

Think First

JEA
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Free expression
through
responsible
journalism

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Title: Morse v. Frederick: The Rule of Thirds

Time: (4) 50-minute journalism class sessions

Goal:

The rule of thirds most often refers to a compositional tool used in the art of photography.

But this lesson isn't about photography. It's about how three separate courts of law primarily used three historical court decisions to ultimately provide three exceptions to the Tinker case.

The goals here are to 1) learn how the interpretation of these three cases either strengthened or weakened the 1st Amendment freedom of expression by way of Morse v. Frederick; and to 2) help you realize that what's black and white law to one court, is grey to another.

Scenario:

When Alaska resident and high school senior Joseph Frederick heard the Olympic torch was going to pass by his high school, he decided to make a statement in support of his 1st Amendment right to free expression. When he saw the television cameras scan his way, he unfurled a banner that read Bong Hits for Jesus.

Though Frederick thought the banner was funny, Juneau-Douglas High School principal Deborah Morse did not. Frederick also claimed the message was not pro-drug, but Morse said it certainly was, and suspended him for 10 days. This is a real case.

Assignment:

The class will be divided into three sections: 1/3 of the class will study the Morse case from the U.S. District Court for the District of Alaska's point of view; 1/3 will study the case from the 9th Circuit's point of view; and the remaining third will take the role of the Supreme Court.

The students will examine all of the questions and answers that pertain to just their court's decision.

1st 50-minute class: The District Court will present its facts and findings.

2nd 50-minute class: The Ninth Circuit will present its facts and findings.

3rd 50-minute class: The U.S. Supreme Court will do the same.

4th 50-minute class: Open discussion concerning the similarities and differences between the decisions of all three courts.

Assignment learning objectives:

Students will achieve the following objectives:

1. Study case law as it pertains to a specific issue: freedom of expression.
2. Think, analyze and defend like a judge.
3. Realize that court decisions can and do have different outcomes, depending



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on who sits on the bench at the time.

4. Learn to recognize standards and tests used in landmark cases.

References:

http://www.splc.org/report_detail.asp?id=1366&edition=43

<http://otd.oyez.org/cases/1st-amendment-speech/morse-deborah-et-al-v-frederick-joseph-06252007>



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