

2017 Anti-Defamation League

# OUR FIRST AMENDMENT FREEDOMS

Art & Essay

Contest for Students

**“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.”**

## TEACHER GUIDE

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# The First Amendment and Our Freedoms

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.

The 45 words that make up the First Amendment haven't changed since they were adopted by the United States as part of the Bill of Rights on December 15, 1791. For over 200 years, the First Amendment has been the cornerstone of freedom in the United States. Commonly referred to as the "five freedoms," the First Amendment has helped people in the U.S. exercise their rights to work for a more free and just society and impacts every aspect of our lives.

The First Amendment guarantees freedoms of speech, religion, the press, association and petition, and was a radical and revolutionary departure from a world in which state-imposed religious persecution, censorship and oppression was the norm. As those living in the U.S., we should be proud to have the liberty to exercise these rights, which are not guaranteed in many other countries. The Constitution set the guiding principles for our nation, and over 200 years later, the freedoms contained in the Bill of Rights distinguish us from other nations.

Every important struggle for social justice has involved the First Amendment in one way or another; abolitionism, suffrage, civil rights movement, women's movement, child labor movement, environmentalist movement, LGBT movement and those working for disability rights have all relied on the First Amendment.

**[A Knight Foundation survey about student and teacher perspectives on the First Amendment, Future of the First Amendment: 2014 Survey of High School Students and Teachers](#)**, had a number of interesting findings: (1) for the first time in the 10-year period of the study, U.S. high school students had a greater appreciation for the First Amendment than do adults; (2) First Amendment support is highest among students who report more frequently consuming news and information through digital media and those who are taking a class dealing with the First Amendment; (3) students are far less concerned than adults about the privacy of the personal information they give out on the Internet and (4) a majority of students said that Freedom of Speech was the most important of the freedoms to them.

In this lesson, students will have the opportunity to reflect on what freedom means to them, understand the First Amendment freedoms and their complexities, explore cases brought before the courts that are impacted by the First Amendment freedoms, and create a project that reflects how the First Amendment impacts their daily lives.

**See these additional ADL resources: [Religious Freedom Publications & Resources](#), [Primer on the First Amendment & Religious Freedom](#), [Religion in the Public Schools](#), [The December Dilemma: Navigating Religious Holidays in the Public Schools](#) (webinar) and [Addressing Hate Online: Countering Cyberhate with Counterspeech](#) (high school lesson plan).**

★ **Grade Level:** Grades 7-11

★ **Time:** Two 45-minute class sessions

★ **Common Core Anchor Standards:** Reading, Writing, Speaking and Listening, Language

★ **Learning Objectives:**

- Students will reflect on what freedom means to them and will be able to define freedom.
- Students will understand the five freedoms associated with the First Amendment.
- Students will explore a court case involving one of the freedoms associated with the First Amendment.
- Students will express how the First Amendment impacts their daily lives through writing, artwork or other project of their choice.

## ★ **Compelling Question:**

What are our First Amendment freedoms and how do they impact our everyday lives?

## ★ **Material:**

- Post-it notes (at least 4 per student)
- 5 pieces of chart paper with one of the five freedoms written on each sheet of paper: (1) Freedom of Speech, (2) Freedom of the Press, (3) Freedom of Religion, (4) Freedom of Assembly and (5) Freedom of Petition
- **Why the First Amendment is Foremost (TIME video: 6 minutes)**
- **First Amendment (one copy for each student)**
- **Five Freedoms (one copy for each student)**
- **Court Cases (copies for each student based on small group)**
- **Case Analysis Worksheet (one copy for each student)**
- **Students Say Free Speech Is Alive, With One Big Exception (New York Times, April 6, 2016) (one copy for each student)**
- **How Does the First Amendment Personally Impact Me? Worksheet (one copy for each student)**

## ★ **Vocabulary**

advocate	freedom	political speech
assembly	hate speech	press
ensorship	hijab	protestors
coerce	Ku Klux Klan	referenda
dictate	lobbying	religion
elected officials	media	turban
endorse	neutral	yarmulke

## **WHAT IS FREEDOM?**

1. Begin the lesson by distributing 4 post-it notes to each student and asking these questions aloud: What is freedom? What does freedom mean to you? What freedoms are important to you?

