

thereof; or abridging the freedom of SPEECH, or of the PRESS; or the right

First Amendment Curriculum / Activity Guide



ILLINOIS
FIRST AMENDMENT CENTER

Grades 5 - 6 - 7



Congress shall make no law respecting an establishment of RELIGION, or prohibiting the free exercise

of the people peaceably to ASSEMBLE, and to PETITION the government for a redress of grievances.

The First Amendment

thereof; or abridging the freedom of **SPEECH**, or of the **PRESS**; or the right

Congress shall make no law respecting an establishment of **RELIGION**, or prohibiting the free exercise

of the people peaceably to **ASSEMBLE**, and to **PETITION** the government for a redress of grievances.

**This First Amendment Curriculum / Activity Guide
for Grades 5 - 6 - 7 is available in the following formats:**

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www.illinoisfirstamendmentcenter.com

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Illinois First Amendment Center
David L. Bennett, Executive Director
Sue Montalvo, Director

*Steering Committee Member

History of the First Amendment

Section Overview

Freedom – the essence of democracy – requires enlightenment. The First Amendment of the U.S. Constitution – a mere 45 words – stands as a cornerstone of freedom. Its protection enables all Americans to participate in democracy – to believe what they want to believe and to say what they think. This unit provides an overview of the History of the First Amendment.

Objective

The objective of this section is to orient students to the rights contained in the First Amendment, its historical roots, its ongoing implementation and interpretation, how Americans today understand the First Amendment, and its modern day importance and relevance.

Illinois Learning Standards

Language Arts:	Late Elementary:	1.B.2b, 1.B.2c, 1.C.2c, 1.C.2d, 1.C.2f, 3.A.2, 3.B.2a
	Middle School / Jr. High:	1.B.3b, 1.B.3c, 1.C.3c, 1.C.3d, 1.C.3f, 3.A.3, 3.B.3a
Math:	Late Elementary:	10.A.2a, 10.A.2c, 10.B.2b, 10.B.2d
	Middle School / Jr. High:	10.A.3a, 10.B.3
Social Science:	Late Elementary:	14.F.2, 16.A.2b
	Middle School / Jr. High:	14.F.3a, 14.F.3b, 16.A.3b

National Learning Standards

English: Standard 5, Standard 6	Data: Standard 1, Standard 2, Standard 3
Math - Problem Connections: Standard 1, Standard 3	Social Studies: NSS-C: 5 – 8.1, 5 – 8.2, 5 – 8.3, 5 – 8.5
Math - Algebra: Standard 1, Standard 3	

Vocabulary

1. Founding Fathers	3. Anti-Federalist	5. Amendment	7. Ratification
2. Federalist	4. Constitution	6. Bill of Rights	

History of the Development of the First Amendment

The founding fathers believed that basic political rights and powers were part of human nature. Thomas Jefferson stated, “A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse, or rest on inference.” This means that a fair government must list and protect the basic rights of its citizens. Jefferson’s view was the result of a new type of thinking in the 18th century during a time called the Enlightenment.

The Enlightenment promoted the idea that governments do not give rights to people. Governments instead exist to protect the rights that all people have naturally. This type of thought was supported by our Founding Fathers’ experience with unfair British rule. Prior to this, the authority of kings and queens around the globe was breaking down while the rights and freedoms of individuals were gaining greater protection. Documents ranging from the Magna Carta in 1215 to the constitutions written by our nation’s first states after the American Revolution in the 1770s helped set examples for our Founders to follow. However, when the United States Constitution was originally adopted, it lacked a Bill of Rights. The absence of these rights was a major stumbling block for ratification of the Constitution.

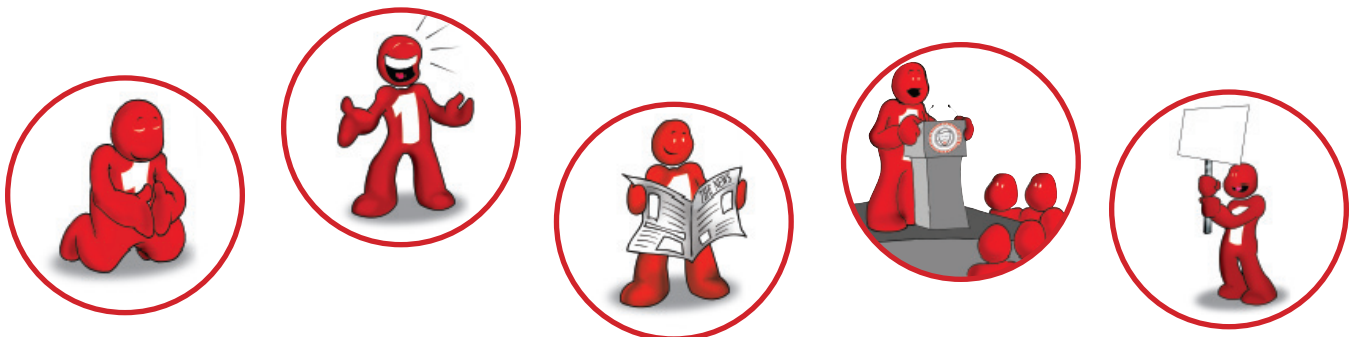
Debate over ratification of the Constitution was fierce. The American press played a major role in making everyone aware of the arguments from both sides. Those who supported ratification were called Federalists. The group not supporting ratification became known as Anti-Federalists. Most of the Anti-Federalists’ arguments centered on the fear of a government that would become too powerful and might ignore the rights of the people. The American public supported the inclusion of a bill of rights to help guarantee and protect individual liberties.

Knowing that many people would support a bill of rights, and anxious to see the Constitution ratified, the Federalists promised the people that if they voted to approve the Constitution, the first order of business for the new Congress would be to create a bill of rights. Thus, James Madison drafted the Bill of Rights in 1789. In 1791, the Bill of Rights (the first 10 amendments to the Constitution) was adopted by the states. The First Amendment contains the most basic of all individual freedoms: Freedom of Religion, Speech, Press, Assembly and Petition.



The First Amendment United States Constitution

"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."



History of the First Amendment



Early First Amendment Timeline

- 1215** King John of England signs Magna Carta – the first time that sovereign powers are limited.
- 1641** The First Amendment has its early beginnings when, in 1641, the first broad statement of American liberties is drafted by the Massachusetts General Court, entitled the Massachusetts Body of Liberties containing right to petition and a due process statement.
- 1663** Religious freedom is granted in Rhode Island.
- 1689** English Bill of Rights established.
- 1776** On July 4th, the Declaration of Independence, in its final form, is adopted by the Continental Congress. Virginia passes their state's Declaration of Rights – the first state in America to have a bill of rights as part of its state constitution.
- 1789** U.S. Constitution is adopted, but contains no Bill of Rights.
- 1791** The first 10 amendments (Bill of Rights) to the U.S. Constitution are adopted.
- 1868** The Constitution's Fourteenth Amendment is ratified, stating “. . . no State shall deprive any person of life, liberty, or property, without due process of law . . .”.

Supreme Court Cases That Helped Shape Our First Amendment Privileges

(See “Synopses of First Amendment Supreme Court Cases” section of this guide for cases listed below.)

- Religion** Cantwell v. Connecticut – 1940
Wisconsin v. Yoder – 1972
- Speech** Schenck v. U.S. – 1919
New York Times v. Sullivan – 1964
Tinker v. Des Moines – 1969
NSPA v. Skokie - 1978
Bethel v. Fraser – 1986
- Press** Patterson v. Colorado – 1907
Schenck v. U.S. – 1919
New York Times v. Sullivan – 1964
Hazelwood v. Kuhlmeier – 1988
- Assembly** Thornhill v. Alabama – 1940
Cox v. Louisiana – 1965
- Petition** Thornhill v. Alabama – 1940
Edwards v. South Carolina – 1963

History Websites:

- <http://www.freedomforum.org/packages/first/Curricula/EducationforFreedom/BriefHistory.htm>
<http://www.firstamendmentschools.org/freedoms/freedomsindex.aspx>
<http://www.illinoisfirstamendmentcenter.com>

History of the First Amendment

Suggested Procedures for the Following Unit 1 Activities

Teacher’s Note: Following pages are formatted to allow teachers to photocopy for student use. Refer to this page for procedures.

Hook Activity – Teachers may choose Option 1 or Option 2. (See following page.)

1. The presentation of this simulation can be enhanced through the use of drama. For example, the teacher can enlist the assistance of colleagues and make a news broadcast videotape of this information to show to the class. Or, the teacher can ask the principal to make this announcement over the public address system targeting the announcement to his/her classroom. Or, the teacher could arrange for a student or colleague to breathlessly barge into the classroom, interrupt instruction, and read this message. By creating as realistic a scenario as possible, teachers can increase students’ engagement and their willingness to immerse themselves into this simulation.
2. If time does not permit a teacher to engage in all aspects of this topic, he/she can abbreviate the scenario and instructions.

Activity #1 – Class Survey: “What Are Your Thoughts on the First Amendment?” - Adapted from: 2005 Knight Foundation Study (See Class Survey and corresponding Graphing Activity on following pages.)

Teacher’s Note: This class survey may be repeated after other learning activities or instruction on the First Amendment to measure whether any changes in attitudes have occurred.

Activity #2 – Orientation to the First Amendment (Will be used in Activities 2 and 3. See following pages.)



Activity #3 – Newspaper Activity: First Amendment Freedoms Exercised or Threatened?

(See following pages.)

Activity #4 – Mapping Activity: Map the Five Freedoms (See following pages.)

Grade 5-6-7: Construct a concept map displaying the Five Freedoms contained in the First Amendment. Place one freedom in each of the “bubbles” surrounding Uno (see worksheet).

Grade 6-7: Next to each freedom, draw a picture that represents that freedom.

Grade 7: Turn the worksheet over; write a paragraph explaining how each freedom affects their lives or what each Freedom means to them.

Activity #5 – Graphing Activity (To Be Used with Class Survey)

1. After completing survey, tabulate students’ responses. This can be done by the teacher, by a designated student(s), or by show of hands in a whole-class environment. Record student responses using “tick-marks” on the “Data Table” (below) on paper or on the board.
2. Using the Graph Template, have students construct a bar graph.
3. Questions to ask:
 - a. Which items do most students agree with? Disagree? What areas do we need to learn more about?
 - b. What does graph show about our understanding of each of the Five Freedoms? (Review each Freedom, discuss.)
 - c. What does this graph show about our understanding of the First Amendment as a whole?
4. Extension: Students can use a graphing program (such as Microsoft Excel) to create different types of graphs. Students can then analyze which graph is easiest to understand or best displays this information.

Activity #6 – Language Arts – My Thoughts on the First Amendment

1. Have students complete the Class Survey after other learning activities are completed. Have students write a paragraph as to which, if any, of their thoughts regarding the First Amendment have changed, and why.

History of the First Amendment

HOOK ACTIVITY

HOOK ACTIVITY - Option #1



We interrupt this class to bring you the following message.

Due to concerns for the safety of all students in this school, the following new rules are going to be voted on by the School Board.

- The only religion that will be mentioned in this school is the religion practiced by the majority of the students.
- All newspapers, magazines and books in our library will be reviewed by a Review Committee to decide if they can be read by students. No materials may be viewed or checked out until the review is complete.
- Students will not be allowed to criticize our school staff or school board members. This includes teachers, principals, cafeteria workers, and custodians. Any student who does this will be suspended for one week.
- Any organization or club that wants to meet as a group will have to go before the Review Committee to make sure the group's activities are acceptable.
- Anyone who threatens to organize a request for change in our new school policy may be suspended indefinitely or expelled.

Those who favor passage of these new rules say that the rules will protect the best interests of the students.

Opponents of these new rules say that the rules are contrary to students' First Amendment rights and are urging the School Board not to approve these new rules.

What do you think?

HOOK ACTIVITY – Option #2



We interrupt this class to bring you the following message.


We have just learned that, due to concerns for the safety of all Americans, the following bills have just been passed by Congress.

- The only religion that can be practiced is the religion of the majority of Americans.
- Newspapers, TV programs, movies, the Internet, magazines, art, music, and books must all be approved by a new government review agency before they can be released to the public. Failure to do this will result in punishment such as fines, jail time, or the closing down of a company.
- All Americans will be required to sign an oath of loyalty to the U.S. and our government officials. Any American who criticizes our government will be subject to arrest.
- Any organization that wants to gather as a group must get approval by the new government review agency to make sure they are loyal to the United States and to our government officials before they can meet.
- Anyone who threatens the stability of our nation by attempting to organize a request for change in our government will be subject to arrest.

The leaders of Congress passed these bills to provide for the security of our nation. Opponents of these bills say they are an attack on our First Amendment rights and are calling for the President to veto them.

What do you think?

Activity #1: What Are Your Thoughts on the First Amendment?

- 
1. I know my First Amendment rights.
 - a. Agree
 - b. Disagree
 - c. I don't know
 2. People should be allowed to say whatever they want on the radio or TV, even if it is mean or wrong.
 - a. Agree
 - b. Disagree
 - c. I don't know
 3. Junior High students should be able to write stories of their choice for the school newspaper, even if I don't agree with what their stories say.
 - a. Agree
 - b. Disagree
 - c. I don't know
 4. Anyone should be able to put material on the Internet without being censored by the government.
 - a. Agree
 - b. Disagree
 - c. I don't know
 5. People should be able to dress and look however they want, when not in school.
 - a. Agree
 - b. Disagree
 - c. I don't know
 6. Students have the right (under the First Amendment) to hang posters up at school, regardless of the material.
 - a. Agree
 - b. Disagree
 - c. I don't know
 7. A student has the right to read The Holy Bible at school.
 - a. Agree
 - b. Disagree
 - c. I don't know
 8. Under the First Amendment, people have the right to burn the American flag.
 - a. Agree
 - b. Disagree
 - c. I don't know
 9. Under the First Amendment, I can walk into the school lunch room and yell, "There's a bomb!" just as a prank.
 - a. Agree
 - b. Disagree
 - c. I don't know
 10. Under the First Amendment, people are allowed to express their opinion, even if it is unpopular.
 - a. Agree
 - b. Disagree
 - c. I don't know

History of the First Amendment

Activity #2 – Orientation to the First Amendment - Whole Class Instruction.

