Foundations of Government Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
First Amendment Cases
Mr. Faulhaber

**DIRECTIONS: Examine the actions and based on the information you have just read, determine if each action listed is a form of constitutionally protected "symbolic speech." In the last column, provide a rationale for your response.**

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| **Action** | **Check if applicable (✓)** |  |
| **Conveys Message** | **Message Understood by Viewer** | **Action by the Gov’t for an Important Gov’t Reason**  |  **Is the action a form of constitutionally protected “Symbolic speech?”****Why/Why Not? (Answers Should be in 2+ Sentences EACH)** |
| Case #1: In order to protest against a former employer, a person joins a picket line. State law says picketing is illegal. The person is arrested and fined $100. |  |  |  |  |
| Case #2: A person burns a draft card to express opposition to the war. Federal law says that burning draft cards is a crime. |  |  |  |  |
| Case #3: In 1996, an NBA player refuses to stand for the national anthem in protest the war with Iraq which The NBA suspended Abdul-Rauf for his refusal to stand, costing him $31,707 per missed game. against improper use of the flag. |  |  |  |  |
| Case #4: New Hampshire’s state motto—"Live Free or Die”—appears on license plates. A person covers “or Die” on the grounds that it goes against their religious and political beliefs. They are convicted of violating a state law, fined, and sentenced to jail time. |  |  |  |  |
| Case #5: An organization applies for a permit to hold a demonstration on the National Mall. Members plan to erect “tent cities” to demonstrate the plight of the homeless. The permit was denied on the grounds that camping is forbidden on the Mall. |  |  |  |  |
| Case #6: A person taped a peace symbol to an American flag and then hung the flag upside down in the window of their apartment. An upside-down flag is typically a symbol of distress or danger. This person believed the nation was in trouble. They were arrested and convicted of violating a state law against improper use of the flag. |  |  |  |  |

DIRECTIONS: Research EACH case on the preceding case and: Record the Name of the “Real Case”, the ruling of the court, and the Court’s rationale for its ruling.

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| CASE: Name of ‘Real” Court Case/Scenario  | Ruling (if one): i.e 8-1/7-2/6-3 For \_\_\_\_  | Rationale For Ruling |
| Case #1: |  |  |
| Case #2: |  |  |
| Case #3: |  |  |
| Case #4: |  |  |
| Case #5: |  |  |
| Case #6: |  |  |

BONUS: I: A student works for a fast food restaurant. The restaurant will not allow any of its employees to post political notices on the bulletin board in the back. Have the employees’ rights to free speech been violated. How would this Case be decided based on your knowledge of student speech jurisprudence?
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BONUS: II: In response to increasing racial tensions on campus, school officials banned images of the Confederate flag from their high school.   A group of students filed suit saying they should be allowed to wear t-shirts to school depicting the Confederate flag to show their pride in their Southern heritage. How would this Case be decided based on your knowledge of student speech jurisprudence?

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