Have students record their responses to the questions on the post-it notes, writing a different thought or idea on each note. Students can use up to 4 post-it notes to record their thoughts and they can also create a simple drawing if they would rather use art to express their responses to the question. You can share an example such as “the freedom to go to bed when I want” or “the freedom to write a blog post criticizing the Mayor.”

2. When students are done writing their post-it notes, ask them to share some of their responses but make this brief. After sharing a few responses, have students bring their post-it notes up to the front and paste them on the board. You can organize them into categories if time allows. Read aloud the words and phrases so students get a sense of how others responded to the prompts.
3. Ask students: How would you define freedom? Elicit a definition for freedom as follows and record it on the board/smart board:

**Freedom is the power, right and ability to act, speak, or think as one wants without hindrance or being controlled.**

4. Based on the definition above, engage students in a discussion by asking the following questions:
  - What are some freedoms that you already have or enjoy?
  - What are some freedoms that you want?
  - What are some freedoms you wish you had but don't?
  - Should some freedoms be absolute and others earned? Explain your thinking.
  - Do you think people in other countries have the same freedoms as we do in the U.S.? How so?

## THE FIRST AMENDMENT

1. Ask students: What do you know about the First Amendment to the Constitution? What does the First Amendment have to do with freedom?
2. On the board/smart board, have the following words written (the First Amendment) and have a student read aloud:

**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.**

Ask students to share their thoughts about the words that were just read aloud that make up the First Amendment. **Distribute a copy of First Amendment to each student.**

3. Then, show the video: [Why the First Amendment is Foremost \(TIME, 6 minutes\)](#)

Ask students to share what their thoughts are about the First Amendment after watching the video. Engage students in a discussion by asking the following questions:

- What did you learn that you didn't know before?
- What was surprising about what was said in the video?
- What did you already know about the First Amendment?
- Why is the First Amendment important?
- How does the First Amendment impact your life?

4. Explain that The First Amendment is part of the Bill of Rights, which are the first ten amendments to the United States Constitution. When the Constitution was signed on September 17, 1787, it did not contain these individual freedoms but many demanded greater constitutional protections for individual liberties. After much discussion and debate, James Madison (who became President seventeen years later in 1808) wrote a number of amendments that sought to limit the government's power, and the Bill of Rights was adopted on December 15, 1791. The most cherished of these amendments was, and still is, the First Amendment. The First Amendment is important and relevant to us today because these rights still apply to us and our everyday life and decisions. They also continue to be challenged in the courts who interpret them when they are presented with cases.

5. Distribute a copy of the **Five Freedoms handout** to each student. Go over each one and read the explanation of each aloud or have students take turns reading them aloud. In addition to what is on the Five Freedoms sheet, use the following additional information about each freedom, if necessary:



### FREEDOM OF SPEECH

Freedom of speech means that you can share your opinions and exchange ideas freely without the government controlling the content of what you say. However, this wasn't always true. There was a time when freedom of speech was only for the rich and powerful. In the early days of the colonies, royal governors, clergymen and a powerful few were the only ones allowed to speak their minds and opinions. Speaking out against things you didn't like could send you to jail. Now, thanks to the First Amendment, this is no longer possible in the United States.

As a student, you have the right to express your opinion at school. Students often bring attention to their favorite causes by wearing armbands, T-shirts, buttons, etc. However, freedom of speech rights are not absolute in a school and may be restricted somewhat to ensure a safe learning environment for all students. School officials, such as the principal and teachers, have the right to restrict some type of student behavior, such as cursing at teachers in the classroom or hallway. In school, as a student, you do have the right to express your opinions, but your speech may be restricted if it (1) substantially and materially interferes with school activities and objectives, (2) interferes with another individual's rights, (3) is a "true threat": it threatens immediate harm to an individual, the school or community or (4) promotes illegal drug use.