Teacher’s Note: The charts that will be labeled in this activity will be used in the “Exercised or Threatened” Activity and the Mapping Activity that follow.

Materials Needed: Copies of the First Amendment from this unit, Highlighters and pens for each student, 5 sheets of chart paper, Colored markers

Procedure:

1. Distribute copies of the First Amendment (from this unit)
2. Using pens and highlighters, have students identify the Five Freedoms contained in the First Amendment.
3. Write the name of each freedom on separate pieces of chart paper.
4. Post the chart paper on the classroom walls.
5. Use a color coding system to note each freedom.

For example:

Red = Freedom of Religion

Green = Freedom of Speech

Blue = Freedom of the Press

Yellow = Right to Assemble

Orange = Right to Petition the Government



Activity #3 – Newspaper Activity: First Amendment Freedoms Exercised or Threatened?

Skills – Students will be able to:

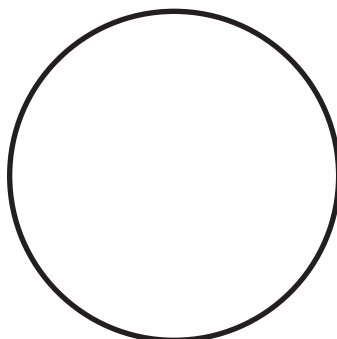
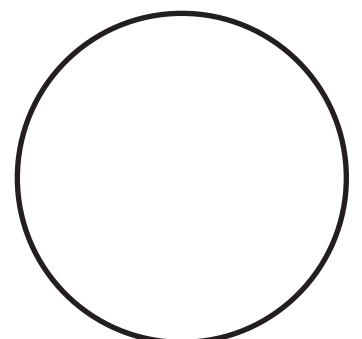
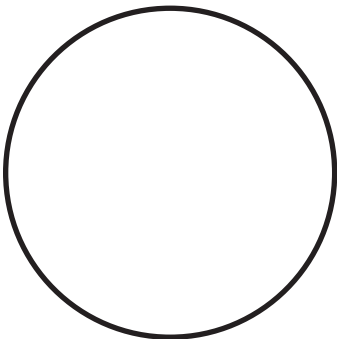
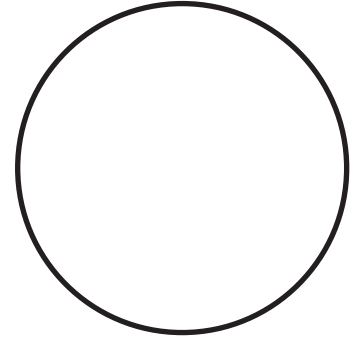
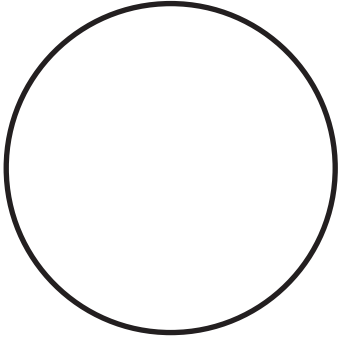
- Name the Five Freedoms.
- Distinguish between freedoms that are being “Exercised” and freedoms that are being “Threatened.”

Materials Needed: Newspaper sections from various papers containing stories dealing with First Amendment freedoms, Scissors for each student, Red pens for each student, Glue sticks for each student, The 5 pieces of chart paper from Activity #2 containing each of the Five Freedoms

Procedure:

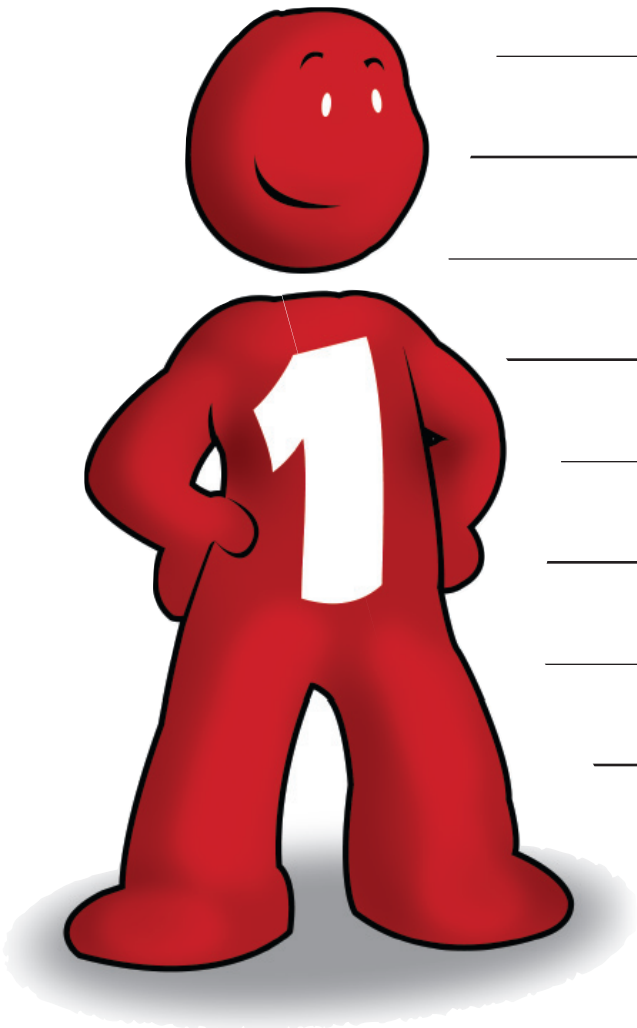
1. Distribute newspapers, scissors and red pens to students.
2. Label a piece of chart paper “Exercised” and a second piece of chart paper “Threatened.”
3. Have students scan the newspaper sections to find articles, letters to the editor, cartoons, etc., dealing with a First Amendment Freedom.
4. As a small group or as a class, determine whether the freedom featured in the story is being Exercised or Threatened.
5. Using a red pen, write “E” (exercised) or “T” (threatened) in the margin of each article, letter, cartoon, etc.
6. After all items are labeled, glue the “E” items onto the “Exercised” chart; glue the “T” items onto the “Threatened” chart.

Map the Five Freedoms



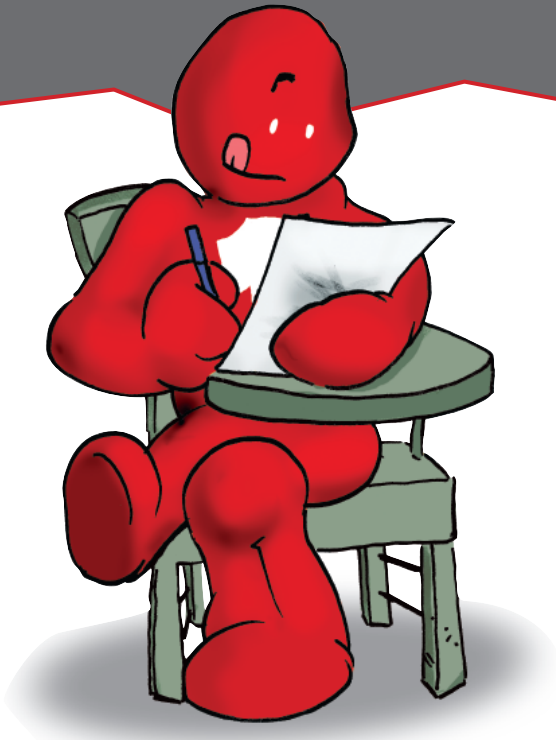
Language Arts Activity – My Thoughts on the First Amendment

Following the Class Survey, write a paragraph detailing whether or not any of your attitudes regarding the First Amendment have changed, and why (or why not).



Assessment

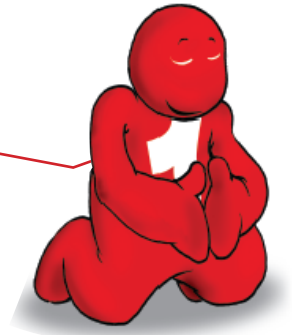
1. List the Five Freedoms found in the First Amendment.



2. Create a list entitled “Top 5 Things I learned About My First Amendment Rights.”

3. Write a paragraph(s) on what the First Amendment means to you? Why is it important that we as Americans have the First Amendment and the freedoms it guarantees?

Freedom of Religion



Section Overview

The First Amendment contains two clauses regarding freedom of religion. The first is known as the Establishment Clause, which prohibits the government from passing laws that will establish an official religion or show preference for one religion over another. The courts have interpreted this clause to accomplish the separation of church and state.

The second clause, known as the Free Exercise Clause, prohibits the government from interfering with a person's practice of religion. Religions actions and rituals, however, can be limited by civil and federal laws.

Objective

The objective of this unit is to provide students with an understanding of the (no) establishment clause and the free exercise clause. Students should gain an understanding of the key concepts of the Freedom of Religion.

Illinois Learning Standards

14.F.2	16.A.3b	1.C.2a	4.A.2b	5.A.2b
14.F.3a	1.B.2b	1.C.3a	4.A.3a	
14.F.3b	1.B.3b	3.A.2	4.B.2b	

National Learning Standards

ENG/LA: 5, 7, 8, 12

Civics: 3, 4

US History: 3

Technology: 1, 3, 5

Vocabulary

- | | | |
|--------------------------------|--------------|----------------------------------|
| 1. Free Exercise Clause | 5. Pluralism | 8. Dissenting Opinion |
| 2. No Establishment Clause | 6. Tolerance | 9. Partisan/Non-Partisan |
| 3. Established Church/Religion | 7. Parochial | 10. Separation of church & state |
| 4. Majority Opinion | | |

Facts

1. The First Amendment right of freedom has two parts – the no establishment clause and the free exercise clause.
2. Early colonists wanted religious freedom for themselves but did not extend that right to those who did not share their beliefs.
3. Early colonies had government established official religions. Colonies that deviated from this practice in whole or part included Rhode Island, Maryland and Pennsylvania.
4. The Constitution protects religious freedom, not requiring a person to take a religious test to hold a public office (Article VI), does not allow the establishment of an official State religion, and protects the free exercise of religion from government interference at the federal level (1st Amendment) and state and local levels (14th Amendment).
5. The phrase, “wall of separation of church and state,” is not found in the Constitution but was articulated by Thomas Jefferson in a letter to a group of church leaders.

Website: http://www.maxwell.syr.edu/pllegal/tips/t4prod/israelpp3_files/v3?document.html

Freedom of Religion

Key Cases

Establishment: Everson v. Board of Education

Interpretation of separation of church & state

County of Allegheny v. ACLU

This case concerns two holiday displays. One was a manger scene located in the County Courthouse. The other was a menorah located outside the courthouse.

Schools: Abington v. Schempp

This case concerns Bible reading in Pennsylvania public schools. Students were required to read at least ten verses from the Bible and say the Lord's Prayer each day.

Florey v. Sioux Falls School District, 8th Circuit

This case concerns the violation of separation of church and state. Christmas carols were being sung at schools during religious holidays.

Zorach v. Clauson

This case concerns allowing students to leave class to go for religious instruction elsewhere.

McCollum v. Board of Education

This case concerns a Religious Education Association offering voluntary classes in religious instruction during school hours.

Wisconsin v. Yoder

This case concerns Amish parents not wanting their children to attend school past the 8th grade.

Hook Activity - First Amendment Questionnaire

Skills – Students will be able to:

- Engage in inductive reasoning to summarize and draw conclusions from qualitative data.
- Understand court case precedents and religious freedom “tests.”


Materials Needed: Four signs labeled – Strongly Agree, Agree, Disagree, Strongly Disagree; Freedom of Religion Questionnaire (See following page); Pencils

Procedure:

1. Hang signs on opposite classroom walls.
2. Distribute the freedom of religion questionnaire; to ensure anonymity, do not put names on the papers.
3. Have students answer the questions by circling Strongly Agree, Agree, Disagree, or Strongly Disagree.
4. Collect all papers; make sure no names are on the papers.
5. Redistribute the papers randomly to students.
6. Read each question; have students go stand by the sign that corresponds to the answer on the paper they are holding.
7. Follow each statement with a discussion about why someone might have chosen that answer.
8. Continue with each question until you have gone through each statement.
9. Share the true answers with the class.
10. Lead a discussion about their answers vs. the true answers. Possible discussion questions might include:
 - Why was there a difference/similarity in opinion?
 - Why was there a difference/similarity between students' answers and the true answers?
 - What can we learn from this activity?

