When Votes Meet Rights

Majority rule, free expression, and constitutional limits

USG.C.6 "Explain how the Constitution of the United States of America preserves the equal protection of rights and liberties. Evaluate the importance of the rule of law as the principle that all citizens and institutions are to be held accountable..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline the council's reason for defending its vote, then circle two constitutional limits on its power. Number two details that help you judge whether a park rule treats opposing views fairly.

A Vote at the Park

(1) At a town meeting, seven of nine council members vote for a new park rule. Signs praising the council may be displayed at weekend rallies, but signs criticizing it may not. Supporters say the vote settles the issue because most elected members approved it. Yet elections give officials power to make policy, not permission to silence opponents. If a few residents cannot criticize officials, they cannot help other voters judge those officials' decisions. The dispute is not whether the council may manage park use. It is whether the council may favor one political viewpoint over another.

(2) The First Amendment protects political expression from government punishment because officials dislike its message. Through the Fourteenth Amendment, courts have applied this free speech protection to state and local governments, a process called selective incorporation. The Fourteenth Amendment also requires states to provide equal protection of the laws. That requirement does not make every difference in rules unconstitutional, but it reinforces the demand for lawful, justified government action. In Texas v. Johnson (1989), the Supreme Court held that burning a U.S. flag as political protest was protected expression. The ruling shows that an unpopular message does not lose protection simply because many people oppose it.

(3) A resident challenges the park rule in court. A judge can examine whether the rule targets criticism rather than addressing a practical concern, such as keeping paths clear. A rule that applies to all signs blocking paths would raise a different question from a ban on signs with disfavored messages. Courts, council members, and residents are all subject to law, though their responsibilities differ. This is the rule of law: a winning vote does not place officials above constitutional limits. The 1776 Virginia Declaration of Rights defended freedom of the press, showing that concern about government control of public debate predates the Constitution.

2 ANSWER WITH EVIDENCE

Use the passage

1. Why does the council's seven-to-two vote not settle whether the park rule is constitutional?

2. How would a rule against all signs blocking park paths differ from the council's rule?

3. Why can a resident raise a First Amendment claim against a town council rather than only against the national government?

4. How do Texas v. Johnson and the Virginia Declaration of Rights each help explain why criticism of officials matters?

3 YOUR TURN

Your own words

Invent a different policy a town council might pass that gives supporters of an issue more freedom to speak than opponents. In four to five sentences, explain why majority approval does not settle its constitutionality, name a constitutional protection that applies to the town, and revise the policy to treat speakers fairly.

ANSWER KEY

When Votes Meet Rights

HIGH SCHOOL · USG.C.6

PART 1 · READ AND MARK

Underline the council's reason for defending its vote, then circle two constitutional limits on its power. Number two details that help you judge whether a park rule treats opposing views fairly. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Why does the council's seven-to-two vote not settle whether the park rule is constitutional?	**A majority vote gives the council authority to make policy, but it cannot override constitutional protections for opposing political views.**
2	How would a rule against all signs blocking park paths differ from the council's rule?	**It would address a practical concern regardless of a sign's message, while the council's rule permits praise and bans criticism.**
3	Why can a resident raise a First Amendment claim against a town council rather than only against the national government?	**Courts have applied First Amendment free speech protection to state and local governments through the Fourteenth Amendment.**
4	How do Texas v. Johnson and the Virginia Declaration of Rights each help explain why criticism of officials matters?	**Texas v. Johnson shows that unpopular political expression can be protected. The Virginia Declaration of Rights defended press freedom, an earlier safeguard against government control of public debate.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

A council votes to let supporters of a new tax speak at a public hearing but bars its opponents from speaking. Winning the vote does not let the council silence a minority viewpoint. The First Amendment protects political speech against local government through the Fourteenth Amendment. The council should give supporters and opponents the same speaking time under the same rules.

Accept distinct policies that favor one side's expression and revisions that apply the same reasonable speaking rules to both sides. Students should connect the limit on majority power to constitutional protection of expression.