## **FREEDOM OF THE PRESS**

Freedom of the press means that online news, newspaper articles and television news reports are written without government censorship, unless it is during wartime and the publication would present a clear and present danger to our nation's security.

In addition, the government cannot (1) pass a law that requires newspapers to publish information against their will, (2) impose taxes on the press that it does not levy on other businesses and (3) prohibit the press from attending judicial proceedings and thereafter informing the public about them. Freedom of the press does apply to school newspapers, with some limitations.

## **FREEDOM OF RELIGION**

Freedom of religion means that you can practice the religion of your choice or you can choose not to practice any religion at all. The key point to remember is the government cannot dictate to you what religion you can or cannot practice. But centuries ago, this was not true. For example, the pilgrims back in England were called Separatists because they wanted to be independent from the established Church of England. So, they came to what is now known as the United States in search of religious freedom.

There are two clauses in the First Amendment that protect your religious freedom. The first clause is the Establishment Clause and the second is the Free Exercise Clause.

The Establishment Clause (Congress shall make no law respecting an establishment of religion) is understood to mean that government (1) must remain neutral when it comes to religion, (2) cannot give the impression that it endorses religious belief over non-belief or any particular belief over another belief and (3) cannot coerce religious participation. The Free Exercise Clause (Congress shall make no law...prohibiting the free exercise thereof) is understood to mean that government cannot prevent someone from practicing his/her own religion. This means that the government cannot regulate how to practice your religion or punish the expression of religious doctrine.

There is, however, an exception to this free exercise clause. If a law or policy is passed that applies to everyone but interferes with the practices of a particular religion, an individual may not be able to challenge the law or policy based on this clause.

While many countries have included in their Constitution the freedom of religion, with governments generally respecting this right in

practice, there are still countries that do not have these same freedoms.

## **FREEDOM OF ASSEMBLY**

There once was a time in our history when you could be arrested for gathering or assembling on a public street. Since the signing of the Bill of Rights, this is no longer true. The First Amendment protects your freedom to assemble or petition the government.

“Down with Segregation,” “Troops Out Now,” “Support our Troops” and “Si, se puede” (“Yes, we can” in Spanish) are examples of chants and picket signs that have been part of peaceful demonstrations throughout our country over the course of history. Civil rights advocates, demonstrators on both sides of the war debate, striking workers, immigrant rights activists and other concerned community members have taken to the streets, chanting, marching and raising picket signs in an effort to gain public support for their particular cause. These actions represent the right to a peaceful, non-violent assembly. You can gather peacefully in a public setting and encourage support from others on a matter important to you without the government stepping in.

The government may limit the time, place and manner, but the limits must be reasonable and fair. The key idea is that the government cannot forbid you and others from assembling to discuss or protest issues, especially if the assembly is peaceful and does not present a danger to others.

## **FREEDOM TO PETITION**

The freedom to petition means you can write a letter to the mayor, congressperson, president or any public official, and ask the government to focus attention on unresolved issues, provide information about unpopular policies or share your thoughts about governmental changes. The term “petitioning” has come to mean any nonviolent, legal means of encouraging or disapproving government action and can include: lobbying, emailing campaigns, filing lawsuits, supporting referenda or collecting signatures for ballot initiatives. The key point to remember is that the government cannot forbid you from telling public officials when you have a problem or a complaint.

6. Explain to students that you have written each of the five freedoms on pieces of chart paper placed around the room (have this ready in advance). You are going to give students 10 minutes to walk around the room and record their original thoughts, feelings, examples and questions about that freedom on the corresponding chart paper. Students can bring their Five Freedoms sheets with them to remind

them of what each freedom means. If it helps to give students some guiding questions to get them thinking, use the following:

- What does this freedom mean?
- What is an example of this freedom?
- How do you feel about this particular freedom?
- Is this freedom important to you; why or why not?
- What confuses you about this freedom; what questions do you have about it?