Questionnaire Answer Key: 1. Yes 2. No 3. Yes 4. Yes 5. No 6. No 7. No 8. Yes 9. Yes 10. Yes 11. No 12. Yes

Freedom of Religion Questionnaire – Circle your answer

- 
1. Can you pray in school?
Strongly Agree Agree Disagree Strongly Disagree
 2. Can I tell you how to pray in school?
Strongly Agree Agree Disagree Strongly Disagree
 3. Can you worship any way you choose?
Strongly Agree Agree Disagree Strongly Disagree
 4. Can you worship an oak tree?
Strongly Agree Agree Disagree Strongly Disagree
 5. Can you kill the squirrels that gather the acorns from the worshiped oak tree?
Strongly Agree Agree Disagree Strongly Disagree
 6. Can a public school allow students to lead prayers before games?
Strongly Agree Agree Disagree Strongly Disagree
 7. Can a public school broadcast a prayer over the intercom?
Strongly Agree Agree Disagree Strongly Disagree
 8. Can an adult refuse medical care for him/herself because of religious beliefs, even though they might die?
Strongly Agree Agree Disagree Strongly Disagree
 9. Can a school permit religious groups to meet after school on school property?
Strongly Agree Agree Disagree Strongly Disagree
 10. Can a student miss school as an excused absence to celebrate a religious holiday?
Strongly Agree Agree Disagree Strongly Disagree
 11. Can a teacher post a copy of the Ten Commandments in the room?
Strongly Agree Agree Disagree Strongly Disagree
 12. Can a court order medical treatment for a seriously ill child whose parents' religious beliefs do not permit such treatment?
Strongly Agree Agree Disagree Strongly Disagree

Freedom of Religion

Learning Activities

Activity #1 - Historical Roots of Freedom of Religion – How and Why It All Started

Teacher’s Note: Corresponding worksheet is on following page.

Skills – Students will be able to:

- Work cooperatively and effectively with others in groups.
- Trace the history of the principles of religious freedom embodied in the First Amendment.
- Compare and contrast the fundamentals of different religions.
- Conduct research using web-based resources.

Materials Needed: Internet access, Chart paper, Markers, Pencils, T-chart

Procedure:

1. Divide class into six groups.
2. Assign each group one of the following religions: Quakers, Jewish, Puritans, Mormon, Catholic, Presbyterian, Nation of Islam, or other appropriate religion.
3. Have each group choose a leader from their chosen religion to role play and represent their group’s religion.
4. Have each group research and compile information on the fundamental beliefs of their religion.
5. Have each group create a visual display/chart which lists the fundamental beliefs of the religion they have researched. These will be posted in the room to use later.
6. Have each group give a presentation to the class using the information from the visual they created.
7. As they present, students may play the part of their religious group leader. (They may even dress the part.)
8. Lead the discussion about all the religions focusing on similarities and differences between them. The discussion should lead into why freedom of religion became an issue of importance.
9. Have students use a T-chart to compare and contrast two of the religions discussed during activity.



Activity #2 – Newspaper Scavenger Hunt – “Freedom of Religion Findings” (Paired group instruction)

Teacher’s Note: Turn pages to find Worksheet.

Skills – Students will be able to:

- Work cooperatively and effectively with others in groups.
- Engage in inductive reasoning to summarize and draw conclusions from qualitative data.

Materials Needed: Various newspapers from different cities and states, if possible, Scissor, Highlighters, Glue or tape, Newspaper Scavenger Hunt Worksheet (located in this unit)

Procedure:

1. Assign student pairs to search newspapers for articles pertaining to religious situations.
2. Have students highlight important points of article, cut out article, paste to worksheet, answer questions.
3. Share and discuss the article with the class. Possible discussion questions:
 - What is the religious situation in the article?
 - What people or groups are involved?
 - Do you think this situation can be resolved? If so, how?
 - If it has not been resolved, make a prediction about what might happen.
 - What does this article show us about the importance of the freedom of religion?
4. Following this activity, post the articles on a bulletin board.

Historical Roots of Freedom of Religion – How and Why It All Started



Religion #1 _____

Religion #2 _____

Similarities	Differences

Newspaper Scavenger Hunt



Newspaper Article
(Attach newspaper article here.)

1. What is the question being presented?

2. What decision was made or what do you predict the decision will be?

3. Is the issue that was discussed in the article constitutional or unconstitutional?

Freedom of Religion

Activity #3 – Whole class instruction – Mock Trial – Wisconsin v. Yoder, 1972.

Skills – Students will be able to:

- Engage in inductive reasoning to summarize and draw conclusions from qualitative data.
- Discuss court cases that involve First Amendment freedom of religion issues.
- Understand court case precedents and religious freedom “tests.”

Materials Needed: Synopsis of trial for the four students, Pencils, Trial Worksheet (from this unit)

Procedure:

1. Choose four students and divide them into two groups to represent each side of the case.
2. Give the four students the synopsis of the trial to review. Allow them time to prepare during class.
3. Have selected students present both sides of the trial to the class.
4. Have the class discuss the court case and identify the issue question.
5. Have each student complete the trial worksheet, giving a summary for each side and a decision.
6. Reveal the court decision and discuss as a class. (See Decision, this unit.)

Possible discussion questions:

- How was your decision different or the same as the real one?
- Were there issues involved that made you second-guess your decision?
- Do you think the decision of this 1972 court case would have a different result today?
- Do you feel this was a good decision? Why or why not?

Activity #4 – Small group instruction – culminating activity – Freedom of Religion Poster Project

Skills - Students will be able to:

- Work cooperatively and effectively with others in groups.
- Conduct research using web-based resources.

Materials Needed: Poster board, Internet access, Markers, Colored pencils, Freedom of Religion Poster Rubric (from this unit)

Procedure:

1. Divide students into small groups of 3 or 4.
2. Have students research freedom of religion scenarios. (Start with their own ideas or use court cases.)
3. Have students create a poster with an illustration of an example of freedom of religion according to a described rubric. They may use an example that is constitutional or unconstitutional. They must be able to support this decision with a detailed explanation. They may also make it a political cartoon.
4. Have students vote for most creative poster and give a prize, if possible.

Lesson Extensions:

- Have students bring in newspaper articles pertaining to all five freedoms in the First Amendment. Discuss articles. Post on a bulletin board.
- Students may work individually or in groups on other court cases. Have students read, research, analyze, and discuss different court cases.
- Have students work on a freedom of religion webquest. In the webquest, they will create a power point presentation based on freedom of religion: <http://www.maxwell.syr.edu/pllegal/tips/t4prod/israelwq3.html>

Wisconsin v. Yoder, 1972 Court Case Synopsis

Amish Arguments:

Jonas Yoder and Wallace Miller, both members of the Old Order Amish religion, and Adin Yutzy, a member of the Conservative Amish Mennonite Church, were prosecuted under a Wisconsin law that required all children to attend public schools until age 16. The three parents refused to send their children to such schools after the eighth grade, arguing that high school attendance was contrary to their religious beliefs.

The children were not enrolled in any private school, or within any recognized exception to the compulsory-attendance law. On complaint of the school district administrator for the public schools, respondents were charged, tried, and convicted of violating the compulsory-attendance law in Green County Court and were fined the sum of \$5 each.

The Amish defended themselves on the grounds that the compulsory-attendance law violated their rights under the First and Fourteenth Amendments. They believed that their children's attendance at high school, public or private, was contrary to the Amish religion and way of life.

The Amish objected to formal education beyond eighth grade because it exposes their children to a "worldly" influence in conflict with their beliefs. High school tends to emphasize educational and scientific activities, individuality, competitiveness, success, and social life with other students. Amish life focuses on informal learning-through-doing; a life of "goodness," rather than a life of brain power; wisdom rather than technical knowledge; community interests, rather than competition.

The Amish disagree with formal high school education because it emphasizes competition in class work and sports, pressure to conform to the styles, manners, and ways of the peer group. It takes their kids away from their community during an important time in their lives.

The Amish do not object to elementary education through eighth grade because they agree that students need to be able to read, write, and do math. The Amish need these skills so they can read the Bible, be good farmers and citizens, and be able to deal with non-Amish people in everyday life.

State of Wisconsin Arguments:

Jonas Yoder and Wallace Miller, both members of the Old Order Amish religion, and Adin Yutzy, a member of the Conservative Amish Mennonite Church, were prosecuted under a Wisconsin law that required all children to attend public schools until age 16. The three parents refused to send their children to such schools after the eighth grade, arguing that high school attendance was contrary to their religious beliefs.

The children were not enrolled in any private school, or within any recognized exception to the compulsory-attendance law. On complaint of the school district administrator for the public schools, respondents were charged, tried, and convicted of violating the compulsory-attendance law in Green County Court and were fined the sum of \$5 each.

The State believes that the requirement of high school education until age 16 was a good idea and not unreasonable to ask of people. They believe that it is important for Amish children to complete the extra two years of high school because some Amish may choose to leave the Amish community. If they leave the community, the extra schooling they will receive will help them to live on their own.

If the Amish leave the community, and they don't have the extra two years, taxpayers may have to take care of those people. By providing the extra two years of education, the state may be able to prevent this from happening.

Freedom of Religion

Wisconsin v. Yoder, 1972 Court Decision

The U.S. Supreme Court reviewed a decision of the Wisconsin Supreme Court that Yoder's conviction under the State's compulsory school-attendance law was invalid under the First Amendment to the United States Constitution. The U.S. Supreme Court agreed with the Supreme Court of Wisconsin and held the law invalid.

The Yoder children, who were Amish, were not enrolled in any private or public school. The State of Wisconsin, however, had a law that said that if Yoder did not send his children to a public or private school through age 16, he would be charged with a crime. Yoder refused to send his children to regular school and was convicted under the law.

The U.S. Supreme Court took the side of Yoder and decided that the impact of the compulsory-attendance law on Yoder's practice of the Amish religion was too severe and against their religious beliefs. The court also said that forcing school attendance to age 16 for Amish children could undermine the Amish's religious practices.

Everyone agreed that the Amish had, for almost 300 years, practiced their faith. The Court decided that enforcing the State's requirement of compulsory formal education after the eighth grade would gravely endanger if not destroy the free exercise of the Amish's religious beliefs.

The State of Wisconsin argued that the State's interest in requiring compulsory formal secondary education for ALL children to age 16 was more important than for Yoder to prepare his children for Amish life as part of their religious beliefs and practices. The State's position was that it has the power to apply its compulsory-attendance law to Amish parents in the same manner as to other parents.

The State of Wisconsin made two primary arguments in support of its system of compulsory education: (1) that some education is necessary to prepare people to properly participate in our political system, and (2) that education prepares individuals to be self-reliant and self-sufficient members of society.

The Court answered those two arguments by saying that however different the Amish might be from the rest of us, the Amish community has been a highly successful social unit within our society. Its members are productive and very law-abiding members of society and they don't accept public welfare. The Court also said that there is no proof that when Amish children leave the Amish community they would become burdens on society just because they did not attend school in the traditional way.

Also, the Court found that this case is not one in which any harm to the physical or mental health of the child or to the public safety or welfare is involved.

Trial Worksheet – Wisconsin v. Yoder




1. Create an issue question for this court case.

2. Summarize side #1 of the court case (State of Wisconsin)

3. Summarize side #2 of the court case (Yoder).

4. What decision do you think should be made in this court case? Why?

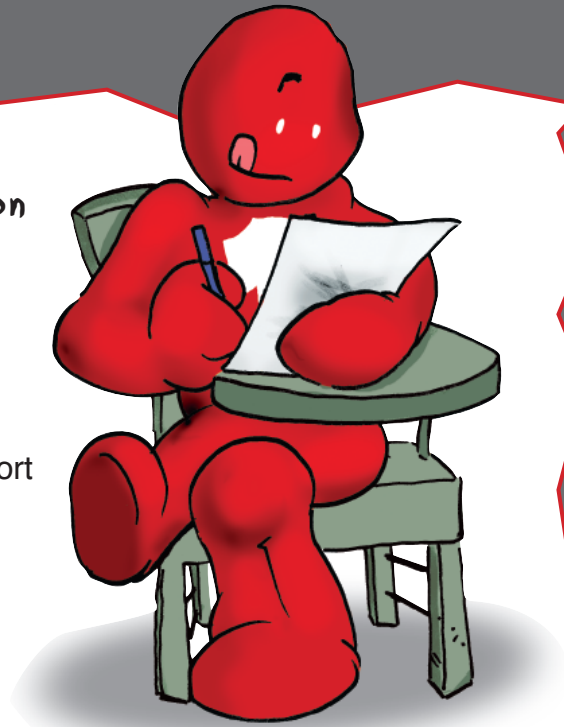
Freedom of Religion Poster Rubric



	Scenario	Constitutional / Unconstitutional	Color / Neatness / Effort
4	Researched scenario and applied appropriate connotation	Clearly supported with detailed explanation of why it is or is not constitutional	Not smeared; centered on board; erase marks invisible; color enhances the illustration
3	Some research apparent; application questionable	Some support with explanation of why it is or is not constitutional	No smearing; illustration partially centered; few erase marks; mostly colored
2	Little research apparent; did not apply to scenario	Little support with vague explanation of why it is or is not constitutional	Some smearing; illustration off-centered; some erase marks; little coloring
1	No research; scenario is not present	No support; no explanation	Smeared; off-centered; erase marks visible

Assessment

Freedom of Religion



Choose A or B

Answer A (constitutional) or B (unconstitutional)

1. In fulfillment of an assignment to write a book report, a student chooses to present a book report on the Holy Bible before her classmates.

