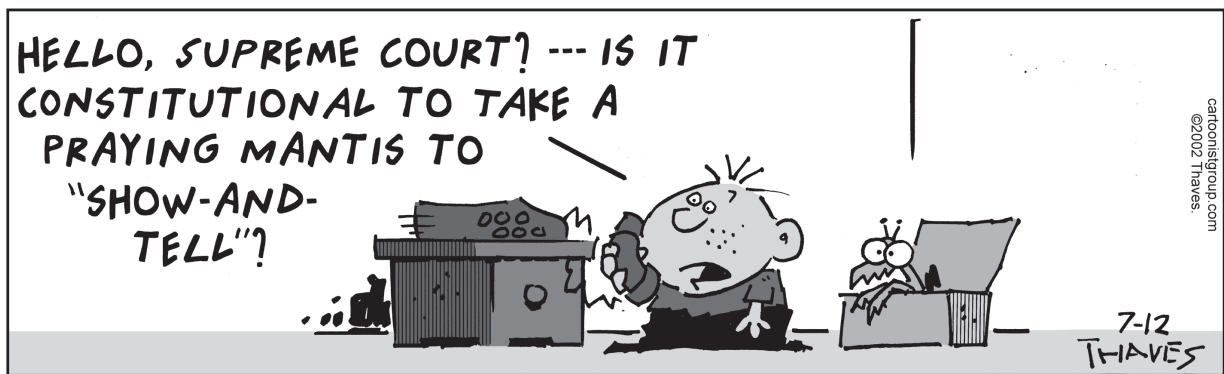


## Essay



### How can the judiciary balance individual rights with the common good?

Since America's earliest days as a nation, public and judicial opinion has been divided over the extent of 1st Amendment freedoms. Some people believe the Supreme Court has gone too far in ruling for the common good or for individual rights. Others believe the Court has not gone far enough.



[I]f there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate.

— Justice Oliver Wendell Holmes, *United States v. Schwimmer*



### What Do You Think?

What is your opinion? Write a response to the Essential Question, **How can the judiciary balance individual rights with the common good?** Consider your thoughts on the information above, the Guiding Questions in your textbook, and the activities you have done in your Journal. See page 219 for a rubric on writing an Essential Question essay.



### Don't Forget

Your answer to this question will help you think about the Unit 5 Essential Question: **What should be the role of the judicial branch?**