After students have recorded their thoughts on each of the freedoms, allow students to walk around the room to read what has been written on the chart paper around the room. Then, engage students in a class discussion by asking the following questions:

- What do you notice about people’s feelings, experiences and thoughts about the First Amendment freedoms?
- What is your sense of the most important freedoms to our class and the least important?
- What more do you want to know about these freedoms?

### **FIRST AMENDMENT FREEDOMS: HERE I STAND**

1. Explain to students that they are going to do an activity where they listen to some statements related to First Amendment freedoms and will then consider to what extent they agree or disagree with each statement. Students will indicate their opinion about each statement by positioning themselves along an imaginary line, depending upon how strongly they agree or disagree with each of the statements.

Note: This would be a good time to review classroom guidelines and if you haven’t done so already, discuss with students how to establish a safe, inclusive and respectful classroom environment including: respecting others and their points of view, speaking from your own personal experiences, asking questions, respecting confidentiality and being mindful of to share “air time.” [For more information, see ADL’s Establishing A Safe Learning Environment.](#)

2. Select a large open space and indicate the position of an imaginary line with the farthest right point representing a STRONGLY AGREE response and the farthest left point a STRONGLY DISAGREE response. In between, place AGREE, IN BETWEEN/NOT SURE, AND DISAGREE along the continuum. Hang up signs with these words on the wall (do in advance if possible).

3. Read each statement below—one at a time—requesting that students take a few minutes to

decide where they stand in the continuum and have them walk silently to that place and observe where others choose to stand. Explain that these statements are all about people’s First Amendment freedoms and they get to some of the subtle ways in which this is not necessarily a clear answer. Because of this, they will use what they know already about the First Amendment and their opinions about each of the statements.

Following each statement, after everyone has chosen their spot, have students spend 2–3 minutes talking among themselves (in the groups that formed after choosing where to stand) about why they are standing where they are.

Note: The answers are included in each statement for the teacher but should not be shared with students until after the activity comes to a completion.

### **STATEMENTS:**

- My public school’s dress code can forbid students wearing t-shirts with political messages on them. (no)
- We are allowed to sing religious Christmas songs at our holiday concert without singing songs from other religious group’s holidays. (no)
- People are not allowed to post hateful bigoted things on social media like Twitter, Facebook and Instagram. (no)
- We can learn about religion in school. (yes)
- Musicians are allowed to sing whatever they want, even if it is offensive. (yes)
- A principal or teacher cannot forbid a student from writing an article in the school newspaper because they think it is inappropriate. (no)
- A prayer may be read at a public school graduation ceremony as long as it is read by a student who is elected by his or her peers. (no)
- Students may pray on public school grounds and can form a religious club. (yes)

4. After the activity, lead a whole group discussion using the following questions:

- How did you make the decision about where to stand? Did you base it on opinion, facts and/or something else?
- Were some statements easier for you to decide where to stand and some more difficult? How so?
- Did you ever decide to change your position when you saw you did not agree with a majority of the group, or after hearing others’ points of view?
- Did this activity cause you to change your

point of view about something or make you feel more strongly about your position? Please explain.

- In what ways are our First Amendment freedoms clear cut and in what ways are they more complicated?

## ★ **FIRST AMENDMENT CASES: SMALL GROUP WORK**

1. Divide students into five groups of equal sizes; you can do this by having students count off by 5s. (1, 2, 3, 4, 5, 1, 2, 3, 4, 5, etc.) or by creating groups based on where students are seated. Explain that each group will be given a court case that focuses on one of the five freedoms of the First Amendment. (There are cases including all of the five freedoms except for the Right to Petition). Each of the groups will read about their case, respond to some questions and then share back with the rest of the class what they learned.