The student's action is:

- a) Constitutional b) Unconstitutional

2. The football coach leads his team in prayer before the big game. The coach's action is:

- a) Constitutional b) Unconstitutional

3. The principal allows "Away in a Manger" to be broadcast over the public address system during passing periods at school during the Christmas season. The principal's action is:

- a) Constitutional b) Unconstitutional

Multiple Choice

4. Religious freedom is protected in the Constitution by:

- a) First Amendment b) Article VI c) Fourteenth Amendment d) All

5. The beliefs of _____ are protected under the First Amendment's freedom of religion.

- c) Christians c) Atheists c) Buddhists d) All

True or False

6. TRUE FALSE Students can lead prayer over the intercom in public schools.

7. TRUE FALSE All religions have equal representation in the First Amendment.

8. TRUE FALSE The U.S. government may create a state/national religion.

9. TRUE FALSE Student religious clubs may meet before or after school using school facilities.

10. TRUE FALSE A student may wear a large cross necklace and a t-shirt that states "I love Jesus."

Answer Key to Quiz for Freedom of Religion



1. A – constitutional – So long as it was the student who chose to do the book report on the Holy Bible, it is constitutional. But if the student begins to preach rather than sticking to the teacher’s criteria for the book report, then the speech is no longer protected in a public school.
2. B – unconstitutional – In a public school, the law requires a separation between church and state. The coach is not allowed to promote religion by leading his team in prayer.
3. B – unconstitutional – While secular Christmas songs such as “Here Comes Santa Claus,” are protected, a song with a religious theme used in the manner described would likely be ruled as a violation of the separation of church and state doctrine.
4. D – all
5. D – all
6. F
7. T
8. F
9. T
10. T

Freedom of Speech



Section Overview

Freedom of speech is the right to speak out publicly or privately. While the right to free speech is not absolute, its protection is broad.

Objective

This lesson is designed to increase students' understanding of free speech and free expression.

Illinois Learning Standards

Social Studies: 14.A.2, 14.A.3, 14.B.2, 14.C.2, 14.C.3, 14.F.3a

Language Arts: 1.B.2a, 1.B.3a, 3.C.2a, 3.C.2b, 4.A.3a, 4.B.2a

National Learning Standards

Civics: NSS-C.5-8.1, NSS-C.5-8.2, NSS-C.5-8.3, NSS-C.5-8.5

U.S. History: NSS-USH.5-12.3

Technology: NT.K-12.1

Skills – At the end of this lesson, students will understand:

- Students' rights do not end when they enter the schoolhouse gate.
- Rights come with responsibilities.
- The First Amendment does not protect all types of speech.

Vocabulary

- | | | |
|-----------------------|-------------------|---------------------|
| 1. Constitutional | 5. Bill of Rights | 9. Hate speech |
| 2. Unconstitutional | 6. Precedent | 10. Slander |
| 3. Protected speech | 7. Obscenity | 11. Symbolic speech |
| 4. Unprotected speech | 8. Censorship | 12. Defamation |

Website: <http://www.pbs.org/now/quiz/quiz.html>

Freedom of Speech



Key Cases

Schenck v. U.S. – During WWI, Charles Schenck, General Secretary of the Socialist Party, produced a pamphlet saying that the military draft was illegal. He was convicted of trying to cause disobedience in the military. He argued that his arrest took away his constitutional right to freedom of speech and freedom of the press.

Decision – The Supreme Court agreed with the conviction of Mr. Schenck because the United States was at war and this created special circumstances. Congress has the right to forbid speech that could harm our war efforts. The Supreme Court said speech that creates “a clear and present danger” can be prohibited.

Texas v. Johnson – In 1984, Gregory Lee Johnson participated in a political demonstration against the policies of President Reagan. At one point, Johnson took an American Flag, poured kerosene on it and set the flag on fire. He was convicted of destroying a respected object and sentenced to one year in prison.

Decision – The Supreme Court disagreed with his conviction. They said that flag burning is a form of expression that is protected by the first amendment.

Tinker v. Des Moines – Thirteen-year-old Mary Beth Tinker and some of her friends wore black arm bands to school to protest the Vietnam War. School officials heard about the plans for wearing arm bands a few days before and quickly made a rule against this form of demonstration. Officials said they were afraid this would cause disruptions at school. When the students wore the arm bands in spite of the rule, they were suspended and sent home. Mary Beth Tinker took the case to court saying the suspension took away her First Amendment rights.

Decision – The Supreme Court agreed with Mary Beth Tinker. They said that neither students nor teachers “shed their constitutional rights to freedom of speech and expression at the school house gate”. This case established two important precedents: symbolic speech is just as protected by the first amendment as the spoken word and the rights of students to express their ideas is protected as long as it does not disrupt school.

Bethel School v. Fraser – Seventeen-year-old Matthew Fraser gave a speech in front of the entire school asking students to vote for a student candidate he supported. In his speech he made obscene references. He was suspended for two days because of his comments.

Decision – The Supreme Court agreed with the high school administration. They said that the school did not violate his right to freedom of speech when they punished him for giving an obscene campaign speech. The Supreme Court said that special consideration must be given to public schools to allow them to teach students that the use of offensive language in public speaking is not appropriate.

Hazelwood School District v. Kuhlmeier – The Spectrum, the school-sponsored newspaper of Hazelwood East High School, was written and edited by students. In May 1983, Robert E. Reynolds, the school principal, received the pages to proofread. Reynolds found two of the articles inappropriate, and ordered them withheld from publication. Cathy Kuhlmeier and two other former Hazelwood East students brought the case to court because they said the principal’s action violated their First Amendment right to Freedom of Speech.

Decision – The court agreed with the school. The Supreme Court said that schools have the right to refuse to sponsor speech that is considered inappropriate.

Freedom of Speech

Discussion Topics (Introductory Activity)

1. What are some ways that you express yourself?

- Clothing
- Hairstyle
- Piercings
- Internet
- Text Messaging
- Public Statements
- Body Language (non-verbal)
- Verbal Communication

“Do you have a right to express yourself in any way you wish? (No, there are limits.)

“How do you know you have the right to express yourself?” (First Amendment – Freedom of Speech)

“How do you know what type of expressions are allowed?” (Supreme Court decisions that establish precedents)

2. What distinguishes between protected and unprotected speech?

Examples of Protected and Unprotected Speech based on Supreme Court Precedents (see also handout in this unit).

Protected Speech	Unprotected Speech
<ul style="list-style-type: none">• Flag burning• Arm bands• High school newspaper (within limits – see case) <p>*There are many other forms of protected speech. These forms of expression are addressed in this unit.</p>	<ul style="list-style-type: none">• Obscenity• Defamation• Expression intended and likely to incite lawless action• Fighting words• Unwarranted invasion of privacy• Deceptive or misleading advertisements or those for illegal products or services• Clear and immediate threats to national security• Copyright violations• Expression on school grounds that causes a material and substantial disruption of school activities.

There is no written “set of rules” for citizens to follow. Supreme Court precedent is the deciding factor in speech cases.

Freedom of Speech

HOOK ACTIVITY

HOOK ACTIVITY - Freedom of Speech in a Fishbowl

Skills – Students will be able to:

- Define protected and unprotected speech.

Materials: Chalkboard, Worksheet (from this unit)

Procedure:

1. Arrange desks into an inner circle and an outer circle.
2. The inner circle is the discussion group. (fish)
3. The outer circle is the observation group. (fishbowl)
4. Each student in the fishbowl group is assigned one student in the fish group to observe.
5. The inner circle is the only group allowed to talk.
6. Discussions are five minutes in length.
7. Teacher gives the fish the topic of discussion.
 - “What kind of speech should be protected by the First Amendment?”
8. The fishbowl group writes down the ideas that are being generated by the fish group.
9. Teacher says “STOP.”
10. The fish will turn around and face their fishbowl partner.
11. The fishbowl observer will relate the ideas that were presented in the discussion to their fish partner.
12. The students trade places.
13. Teacher gives the second topic of discussion.
 - What kind of speech should not be protected by the First Amendment?
14. Repeat the same procedure as above.
15. Teacher can then guide a whole-class discussion introducing the terms “protected speech” and “unprotected speech.”

Fishbowl Observation Sheet

Person you are observing: _____

DIRECTIONS: Circle Yes or No.

Does this person give ideas or make suggestions?	YES	NO
Does the student joke around or ease tension by laughing?	YES	NO
Does the person agree with others? (shake head, etc.)	YES	NO
Does the person help others explain what they mean?	YES	NO
Does the person express his or her feelings or opinions?	YES	NO
Does the person ask questions?	YES	NO
Does the person ask other people their opinion?	YES	NO
Does the person withdraw from the group?	YES	NO
Does the person disagree with others a lot?	YES	NO
Does the person put down people or make sarcastic comments?	YES	NO

In your own words, write down suggestions that might help the person become a better participant during a discussion.

Freedom of Speech



Activity #1 – Freedom of Speech Case Studies

Skills – Students will be able to:

- Analyze speech scenarios through the lens of time, place and manner.

Materials Needed: Case Study Rubric (from this unit), Freedom of Speech Case Study Presentation Worksheet (from this unit), Case Studies (from this unit or using computers)

Procedure:

1. Assign small groups one of the following case studies:
 - Bethel v. Fraser
 - Texas v. Johnson
 - Schenck v. U.S.
 - Tinker v. Des Moines
 - Hazelwood School District v. Kuhlmeier
2. Students can use www.oyez.org to find information or additional cases, or a teacher may choose to provide students with the summaries in Key Cases listed above.

Freedom of Speech Case Study Presentation Worksheet



Case: _____ vs. _____

Brief background summary:

Issue:

Argument for:

Argument for:

Court's Decision: Is this form of expression constitutional or unconstitutional? _____

Freedom of Speech Case Study Presentation Rubric

Student _____ Class Period _____

Goal	Comments	Points Earned
1. Covered material accurately and completely. _____ pts Name of case Background summary Issue question Arguments for each side Supreme Court's decision (Was this form of expression found constitutional or unconstitutional?)		
2. Showed evidence of preparation. _____ pts Roles for all group members Group members clearly worked from plan.		
3. Presented material in organized manner. _____ pts 1. Name of case 2. Background information 3. Issue 4. Arguments 5. Supreme Court decision		
4. Demonstrated good presentation skills. _____ pts Made eye contact Spoke loudly and clearly with expression Faced audience Focused on presentation Exhibited appropriate body language (ex., no laughing, hitting, horseplay)		
Total Points Possible: _____		

Freedom of Speech

Activity #2 – Freedom of Speech Flash Cards

Skills – Students will be able to: Define vocabulary terms related to Freedom of Speech.

Materials Needed: Paper, Markers, Vocabulary terms, Definitions, Examples

Procedure for Vocabulary Review:

1. Students create vocabulary flashcards using the Glossary in this book.
2. Teacher reads examples, and students raise their cards to identify the example.
3. Ask students what the correct answer is.
4. Call on a student to explain the answer.

Front of Card:
Slander

Back of Card:
Definition

Examples:

Vocabulary Word	Examples
Constitutional	Five students come to school wearing black arm bands to protest a new school rule that prohibits students from wearing hats in school.
Unconstitutional	The student newspaper publishes an editorial calling for students to walk out of their second period class on Tuesday to demonstrate their support of an upcoming school referendum.
Protected Speech	A student in class wears a large cross necklace and a shirt that says, "I love Jesus."
Unprotected Speech	A student in class wears a button in class that says, "Smoke marijuana."
Bill of Rights	Freedom of Speech, Right to remain silent, Freedom from cruel or unusual punishment, right to freedom of religion.
Precedent	Tinker v. Des Moines, Schenck v. U.S., Bethel v. Fraser, Hazelwood School District v. Kuhlmeier
Obscenity	A student uses offensive language in a school speech.
Censorship	The principal does not allow the school newspaper to print an article criticizing the cafeteria food.
Hate Speech	On the day of a planned prayer around the flagpole by a group of students, several other students wore t-shirts containing hateful messages about those who pray at school.
Slander	Several students spread untrue rumors that a certain student was doing drugs.
Symbolic Speech	A student wears a button that has a peace sign or religious symbol.
Defamation	Several students make false statements about a particular student and those statements injure the reputation of that student.

Freedom of Speech

Activity #3 – Protected / Unprotected Speech

Skills – Students will be able to: Distinguish between protected / unprotected speech.

Materials Needed: Index cards or paper, Examples

Procedure for Vocabulary Review:

1. Review 9 Categories of Unprotected Speech (from this unit).
2. Hand out the cards with the above titles.
3. Teacher gives an example.
4. Students raise correct card.

Front of Card: Protected

Back of Card: Unprotected

Examples:

Protected	Unprotected
Flag burning	Obscenity
Arm bands	Advertisements for illegal products
Book report on the Holy Bible	School disruptions
Peace sign button	Misleading advertisements
Religious t-shirt	Plagiarism

9 Categories of Unprotected Speech

The courts have identified nine categories of speech not protected by the First Amendment:

(1) Obscenity

The courts have defined what is “obscene” to help judges make consistent decision. The Supreme Court has said that material is obscene if it “appeals to a prurient interest in sex” by portraying “sexual conduct in a patently offensive way.” In other words, if what you are expressing is considered offensive by most people in our society, you might not be protected by the First Amendment.

(2) Defamation

The First Amendment does not protect someone who “defames” a person. This means attacking the individual’s good name or reputation. Defaming someone through spoken word is called “slander;” doing so through written or published expression is called “libel.”

A person suing for defamation must prove four things:

- Publication: The statement must have been communicated to someone else.
- Identification: The statement must identify the person claiming to be defamed.
- Harm: The statement must harm the person’s reputation in the eyes of the community.
- Fault: It must be proven that the defendant was at fault for publishing the statement.

Truth is always the best defense against defamation.

(3) Expression intended and likely to incite imminent lawless action

The Supreme Court said (*Brandenburg v. Ohio*, 1969) that people may talk about using violence. But if their words help cause an unlawful action, the speaker is not protected by the First Amendment. Saying things that cause a riot or start a fight, for example, is not protected by the First Amendment.

(4) Fighting words

When a person uses words so offensive and inflammatory that they provoke the person addressed to become violent, the speaker is not protected by the First Amendment. If words are likely to shock passersby and cause them to commit unlawful acts, the speaker is not protected. So, if you say something that you know is going to make someone so angry that they want to hurt someone, the First Amendment won’t protect you.

(5) Unwarranted invasion of privacy

Privacy law includes four different kinds of complaints:

- Public disclosure of private and embarrassing facts: Is this something that people need to know?
- False light: Does the information portray a person as something that he or she is not? Is it a lie?
- Intrusion: Was the information gathered in a way that violated a person’s privacy? (This is easier for private citizens to prove than for public figures, like pro athletes and movie stars.)
- Misappropriation: Did the information use a person’s name, likeness, voice or endorsement without permission to help sell something?

(6) Deceptive or misleading advertisements or those for illegal products or services

Advertising that misleads a consumer (buyer) by misrepresenting or leaving out important information is not protected by the First Amendment. Advertising illegal products or services is also prohibited. The government may make laws to control advertising in some situations to protect consumers.

(7) Clear and immediate threats to national security

Every nation has the right to limit expression that would pose a serious threat to national security, especially during times of war. For example, people who tell vital secrets or say things that can help the enemy can be punished. The government can censor, or stop, information that would help the enemy. However, the courts have said that circumstances should be extreme if First Amendment rights are to be limited.

(8) Copyright violations

People who work with words and other means of expression have the right to have their work protected. Others may not copy their material for unauthorized use except in such manner as the law allows. For example, copying someone else’s material word-for-word and pretending that it is your own isn’t just cheating - it’s called “plagiarism.” It is considered unethical and, in many cases, it’s also illegal.

(9) Expression on school grounds that causes a material and substantial disruption of school activities

Principals, teachers, and school boards may limit student speech or other forms of expression in school if it would create a physical disruption, a distraction from the learning environment, or cause unlawful acts.

Everyone has the right to receive an education. If you are expressing yourself in a way that distracts others from exercising their right to become educated, you are violating their rights. The First Amendment does not allow you to violate the rights of others while you exercise your rights.

Freedom of Speech


Activity #4 - Culminating Activity/Assessment

Skills: Demonstrate understanding of the First Amendment right to freedom of speech.

- Materials Needed: Construction paper, Markers, Colored pencils, Glue, Newspapers, Scissors, Computers
- Freedom of Speech Scrapbook:
- Each student is responsible for one scrapbook page dealing with current issues involving Freedom of Speech
 - Students must locate an article from a newspaper and include all the requirements on the rubric (see following page).
 - Put all the pages together to make a class scrapbook for display.

Teacher's Note: It might be helpful to create a graphic of a scrapbook page for an example - could use Microsoft Publisher or student-generated scrapbook page.

Freedom of Speech Scrapbook Rubric

- 
1. Title (points) _____
 - Represents article

 2. Article (points) _____
 - Must come from the current school year.
 - Must come from newspaper.
 - List the source, date and authors, if available.

 3. Summary (points) _____
 - Must be in your own words.
 - Must be one paragraph or 5 sentences.
 - Must be in complete sentences.
 - Spelling counts.
 - Must use 5 vocabulary words that are appropriate to the article.
 - Underline the vocabulary words.

 4. Opinion (points) _____
 - Does the article describe protected or unprotected speech?
 - Defend your position.
 - Minimum of 5 complete sentences.
 - Spelling counts.

 5. Illustration (points) _____
 - Can be cut out from a magazine, newspaper, clip art, hand-drawn or Internet.
 - Must reflect the article topic.

 6. Neatness (points) _____
 - Must be clearly written and large enough to read.
 - Cross outs, White Out and unclean erasure marks are unacceptable.

 7. Evidence of Planning (points) _____
 - Utilized entire scrapbook page.
 - Organized layout.

TOTAL POINTS: _____ / how many possible

Freedom of the Press



Section Overview

The press serves as an important guardian of the people’s rights. This unit covers the responsible workings of a free press and how freedom of the press allows individuals to express themselves through publication.

Objective

This unit is designed to aid students in understanding what freedom of the press means and how to relate it to daily life.

Illinois Learning Standards

Early Elementary

1.B.2a 3.B.2b 3.C.2a 18.A.2
1.C.2d 3.B.3c 14.A.2 27.A.2b
3.A.2 3.B.2d 14.D.2

Middle School

1.B.3a 3.B.3a 14.A.3 27.A.3b
1.C.3d 3.B.3b 14.D.3
3.A.3 3.C.3a 18.A.3

National Learning Standards

Language Arts: 3, 6, 12 **Civics:** 1, 5

Vocabulary

1. Ethics
2. Censorship
3. Copyright Laws
4. Opinion
5. News
6. Obscenity
7. Sensationalism
8. Slander
9. Libel

Teacher Note: These words and definitions should be covered by the teacher during the course of the unit.

Historical Development of Freedom of the Press

Before the Stamp Act of 1765, most printers in the colonies treated newspapers as any ordinary printing job, similar to books, pamphlets, and posters. Most of the content in these newspapers included reprints of other publications, stories of local interest, literature, advertisements, and opinions. With the introduction of the Stamp Act, the printers became publishers. Samuel Adams, a radical journalist, roused the people by using the colonial press to resist the Stamp Act, which eventually was repealed. Adams’ response to this success bore the signs of modern journalism: “But YOUR Press has sounded the alarm. YOUR Press has spoken to us the words of truth. It has pointed to this people their danger and their remedy. It has set before them liberty and slavery. . .”

After the American Revolution, newspapers took a more critical stance with the newly-formed government. Newspapers reported the financial difficulties created by the worthless American currency and argued against new stamp taxes. When the states began to meet to discuss the formation of a new central government, the Constitution’s “Founding Fathers” kept their deliberations secret. There was no public access, freedom of information, open meetings, or “right to know” guarantees at that time.

Although the Constitution contained a clause for freedom of the press in the Bill of Rights, the government originally set many controls on the press and quieted the opinions of most early journalists. Later, the First Amendment was put on the back burner when the federal government muzzled the press through the use of the Sedition Act of 1798, which made any speech or writings against the U.S. government unlawful.

Throughout the mid- to late-1800s, newspapers also became more focused on sensationalism, realizing that stories about love, tragedy, crime and entertainment increased circulation. Photography was improved, and photos began appearing regularly in newspapers. This new medium publicized images of the Civil War. Political cartoons were also an addition to the newspapers at that time.

Prior to the 1930s, the Supreme Court’s position on First Amendment freedoms was to suspend free speech and press if the expressions constituted a “reasonable tendency” to endanger society. These expressions were judged by whether they created a “clear and present danger” to society. These were the beginnings of press freedom in America – the evolution of the “Fourth Estate.”

Freedom of the Press

HOOK ACTIVITY

HOOK ACTIVITY - We All Exercise the First Amendment

1. Ask the students to form a line at the front of the room if they answer yes to any of the following.
In the last week, have you:
 - a. Read a newspaper?
 - b. Read a magazine?
 - c. Read a church bulletin?
 - d. Read the school newsletter?
 - e. Instant-messaged a friend?
 - f. Read a textbook?
2. When the entire class has moved to the front of the room, the teacher will point out to students they have all exercised their First Amendment rights. All items above fit within the First Amendment. Why are these forms of communication important to us in our daily lives?

Learning Activities



Activity #1 – Criticism Crossout

Skill - Students will be able to: Understand how the news would be severely limited without press freedom.

Procedure:

1. Distribute the same section of newspaper to each student.
2. Have each student individually cross out every story, picture, editorial, letter to the editor, or other item criticizing or questioning the local or federal government, every article or cartoon that criticizes or pokes fun at a public figure, every story dealing with religion or any other freedom guaranteed by the First Amendment.
3. Compare results.
4. Students will work in small groups to complete a listing of how the Freedom of the Press benefits us in our daily lives and problems that may occur if we did not have this right.

Activity #2 - “You’re Fired” (Nine Categories of Unprotected Speech)

Skill - Students will be able to: Understand the nine areas of unprotected speech within press freedom.

Procedure:

1. Students are given a worksheet listing the nine areas of unprotected speech. (See Speech Unit for page titled “Nine Categories Unprotected Speech,” and turn pages to find Worksheet.)
2. The teacher discusses the meaning of each with the class.
3. Five students are chosen to be on a panel for the game “You’re Fired.” These panelists are school newspaper reporters.
4. Each Panelist Reporter is given one scenario for role-playing (see next page) and will read this scenario out loud to the class.
5. Using their worksheets, the others in class will play Editor and decide if each panelist reporter is within his or her rights protected by Freedom of the Press.
6. After all panelist reporters have shared his/her scenario with the class, each panelist will stand and ask, “Am I Fired?”
7. Students from the class will be called upon to share their responses from their worksheets.
8. Panelists who have exercised Unprotected Speech under the right of Freedom of the Press will be fired from panel.

Key to Scenarios:

- Scenario 1: Fired, because of 6 and 9
- Scenario 2: Fired, because of 2, 4, and 5
- Scenario 3: Fired because of 7
- Scenario 4: Fired because of 3
- Scenario 5: Publish his or her article.
The article stays within the freedoms granted by the First Amendment

“You’re Fired” Scenarios

Scenario for Panelist Reporter #1:

“I want a position on my school’s Student Council. I’ve written an article for the school newspaper. In it, I promise school dismissal every day at noon and no school on Mondays. These promises make me a favorite of my classmates. In my article, I’m also asking all students who want to support me to skip their 2nd class this Friday in a show of support for me. Are you going to publish my article?”

Scenario for Panelist Reporter #2:

“In my articles, I’m going to tell everyone that Panelist #1 is a thief. He/she is stealing gym clothes from the locker room. Is this the kind of person you want on your school newspaper staff? And my article will tell everyone that Panelist #3 is on all kinds of special medicines. Also in my article, I will challenge Panelist #3 to a fight on the playground tomorrow at lunch. He/she is going down!! Are you going to publish my article?”

Scenario for Panelist Reporter #3:

“My dad is the Secretary of Defense. I know all the government’s top-secret military defense plans which protect our country from enemies. My article will share these secrets with everyone. Aren’t you curious about what the military is doing? Are you going to publish my article?”


Scenario for Panelist Reporter #4:

“I am friends with the principal’s son. He told me the combination to the school safe. I know a lot of students would like to get their hands on some money. My article will show you how. It contains the combination to the safe and the times of the day the principal is usually not in his office. Feel free to help yourself. Are you going to publish my article?”

Scenario for Panelist Reporter #5:

“I invented a dessert vitamin. My article advises everyone to try it to meet their daily vitamin needs. All the ingredients are listed on the back of the package. You can even check with your doctor who will tell you it is everything it claims to be. According to the Attorney General, my dessert vitamins meet the daily minimum requirements for kids our age. They make a good addition to your meals. Will you publish my article?”

“You’re Fired!!”



Listen to each scenario. Fire any reporter whose article uses speech that is unprotected under the First Amendment. Circle your choice to fire the reporter or to publish his/her article, and explain why you chose that answer. If you choose to fire them, give the category number of the unprotected speech(s) represented in their article.

Panelist #1: Fire Reporter Publish His/Her Article Why?

Panelist #2: Fire Reporter Publish His/Her Article Why?

Panelist #3: Fire Reporter Publish His/Her Article Why?

Panelist #4: Fire Reporter Publish His/Her Article Why?

Panelist #5: Fire Reporter Publish His/Her Article Why?

Freedom of the Press



Activity #3 - Political Cartoons

Skills - Students will be able to:

- Analyze current events.
- Interpret symbols.

Materials Needed: Several different (or same) editions of newspapers, Glue or glue sticks, Construction paper

Procedure:

1. Distribute several different editions of newspapers among the students.
2. Ask students to find examples of political cartoons and cut them out.
3. Students will paste the cartoons on construction paper and write brief explanations of the cartoons' meanings.
4. When finished, students will share the cartoons with their classmates and discuss which First Amendment Freedom(s) protects the publishing of each cartoon and/or which of the Five Freedoms is portrayed in the cartoon.

Discussion Questions:

- What is the event portrayed and the opinion expressed?
- What does the symbol represent to you?
- What symbols do you see, and why were they chosen?
- What is the cartoonist's point of view?

Activity #4 - Create Your Own Political Cartoon

Skill - Students will be able to: Demonstrate an understanding of a First Amendment issue in today's society.

Materials Needed: Page titled "Nine Categories of Unprotected Speech" (from the Speech Unit in this Guide).

Procedure:

1. Have students review the "Nine Categories of Unprotected Speech" or the teacher will review these with students.
2. Students are to become a cartoonist for the newspaper. Their job is to create a political cartoon - being careful to stay within the boundaries set by the First Amendment (as contained in the "Nine Categories").
Teacher's Note: Ideas for illustrations could include high lunch prices, crowded hallways, length of school day, bathroom location, homework policies and student workload.
3. Students submit cartoons to Editor for approval. (Editor may be teacher or several students as Editorial Committee.)
4. Provide students with a copy of the rubric (located in this unit).



Activity #5 - Front Page Stories

Skill - Students will be able to: Use inference skills to prioritize newspaper headlines.

Materials Needed: A list of 10 headlines representing stories from the morning newspaper.

Procedure:

1. Students select five headlines for front page placement and rate each of the five in priority for appearing on Page 1.
2. In small groups, students compare lists, and strive for consensus on which five headlines should appear on Page 1.
3. Have a group representative present rationale for choices. Hold class discussion on the ethics of placing stories in the newspaper. Sample questions:
 - What responsibility does an editor have to emphasize "important" informational stories on the front page?
 - What responsibilities does the editor have to satisfy business interests of the newspaper by putting "sensational" stories on Page 1 to help "sell" the newspaper?
 - Is there a proper balance the editor can achieve between emphasizing what the reader "should read" and what the reader "wants to read"?