**Note to Teacher:** This activity can be done by having each group share back with the whole class as outlined below or alternatively, you can use the **jigsaw strategy** instead. You can do this by having one student from each group share what they learned from their court case with students in the other groups. To manage the jigsaw strategy, divide students into five groups as described above. Students in these five groups (“learning groups”) will be assigned to one of the five freedom court cases and will read it silently and discuss among themselves using the discussion questions below and taking notes. After that discussion has taken place and members of the group understand the material, you will form new groups that include one member from each of the original five groups (“sharing groups”). When the new groups are formed, give each student 2–3 minutes to explain what they read, the information shared and the point of view represented in their article.

2. After students are situated in their groups, **distribute one of the Court Cases** to each of the five groups, giving a copy of the handout to each student in the group. (There are a total of seven cases included so you can choose which ones you think will work best for your students.) Give students 5-10 minutes to read about the case and another 10 minutes to discuss the following questions, recording their notes on the **Case Analysis Worksheet**.
  - What’s happening here?
  - How is this related to the First Amendment?
  - How did the court rule?
  - Why do you think the court ruled the way it did?
  - Do you agree or disagree with their decision and why?
  - What else do you want to know about the case or that particular freedom?

**Note:** If you think it would be helpful, use one of the **Court Cases** as a model to go over in class, having all students read it silently and then address the questions above in a class discussion. This will help students understand how to discuss the cases in their small groups.

3. When the small groups are done with their discussions and have taken notes on their discussion, have each group report back to the rest of the class or engage in the jigsaw sharing strategy.

## ★ **READING ACTIVITY**

1. Distribute a copy of the article **Students Say Free Speech Is Alive, With One Big Exception to each student**. Give students 10 minutes to read the article silently or distribute the night before as a homework reading assignment.
2. After students have finished reading the article, engage them in a discussion by asking the following questions:
  - What was the main message of the article?
  - Which of the First Amendment freedoms were addressed in the article?
  - What do you learn about the different perspectives different racial groups have about their right to assembly? Why do you think this is the case?
  - Based on the article, why do you think some people choose not to exercise their free speech? Have you ever experienced this?

- What are some of the reasons the students cited for keeping the press out of protests on campus?
- Do you think the outcomes would be different if they interviewed high school students instead of college students? How so?
- What did you learn by reading the article?
- What additional questions do you have?

## HOW DOES THE FIRST AMENDMENT PERSONALLY IMPACT ME?

1. Students will now consider everything that they have learned about the First Amendment Freedoms and create a project of their choosing to share what they learned. This could be an essay\*, artwork, video, Public Service Announcement (PSA), Power Point or Prezi presentation or some other project that you approve.

**\*For the Chicago essay contest, the essay must be solely the work of the entrant. The essay must be typed in 12-point font minimum and double-spaced on 8.5" x 11" unlined paper with 1.25" margins. The essay must be written in the English language. The essay must not exceed two pages.**

- Engage students in a brief discussion by asking:
  - How do you feel about the First Amendment freedoms?
  - Is there one of the freedoms that you connect with more than the others?
  - How does the First Amendment freedom(s) personally affect your daily life?
- Have students turn and talk to the person sitting next to them, each taking five minutes to reflect on these questions. As the first person talks, the other person will take notes on what they said and vice versa.
- Distribute a copy of the How Does the First Amendment Personally Impact Me?** worksheet to each student. Explain to students that they will need to think about what their project will be and begin to respond to the questions on the sheet in order to plan out their project. Designate a due date and decide how much class time you can devote to students' working on their projects and how much of the project you will assign for homework over the next few class periods or weeks.
- When students have completed their projects, have them share with the rest of the class by doing presentations. Also, consider ways they can be shared with the school as a whole or the larger community.