Freedom of the Press



Activity #6 - Letter to the Editor

Teacher's Note: This activity may be used to assess student learning.

Materials Needed: A copy of the editorial page for each student to read.

Procedure:

1. Give students time to read and discuss the editorial page of the newspaper.
2. Discuss the importance of the editorial page and how it allows you to exercise the Freedom of the Press.
3. Have students compose their own letter to the editor explaining why the Freedom of the Press is important to them.
4. Give each student a copy of the rubric (following page).

Websites:

For Political Cartoons: http://www.cartoonstock.com/newscartoons/directory/f/first_amendment.asp

For Political Cartoons and Lesson Plans: <http://cagle.com/teacher/middle/lessonplanMS1.asp>


Letter to the Editor Rubric



Category	4	3	2	1
Sentences and Paragraphs	Sentences and paragraphs are complete and well-constructed.	All sentences are complete. Most paragraphs are complete and indented.	Most sentences are complete. Paragraphing and indentation is missing.	Poor sentence construction. No paragraphs.
Grammar and Spelling	No errors	1 – 2 errors	3 – 4 errors	More than 4 errors
Capitalization and Punctuation	No errors	1 – 2 errors	3 – 4 errors	More than 4 errors
Content	At least 3 reasons supporting the concept of Freedom of the Press.	2 reasons supporting concept of the Freedom of the Press.	1 reason supporting concept of the Freedom of the Press.	No clear reason given.
Supporting Statements	At least 1 supporting statement for each reason given.	Some reasons supported.	Little supporting statements given.	No support for reasons given.
Total:				

Total Score: _____ out of 20

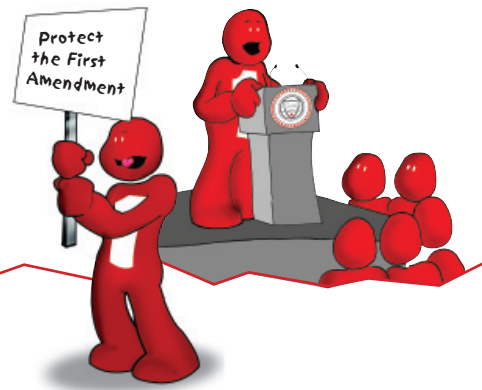
Political Cartoon Rubric



Category	3	2	1
Content	Cartoon reflects understanding of issue in today's society.	Cartoon partially reflects an issue in today's society.	Cartoon has no clear issue presented.
Caption	Title helps provide meaning of the issue presented.	Title is related to the issue, but provides no meaning.	Title is unrelated or does not make sense.
Design	Drawing shows effort, is neatly done, and shows detail.	Drawing shows effort, is neatly done, little detail.	Very little detail, very little effort.
Total:			

Total Score: _____ out of 9

Right to Assemble/ To Petition Government



Section Overview

Freedom of Assembly is the right of people to gather peacefully to exchange ideas or to peacefully protest social, economic, or political conditions and seek reform. The First Amendment also guarantees people the right to ask the government to provide relief for a wrong through the courts or other governmental action, and works with the Right of Assembly to allow people to join together to seek change.

Objective

This lesson is designed to aid students in the understanding of the right to ask our government for changes, express opinions, and assemble in groups.

Illinois Learning Standards

Language Arts and Social Studies

1.A.2a	1.B.3a	1.C.3d	16.A.3b
1.A.3a	1.B.3c	3.A.3	16.B.3c
1.B.2a	1.C.3a	3.B.3a	16.D.2c
1.B.2b	1.C.3b	3.B.3b	14.A.2
1.B.2c	1.C.3c	3.C.3a	14.C.2
1.C.2a	1.C.3d	5.A.2a	14.F.2
1.C.2a	3.A.2	5.A.2b	14.A.3
1.C.2b	3.B.2a	5.C.2a	14.C.3
1.C.2c	3.B.2b	5.A.3a	14.F.3A
1.C.2d	3.C.2a	5.A.3b	14.F.3b

National Civics and Government Standards

NSS-.C.5-8.3

Vocabulary

(See glossary for definition of vocabulary terms.)

1. Assembly
2. Association
3. Appeal
4. Lobby (act of lobbying)
5. Petition
6. Picket
7. Time, place and manner
8. Unprotected Speech

Website: <http://www.firstamendmentschools.org/resource>

Right To Assemble/To Petition Government

HOOK ACTIVITY

HOOK ACTIVITY – How to Take Action

Skill – Students will be able to identify appropriate ways to protest/petition regarding changes they seek.

Materials Needed: Chart Paper, Markers

Procedure:

1. Break students into small groups.
2. Each group will choose a recorder.
3. Students will brainstorm ways to appropriately protest/petition one of the following scenarios.
4. Each group will list protest/petition ideas on chart paper.
5. They will put a + / - next to each idea that would be protected by the First Amendment.
6. Each group will share their ideas with the whole class.

Scenario 1:

The school board is going to mandate:

- All students will wear school uniforms.
- All video games/televisions will be outlawed.
- The school week will be extended; student will attend school on Saturdays.

Scenario 2:

The students want to petition the school board to:

- Improve the school lunches.
- Increase school lunch time.

Right To Assemble/To Petition Government

Learning Activities

Activity #1 – Think, Pair, Share

Skills – Students will be able to:

- Identify and explain the proper process for exercising the right to assemble.
- Identify and explain the proper process for exercising the right to petition.
- Identify how the rights of assembly and petition have evolved throughout U.S. history.
- Explain how the right to assemble can play a role in bringing about changes in our communities.

Procedure:

1. Have students research historical movements to show how the right to assemble and petition evolved.
2. Students will work in pairs to research how the rights of assembly and petition have been used during historical reforms in our country.
3. Have students choose from one of the following:
 - a. Suffrage Movement
 - b. Abolitionist Movement
 - c. Civil Rights Movement

Students could access the following websites:

<http://www.42explore2.com/suffrage.htm>

<http://lcweb2.loc.gov/ammem/naw/nawstime.html>

<http://americanhistory.about.com/od/womenssuffrage/>

<http://www.factmonster.com/ce6/history/A0802190.html>

<http://americanabolitionist.liberalarts.iupui.edu/brief.htm>

<http://www.cnn.com/EVENTS/1997/mlk/links.html%20>

<http://www.answers.com/topic/american-civil-rights-movement>

<http://www.infoplease.com/spot/civilrightstimeline1.html>

These questions will be answered. The class may then discuss their answers.

1. What actions were taken by groups to bring about these changes/reforms?
2. What were the negative consequences (if any) for the group's protest?

Teacher Background Information:

- The Suffrage Movement led to the 19th Amendment, giving women the right to vote.
- The Abolitionist Movement led to the 13th Amendment, abolishing slavery, the 14th Amendment, giving citizenship to former slaves, and the 15th Amendment, giving freed slaves and free-born blacks the right to vote.
- The Civil Rights Movement led to the Civil Rights Act of 1964, which prohibits discrimination of all kinds based on race, color, religion, or national origin. The law also provides the federal government with the powers to enforce desegregation.

Extension: What amendment/law shows that the government eventually took action in response to a group's protest/petition?

Right To Assemble/To Petition Government



Activity #2 - Newspaper Activity

Skills – Students will be able to:

- Find examples, using newspapers, of citizens exercising the rights of assembly and petition.
- Identify how the rights of assembly and petition are exercised in today's society.

Materials Needed: Variety of newspapers (include school newspapers), Glue, Scissors, Chart paper

Procedure:

1. Label one piece of chart paper “Assembly” and a second piece of chart paper “Petition the Government.”
2. Using a newspaper, have students find and clip examples of citizens exercising the rights of assembly and petition. These may include stories, announcements, or photos dealing with the right to assemble (town meetings, city council meetings, demonstrations, parades, etc.) or the right to petition (citizens protesting governmental policy, citizens asking for changes in policy or rules, people organizing in opposition to those in authority, etc.)
3. Students will categorize articles, announcements, and photos.
4. Have students place clipped items on the appropriate chart paper.

Activity #3 - Writing a Letter to an Elected Official

Skills – Students will be able to:

- Exercise their right to petition by writing an appropriate letter to an elected official to state their opinion about a policy, law, or viewpoint.
- Identify issues of concern at the local, state, or national level.
- Develop reasonable arguments to support your views.
- Find state and national elected officials using the Internet by accessing www.congress.org/congressorg/home

Materials Needed: Letter-writing materials, Computer (if they are to find actual listing of state and/or national elected officials), Rubric for Letter (from this unit)

Procedure:

1. Develop a list of local, state, or national problems that concern the students.
2. Discuss the Freedom of Petitioning (As Americans we have the right to ask for changes)
3. Have each student chose a problem and write a persuasive letter to an elected official.
4. In this letter the student will identify the problem and identify things the government can do to fix the problem.
5. (Optional: Send these letters and discuss any responses.)

Lesson adapted from: http://www.firstamendmentschools.org/pdf_files/closeup.pdf

Website for letter writing with samples and backgrounds:

<http://www.constitutioncenter.org/CitizenAction/GetInvolved!/index.shtml>


Lesson Extension:

- Have students select a medium of their choice – music, art, drama, or video - in which to express their view about the importance and interrelationship of First Amendment rights in a free society.

Webquest for the Freedom of Petition: <http://eprentice.sdsu.edu/F044/sneiss/webquest.htm>

Petitioning for change: <http://www.firstamendmentschools.org/resources/lesson.aspx?id=13070>

Rubric for Letter to Elected Official



Category	4	3	2	1
Sentences and Paragraphs	Sentences and paragraphs are complete and well-constructed.	All sentences are complete. Most paragraphs are complete and indented.	Most sentences are complete. Paragraphing and indentation is missing.	Poor sentence construction. No paragraphs.
Grammar and Spelling	No errors	1 – 2 errors	3 – 4 errors	More than 4 errors
Capitalization and Punctuation	No errors	1 – 2 errors	3 – 4 errors	More than 4 errors
Content and Supporting Statements	At least 3 reasons supporting concept for Freedom of Petition.	2 reasons supporting concept for Freedom of Petition.	1 reason supporting concept Freedom of Petition.	No clear reason given.
Total:				

Total Score: _____ out of 16

First Amendment Word Search Answer Keys

Grade 5 Word Find

Note: Words may be side to side, backwards, up and down, upside down or at an angle. Words may intersect.

P	N	O	I	T	I	T	E	P	W	Z	P
F	R	Y	W	Q	K	O	L	X	E	X	Z
U	S	Z	S	N	O	I	G	I	L	E	R
N	Y	X	S	C	W	T	M	K	Q	W	E
X	M	V	E	S	S	V	T	O	M	V	L
A	S	S	E	M	B	L	Y	O	Z	E	X
S	Z	P	V	W	T	F	L	X	N	X	M
K	N	E	K	V	N	U	K	E	C	U	B
S	T	E	P	S	E	T	E	P	E	V	D
R	D	C	F	L	M	P	X	K	R	K	P
K	O	H	K	S	D	R	E	P	S	V	C
W	M	U	S	U	N	I	R	R	K	W	E
A	L	E	F	R	E	E	D	O	M	K	R
E	R	W	X	K	M	K	P	X	Z	V	M
P	W	K	V	N	A	C	I	R	E	M	A

Words To Find:

- American
- Amendment
- Assembly
- Freedom
- Petition
- Press
- Religion
- Speech
- Uno

Grade 6 Word Find

Note: Words may be side to side, backwards, up and down, upside down or at an angle. Words may intersect.

M	A	N	R	E	L	X	P	R	S	T	A	C
X	S	S	P	E	T	F	R	E	T	P	M	O
T	P	B	Q	Q	R	X	T	P	I	O	Q	N
M	W	R	P	E	R	H	R	E	S	A	V	U
D	N	X	E	A	S	T	C	P	M	P	R	R
U	H	D	T	S	V	B	O	E	V	E	E	S
B	O	W	I	E	S	D	N	B	E	B	N	T
M	R	A	T	N	A	D	W	I	O	P	C	X
S	E	M	I	D	M	O	N	U	W	T	S	S
P	N	X	O	E	W	O	L	E	R	I	W	P
M	T	W	N	W	I	Y	L	B	C	O	N	B
S	S	T	O	G	W	Q	P	L	Q	N	C	T
W	N	O	I	T	U	T	I	T	S	N	O	C
M	W	L	O	I	P	R	E	L	R	W	D	B
N	E	A	M	E	R	I	C	A	N	B	V	Y
R	N	V	Y	L	B	M	E	S	S	A	B	U

Words To Find:

- American
- Amendment
- Assembly
- Constitution
- Freedom
- Petition
- Press
- Religion
- Speech
- Uno

7th Grade Word Find

Note: Words may be side to side, backwards, up and down, upside down or at an angle. Words may intersect.

N	A	C	S	P	E	B	X	E	E	W	I	F
U	F	B	P	N	A	C	I	R	E	M	A	M
N	R	R	E	D	K	T	N	E	R	F	M	O
E	W	B	E	I	O	K	S	Q	K	N	E	Y
E	T	C	W	E	E	M	W	S	Q	V	P	F
G	N	O	N	C	D	Q	C	W	E	X	R	U
K	E	N	T	G	I	O	N	L	X	R	W	N
B	M	R	V	C	B	X	M	Y	C	D	P	X
I	D	Q	B	L	Y	S	X	L	I	K	O	C
G	N	S	P	E	E	C	H	B	O	V	N	A
B	E	B	W	E	E	O	X	M	N	X	U	N
F	M	N	O	I	T	I	T	E	P	V	K	X
U	A	I	N	M	Q	W	P	S	V	E	E	T
N	O	I	T	U	T	I	T	S	N	O	C	U
H	N	I	W	V	D	E	S	A	V	E	P	S
U	R	E	L	I	G	I	O	N	Y	W	X	F

Words To Find:

- American
- Amendment
- Assembly
- Constitution
- Freedom
- Petition
- Press
- Religion
- Speech
- Uno

First Amendment Word Search

Grade 5

Instructions:

Words listed in the box are hidden in the puzzle below. Find each word and circle it. Words may appear side to side, backwards, up and down, or at an angle. Words also may intersect.

P N O I T I T E P W Z P
F R Y W Q K O L X E X Z
U S Z S N O I G I L E R
N Y X S C W T M K Q W E
X M V E S S V T O M V L
A S S E M B L Y O Z E X
S Z P V W T F L X N X M
K N E K V N U K E C U B
S T E P S E T E P E V D
R D C F L M P X K R K P
K O H K S D R E P S V C
W M U S U N I R R K W E
A L E F R E E D O M K R
E R W X K M K P X Z V M
P W K V N A C I R E M A



Words To Find:

American
Amendment
Assembly

Freedom
Petition
Press

Religion
Speech
Uno

First Amendment Word Search

Grade 6

Instructions:

Words listed in the box are hidden in the puzzle below. Find each word and circle it. Words may appear side to side, backwards, up and down, or at an angle. Words also may intersect.

M A N R E L X P R S T A C
X S S P E T F R E T P M O
T P B Q Q R X T P I O Q N
M W R P E R H R E S A V U
D N X E A S T C P M P R R
U H D T S V B O E V E E S
B O W I E S D N B E B N T
M R A T N A D W I O P C X
S E M I D M O N U W T S S
P N X O E W O L E R I W P
M T W N W I Y L B C O N B
S S T O G W Q P L Q N C T
W N O I T U T I T S N O C
M W L O I P R E L R W D B
N E A M E R I C A N B V Y
R N V Y L B M E S S A B U



Words To Find:

American	Freedom	Religion
Amendment	Petition	Speech
Assembly	Press	Uno
Constitution		

First Amendment Word Search

Grade 7

Instructions:

Words listed in the box are hidden in the puzzle below. Find each word and circle it. Words may appear side to side, backwards, up and down, or at an angle. Words also may intersect.

N A C S P E B X E E W I F
U F B P N A C I R E M A M
N R R E D K T N E R F M O
E W B E I O K S Q K N E Y
E T C W E E M W S Q V P F
G N O N C D Q C W E X R U
K E N T G I O N L X R W N
B M R V C B X M Y C D P X
I D Q B L Y S X L I K O C
G N S P E E C H B O V N A
B E B W E E O X M N X U N
F M N O I T I T E P V K X
U A I N M Q W P S V E E T
N O I T U T I T S N O C U
H N I W V D E S A V E P S
U R E L I G I O N Y W X F



Words To Find:

American
Amendment
Assembly
Constitution

Freedom
Petition
Press

Religion
Speech
Uno

Right? Wrong? Truth!



The First Amendment applies to everyone. Sometimes people use the First Amendment to express their opinions and beliefs in order to inform people or to make known a need for change. Many experts agree that this is how the Framers of the Constitution meant for the First Amendment to be used. Some people, however, use the First Amendment to justify inappropriate or illegal actions.

The First Amendment is, indeed, a shield that can be used for good or for bad. Personal beliefs, values, and moral awareness guide an individual to good or bad, right or wrong decisions. First Amendment freedoms can be misused, either accidentally or on purpose. The Constitution does not protect those who would use the First Amendment for purposes that go against accepted ethics.

What Are “Ethics”?

Ethics is the process we use for deciding what is good or bad, right or wrong. Ethics helps us balance our rights with our responsibilities. Ethics causes us to think beyond our self interests in favor of doing what is best for those around us. The term ethics comes from the Greek word “ethos,” which means character. An ethical person is a person of good character who always tries to make “right” choices.

Laws are determined and enforced by our society. Laws tell us what we can do. Ethics goes beyond the law. Ethics is that “voice inside our heads” that tells us what we should do.

So What’s the Right Thing To Do?

What is legal may not be what is ethical. In other words, just because you can do something doesn’t mean that it’s okay to go ahead and do it. For example, imagine that something embarrassing happened to a friend of yours on the way to school. You and your friend might have laughed about it at the time. Is it okay to tell the story to everyone you know? How would that person feel if it ended up in the school newspaper? Would it make a difference if people started hanging out with you more, but not with your friend? How would you feel if that same thing had happened to you instead and your friend was telling the story?

The Choice Is Yours

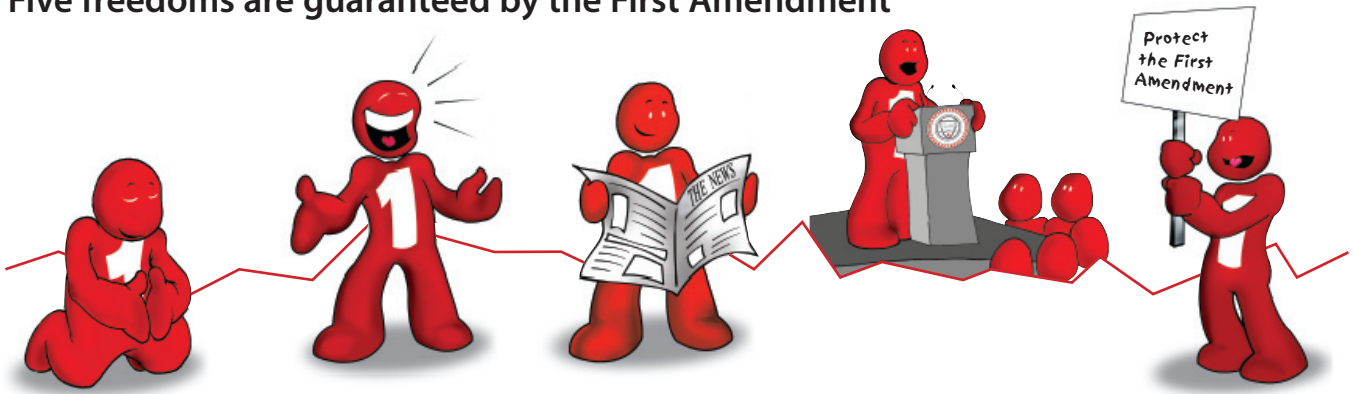
In a free society, citizens have choices. There will always be those who choose to ignore ethics and act in selfish or thoughtless ways. Within our laws, people are permitted to abuse their own freedoms. We cannot make laws forcing people to be unselfish, or insisting that they believe or act in a certain way all the time. We cannot pass a law that citizens must always make “good” or “right” decisions. Making laws that limit the ways that people choose to think or act goes against the spirit of the First Amendment, which is to protect the truth.

When In Doubt, Tell the Truth... Carefully!

The best way to promote ethics and fight abuse of the First Amendment is through learning. The more we learn about the First Amendment, the more we appreciate its beauty and its strength. By considering ethics, the law, and the world around us, we can learn how to apply the First Amendment in ways that will make our society and our country stronger. It is important to consider the views and feelings of others before we exercise our rights. Otherwise, our actions could have unintended or unpleasant consequences.

The shield of the First Amendment is meant to protect the rights and welfare of all citizens. We must use it with conscious awareness of ethical implications, else that shield may become weakened and corroded.

Five freedoms are guaranteed by the First Amendment



Religion

One of the reasons the first colonists came to the New World in the 1600s was to find the freedom to practice their religion without fear of persecution. Even after colonies were established, however, that freedom was still hard to find.

It would take more than 150 years before our Founding Fathers added religious protection in the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"

The government established by our Constitution is required to remain neutral. It can neither promote nor discourage religious practice.

Speech

During colonial times, the freedom of speech was reserved only for the rich or powerful few. Those who spoke publicly about controversial issues risked punishment, particularly if they disagreed with those in authority.

As elected colonial governments gained power, the common person began to speak out. When the Bill of Rights was ratified, freedom of speech was granted to all citizens.

Now, more than 200 years after the First Amendment was ratified, America's concept of freedom of speech continues to change. Your freedom of speech also includes many ways of expressing yourself, including your hairstyle and the clothes you wear.

Press

America's first newspaper was published on Sept. 25, 1690. After one issue, it was stopped because its publisher printed it without getting permission from the governor who wanted to approve each article before publication.

In the 1700s, newspapers were a vital form of communicating information about the growing desire for America to become an independent nation.

Today, the press serves as an important guardian of the people's rights. "The press" now includes many forms of media, such as magazines, television, and the Internet.

Educating the public about the issues of the day is essential to a healthy democracy. Where the people rule, it is vital for the people to be informed.

Assembly

Freedom of assembly protects the right of people to organize in opposition to government policies or for other lawful purposes. As long as no law is being broken, the government must allow people to assemble in an orderly and peaceful way to discuss issues or make their views known.

Petition

In some countries, just voicing opposition to government policies can result in a penalty of death. These oppressive governments do whatever it takes to prevent people from organizing in opposition to those in authority. By stopping free expression, it is easier for unfair rulers to control the public and stay in power.

The First Amendment protects the right of citizens "to petition the Government for a redress of grievances" without the fear of reprisals. In other words, the law protects your right to criticize the government and its public officials – so long as the criticism is not libelous (a published statement that is false and is meant to harm a person's reputation). If you're telling the truth in a way that is not meant to hurt someone, the First Amendment can protect you.

Values of Student Journalism

Contributed by Randy Swikle

With its inherent diversity and holistic approach, scholastic journalism has profound influence beyond the classroom doors. A dynamic journalism class that supports a free and responsible student newspaper benefits the entire community by promoting the core values of a school's mission.

It makes concepts come alive!

Values of a Student Newspaper

First, the newspaper serves as a catalyst for *thinking skills*, and thereby benefits not only the student journalist but also every reader.

Decision making: It's more than a concept; it's a constant. In journalism class, students constantly deal with the process, the strategies, the ethics, the options and other considerations for making good choices. With the newspaper, they apply decision-making skills and touch the thinking of readers. They influence adult decision-makers by providing a student perspective of issues and events, and they stir the involvement of their peers by providing a more panoramic awareness of things.

Second, the newspaper serves as a vehicle for advancing *knowledge* in every academic discipline that is relevant to a particular story topic or to a process vital to gathering information about the story topic.

Math: It's more than numbers and quantitative operations; it's a discipline that breathes life into a technological world. In journalism class, students learn the mathematics of opinion polls, page design, finances, camera settings, computer programming, and other things that support stories and production. With the newspaper, they apply those math skills to assist with the dissemination of information and the discovery of truth.

Third, the newspaper serves as a medium to apply *life skills* in a context that contributes to the well-being of citizens and to the principles of our democratic society.

Emotional wellness: It's more than managing stress and coping with feelings; it's maximizing performance and interacting with people. In journalism class, students learn how to deal with deadlines, how to maintain objectivity, how to analyze body language, how to build rapport with news sources and co-workers, and how to get readers to *feel* the significance of a story. With the newspaper, they recognize achievement, provide uplifting stories, entertain, and inspire intrinsic motivation that leads to maximum performance. The newspaper also becomes a safety valve, allowing students to vent their feelings in editorials, letters to the editor, and other constructive ways that satisfy the need to be heard and the desire to participate.

Finally, a journalism class and a student newspaper provide diverse learning opportunities that enable students to engage in the school's mission rather than to approach the mission as if it were merely a conceptual guide that lacks practical application.

Ethics in Student Journalism

- 1. Be truthful in your reporting!**
Verify your facts. Your job is to REPORT the news, not create it.
- 2. Be accountable for your work.**
If a mistake is made, run a retraction/correction immediately.
- 3. Let ethics guide you.** Staff members should report in an ethical and responsible manner.
- 4. Be judicious with regard to stories run.** Do not unnecessarily embarrass individuals. Ask yourself – is this story newsworthy?

See corresponding Handout in this guide, "Right? Wrong? Truth!"

Synopses of First Amendment Supreme Court Cases



Barnette – West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943)

Concerning West Virginia requirement to salute the U.S. flag violates the free speech clause.

Bethel School District No. 403 v. Fraser, 478 US 675 (1986)

Students' rights "are not automatically coextensive with the rights of adults in other settings."

Brandenburg v. Ohio, 395 U.S. 444 (1969)

Concerning speech advocating use of force or crime

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495 (1952)

Concerning the First Amendment protection of free speech in films.

Cantwell v. Connecticut, 310 U.S. 296 (1940)

Concerning the state enactment of any law respecting religion.

Central Hudson Gas & Elec. Corp. v. Public Service Comm'n, 447 U.S. 557 (1980)

Concerning censorship of advertising.

Chaplinsky v. New Hampshire, 315 U.S. 568 (1942)

Concerning verbal insults in public places.

Clark v. Community for Creative Nonviolence, 468 U.S. 288 (1984)

Concerning sleeping in connection with protests.

A Book Named "John Cleland's Memoirs of a Woman of Pleasure" v. Attorney General of Massachusetts, 383 U.S. 413 (1966)

Concerning obscenity in a book.

Cohen v. California, 403 U.S. 15 (1971)

Concerning a state attempting to make the expression of four letter words a criminal offense.

Communist Party of the United States v. Subversive Activities Control Bd. No. 12, 367 U.S. 1 (1961)

Concerning the registration of the Communist Party of the United States as a "Communist action organization."

Connick v. Myers, 461 U.S. 138 (1983)

Concerning the dismissal of an Assistant District Attorney for insubordination for questioning the policies of her supervisors.

Cox v. Louisiana, 379 U.S. 536 (1965)

Concerning the content and location of a civil rights protest.


Cox v. Louisiana, 379 U.S. 559 (1965)

Concerning related issues to the previous case.

Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967)

Concerning libel by a reporter against a football coach accused of fixing a game.

Synopses of First Amendment Supreme Court Cases (Cont'd)



Dawson v. Delaware, 503 U.S. 159 (1992)

Concerning the admission of a defendant's personal beliefs if they are irrelevant to the case.

De Jonge v. Oregon, 299 U.S. 353 (1937)

Concerning criminal punishment for participation in public meetings, even if peaceful, because the sponsoring group advocates violence or popular uprising.

Dennis v. United States, 341 U.S. 494 (1951)

Concerning the criminality of anyone knowingly advocating the overthrow of the United States.

Edwards v. South Carolina, 372 U.S. 229 (1963)

Concerning the arrest of peaceful demonstrators for criminal conduct.

Everson v. Board of Education, 330 U.S. 1 (1947)

Concerning reimbursement of money to parents who sent their children to school on buses operated by public transportation system.

United States v. Eichman, 496 U.S. 310 (1990)

Concerning burning of the United States flag.

New York v. Ferber, 458 U.S. 747 (1982)

Concerning the distribution of material promoting underage sex.

Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974)

Concerning the defamation of public officials in the public media.

Gitlow v. People, 268 U.S. 652 (1925)

Concerning the limits of protection of the First and Fourteenth Amendments with regard to public safety and the integrity of the state.

Globe Newspaper Co. v. Superior Court, 457 U.S. 596 (1982)

Concerning the limits of press coverage of sexual offenses involving victims under the age of 18.

Grayned v. City of Rockford, 408 U.S. 104 (1972)

Concerning the permissible levels of noise of a person on grounds adjacent to a school building.

Greer v. Spock, 424 U.S. 828 (1976)

Concerning the distribution of political materials on federal military reservations.

Grosjean v. American Press Co., Inc., 297 U.S. 233 (1936)

Concerning the types of taxes that may be levied against owners of newspapers.

Hague v. Committee for Industrial Organization, 307 U.S. 496 (1939)

Concerning the ability of municipal officers to enforce the ordinances forbidding the distribution of printed matter.

Synopses of First Amendment Supreme Court Cases (Cont'd)



Hazelwood School Dist. v. Kuhlmeier, 484 U.S. 260 (1988)

Concerning censorship of a high school newspaper.

Heffron v. International Soc'y for Krishna Consciousness, 452 U.S. 640 (1981)

Concerning the distribution of any materials, including merchandises, at fairgrounds.

Jacobellis v. Ohio, 378 U.S. 184 (1964)

Concerning censorship of films deemed to be obscene.

Jenkins v. Georgia, 418 U.S. 153 (1974)

Concerning the conviction of a man for showing the film "Carnal Knowledge" in a movie theater.

Keyishian v. Board of Regents, 385 U.S. 589 (1967)

Concerning State University of New York teachers dismissed for refusing to certify that they were not Communists.

Lamb's Chapel v. Center Moriches Union Free School District, 508 U.S. 384 (1993)

Concerning the use of public school property for religious meetings.

Marsh v. Alabama, 326 U.S. 501 (1946)

Concerning the distribution of religious literature on a sidewalk.

Miller v. California, 413 U.S. 15 (1973)

Concerning the test for determining if speech is obscene.

Patterson v. Colorado, 205 U.S. 454 (1907)

The first free press case of the U.S. Supreme Court

Police Department v. Mosley, 408 U.S. 92 (1972)

Concerning picketing at any school involved in labor disputes.

National Association for the Advancement of Colored People v. Button, 371 U.S. 415 (1963)

Concerning the enforcement of a state statute that violates the Fourteenth Amendment.

Near v. Minnesota, 283 U.S. 697 (1931)

Concerning the regular publication of newspapers or magazines thought to be malicious.

New York Times Co. v. Sullivan, 376 U.S. 254 (1964)

Concerning awards due in libel cases considering intent.


Massachusetts v. Oakes, 491 U.S. 576 (1989)

Concerning a man who photographed his 14-year-old stepdaughter nude.

United States v. O'Brien, 391 U.S. 367 (1968)

Concerning the burning of draft cards.

Synopses of First Amendment Supreme Court Cases (Cont'd)



Board of Educ. v. Pico, 457 U.S. 853 (1982)

Concerning the removal of books deemed to be anti-American, anti-Christian, and anti-Semitic, from public high school and junior high school libraries.

Pruneyard Shopping Center v. Robins, 447 U.S. 74 (1980)

Concerning petitioning on privately-owned grounds.

Rosenberger v. Rector & Visitors of the University of Virginia, U.S. (1995)

Concerning the distribution of student funds at a state university to groups with religious publications.

Rosenbloom v. Metro media, 403 U.S. 29 (1971)

Concerning libel stemming from a radio news broadcast of an arrest using pejorative language.

Rust v. Sullivan, 500 U.S. 173 (1991)

Concerning the use of federal funds for family planning which advise patients of the possibility of abortion.

Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)

Concerning the political nature of a state government hiring freeze.

Scales v. United States, 367 U.S. 203 (1961)

Concerning membership of organizations which advocate the overthrow of the United States.

Schenck v. United States, 249 U.S. 47 (1919)

Concerning a conspiracy to obstruct the draft process.

Stanley v. Georgia, 394 U.S. 557 (1969)

Concerning the possession of obscene films.

Stromberg v. California, 283 U.S. 359 (1931)

Concerning the display of a red flag in California, which is an illegal act.

Texas v. Johnson. 491 US 397 (1989)

Flag desecration is protected speech according to the First Amendment.

Thornhill v. Alabama, 310 U.S. 88 (1940)

Concerning loitering or picketing about a lawful business to affect commerce.

Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503 (1969)

Concerning the suspension of students who wore black armbands protesting the police action in Vietnam.

Watkins v. United States, 354 U.S. 178 (1957)

Concerning witnesses before Congress refusing to answer questions.

Wisconsin v. Yoder, 406 U.S. 205 (1972)

Concerning state of Wisconsin not being allowed to require Amish children to attend school after Grade 8.

Yates v. United States, 354 U.S. 298 (1957)


Concerning the teaching of Communist principles.

Glossary of First Amendment Terms




Amendment	The process of formally altering or adding to a document or record
Anti-Federalist	An opponent of the ratification of the U.S. Constitution
Appeal	To have a case heard again by a different court
Appellant	One who appeals a court decision
Appellee	One against whom an appeal is taken
Assembly	A group of persons gathered together for a common reason, or a legislative, religious, educational, or social purpose
Association	An organized body of people who have a common interest, activity, or purpose; a society
Bill of Rights	The first ten amendments to the U.S. Constitution, added in 1791 to protect certain rights of citizens
Boycott	To avoid using, buying or dealing with as an expression of protest
Censor	To edit, stifle, or repress information
Censorship	The act of editing, stifling, repressing
Christianity	The Christian religion, founded on the life and teachings of Jesus Christ
Commercial Speech	Speech (as advertising) that proposes a commercial transaction
Constitution	The system of fundamental laws and principles that prescribes the nature, functions, and limits of a government or another institution; the fundamental law of the United States, framed in 1787, ratified in 1789, and variously amended since that time
Constitutional	Anything that agrees with the ideas in the United States Constitution
Copyright laws	The legal right granted to an author, composer, playwright, publisher, or distributor to exclusive publication, production, sale, or distribution of a literary, musical, dramatic or artistic work
Defamation	Telling others false statements about a person that injures the reputation of that person (telling lies that hurt people)
Dissenting Opinion	Opinion disagreeing with the majority
Diversity	The state of being different; a point or respect in which things differ
Editorial	An article in a publication expressing the opinion of its editors or publishers or commentary on television or radio expressing the opinion of the station or network
Editorializing	To express an opinion in or as if in an editorial
Equal Access Act	Passed by Congress to end growing discrimination against student religious groups that began to occur in public schools
Established Church	A church that a government officially recognizes as a national institution and to which it accords support
Establishment Clause	A clause in the U.S. Constitution forbidding Congress from establishing a state religion
Ethics	A set of principles of right conduct
Features	A prominent or special article, story, or department in a newspaper or periodical
Federalist	An advocate of federalism who was a member or supporter of the Federalist Party
Five Freedoms	Religion, Speech, Press, Assembly and Petition
FOIA	Freedom of Information Act
Founding Fathers	Delegates to the Constitutional Convention
Free Exercise Clause	The clause in the First Amendment to the U.S. Constitution prohibiting Congress from making any law prohibiting the free exercise of religion
Fundamentalism	A usually religious movement or point of view characterized by a return to fundamental principles by rigid adherence to those principles, and often by intolerance of other views and opposition to secularism

Glossary of First Amendment Terms (Cont'd)



Government Neutrality	The state or policy of the government being neutral
Hate Speech	A speech that is intended to make someone feel hurt, scared, unsafe or different based on their race, ethnicity, national origin, religion, sexual orientation, or disability. The term covers written as well as oral communication.
Immigration	To enter and settle in a country or region to which one is not native
Implied	Insinuated, expressed indirectly, hinted at
Intrusion	Uninvited entry, infringement upon, the act of intruding or infringing on others
Islam	A monotheistic (belief in the existence of one God) religion characterized by the acceptance of the doctrine of submission to God and to Muhammad as the chief and last prophet of God
Judaism	The monotheistic (belief in the existence of one God) religion of Jews, tracing its origins to Abraham and having its spiritual and ethical principles embodied chiefly in the Hebrew Scriptures of the Talmud
Libel	A false publication, as in writing, print, signs, or pictures, that damages a person's reputation or the act of presenting such material to the public
Lobby	To try to influence legislators or other public officials in favor of a specific cause
Magna Carta	The charter of English political and civil liberties granted by King John at Runnymede in June 1215. It serves as a piece of legislation that guarantees basic rights.
Morals	Of or concerned with the judgment of the goodness or badness of human action and character
Neutrality	Not taking sides, Unbiased, tolerance attributable to lack of involvement
News	Information about recent events or happenings, especially as reported by newspapers, periodicals, radio or television presentation of such information, as in a newspaper or on a newscast
Non-partisan	Not supporting the interests or policies of any particular political party
Objectivity	Reporting only facts, seen or heard, without describing them as good or bad, or how things seem or feel
Obscenity	Something such as a word, act or expression that is indecent
Open Meetings Act	Ensures that public business is conducted in public view by prohibiting secret deliberations and actions on matters that should be discussed in a public forum
Opinion	A belief or conclusion held with confidence but not substantiated by positive knowledge or proof
Parochial	Of, relating to, supported by, or located in a parish. A parochial school is usually associated with a church, for example
Partisan	Supporting the interests or policies of a particular political party
Persecution	Treating someone differently based on race, religion, gender, sexual orientation, or beliefs
Petition	A request to a superior authority; a formal written document requesting a right or benefit from a person or group in authority
Picket	A person or group of persons stationed outside a place of employment, usually during a strike, to express grievance or protest and discourage entry by non-striking employees and/or customers
Police Power	In law, the right of a government to make laws necessary for the health, morals, and welfare of the populace

Glossary of First Amendment Terms (Cont'd)



Political Speech	Any form of speech that is directly linked to the government; in that the speech performs a valuable function as a check and balance of the government. Speaking out against government intervention or financial contributions are considered political speech because it is a method of expressing political ideologies
Precedent	Legal guideline that is established by a court decision
Prior Review	Prohibition on expression (especially by a publication) before the expression actually takes place. For example, when a principal of a school must approve of all articles in a school paper before it is published and released to the public
Protected Speech	Speech that is interpreted as protected by the Supreme Court or implied by the First Amendment. The Court has never held that the Constitution establishes an “absolute” right to free speech.
Puritans	A member of a group of English Protestants who, in the 16th and 17th centuries, advocated strict religious discipline along with simplification of the ceremonies and creeds of the Church of England
Ratification	To approve and give formal sanction to; confirm
Religion	Belief(s) concerning the supernatural, sacred, or divine, and the practices and institutions associated with such belief. Belief in God or gods. Any system of faith or worship built around God, or ethical values, a philosophy, etc. Religion takes on an almost infinite number of forms in various cultures and individuals.
Shield Laws	Laws giving journalists the ability to protect the identities of confidential sources without fear of prosecution
Slander	A false and malicious statement or report about someone
Subjectivity	Judgment not based on observable phenomena; influenced by personal opinion, emotions or personal prejudices
Symbolic Speech	A “message” or conduct intended to convey a particular message which is likely to be understood by those viewing it
Tax-exempt	Not subject to being taxed
The Fourth Estate	A name often given to the public press
Time, Place & Manner	The government cannot impose speech restrictions simply because it disagrees with the message of the speaker. In other words, government regulation of speech must be “content neutral.” Furthermore, a time, place, or manner regulation must advance a significant governmental interest, not restrict more speech than necessary to further that interest. An example of a “time” regulation is an ordinance banning loud noises in residential areas during the night. An example of a “place” regulation is a regulation that parades not be held on certain busy streets. An example of a “manner” regulation is a restriction on the size of signs carried by picketers
Tolerance	The capacity for or the practice of recognizing and respecting the beliefs or practices of others (The term “acceptance” is becoming more widely used)
Truth	Conformity to fact or actuality
Unconstitutional	Anything that does not agree with the ideas in the U.S. Constitution
Unprotected Speech	Speech that is NOT allowed by the First Amendment
Values	Principles, standards, or qualities considered worthwhile or desirable