## ★ ADDITIONAL READING

- [American Civil Liberties Union \(website\)](#)
- [Primer on the First Amendment & Religious Freedom \(ADL website\)](#)
- [First Amendment Center \(website\)](#)
- [First Amendment \(U.S. Constitution\) \(New York Times' Topics\)](#)
- [First Amendment: US Constitution \(Encyclopedia Britannica\)](#)
- [Future of the First Amendment: 2014 Survey of High School Students and Teachers](#)





## ★ ADDITIONAL READING

**R.1** Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.

**R.2** Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.

## ★ WRITING

**W.2** Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization, and analysis of content.

**W.3** Write narratives to develop real or imagined experiences or events using effective technique, well-chosen details and well-structured event sequences.

**W.7** Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.

## ★ SPEAKING AND LISTENING

**SL.1** Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.

**SL.2** Integrate and evaluate information presented in diverse media and formats, including visually, quantitatively, and orally.

## ★ LANGUAGE

**L.4** Determine or clarify the meaning of unknown and multiple-meaning words and phrases by using context clues, analyzing meaningful word parts, and consulting general and specialized reference materials, as appropriate.

**L.6** Acquire and use accurately a range of general academic and domain-specific words and phrases sufficient for reading, writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when encountering an unknown term important to comprehension or expression.

## FIRST AMENDMENT

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.

## FIVE FREEDOMS

### ★ FREEDOM OF SPEECH:

You can voice your opinions and exchange ideas freely without censorship from the government (with some exceptions, such as threats). In addition, you have the right to criticize the government. Students in public schools have free speech rights too. However, they can be somewhat restricted to ensure a safe learning environment for all students.

### ★ FREEDOM OF THE PRESS:

The government cannot control the media and cannot control what is printed in newspapers, books or the Internet and what is broadcast on television or radio. Freedom of the press does apply to school newspapers too, with some limitations.

### ★ FREEDOM OF RELIGION:

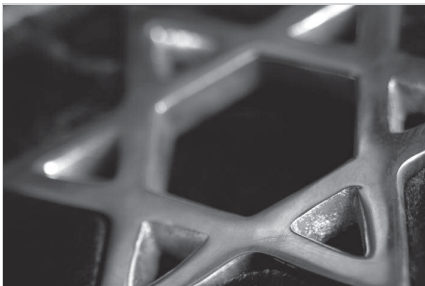
There are two religious principles—separation and tolerance. (1) There is a separation of church and state which means the government cannot establish an official religion and religious practice should be free from government influence; and (2) You are free to “exercise” your right to participate in a religion of your choice or not to attend/practice religion at all.

### ★ FREEDOM OF ASSEMBLY:

You can gather peacefully in a public or private setting to organize and advocate on behalf of things that are important to you, subject to reasonable time, place and manner limitations, without the government stepping in. You can join groups for political, religious or social reasons, free from interference by the government.

### ★ FREEDOM TO PETITION:

You can ask the government for changes by collecting signatures and sending them to elected officials (mayor, congressperson, senator, president, etc.) or by calling, writing or e-mailing those representatives.



## COURT CASES

### CASE #1: TINKER V. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT, 1969 (FREE SPEECH IN PUBLIC SCHOOLS)

In December 1965, a number of Iowa high school students planned to wear black armbands until New Year’s Day to protest the U.S. military involvement in Vietnam. School officials heard rumor of the plan and quickly passed a no-armband policy, though there was no other policy in place prohibiting students from wearing other symbols. Despite the new policy, the students wore their armbands to school as planned. When school officials asked the students to remove the armbands, they refused and were suspended until they were willing to return to school without wearing them. The students decided to stay home until their planned protest was over on New Year’s Day, and their parents challenged the school in court.

The case went all the way to the U.S. Supreme Court, which ruled in favor of the students. In one of the most often quoted statements on student freedom of expression rights, the Court wrote: “[Students] do not shed their constitutional rights to freedom of speech and expres-

sion at the schoolhouse gate.” The Court said school officials had no evidence that wearing armbands would disrupt school. This is known as the Tinker standard. Simply stated it means that school officials cannot silence student expression just because they dislike it. School officials must be able to reasonably demonstrate that the student expression will lead to substantial disturbance at school or an invasion of the rights of others.

### **CASE #2: DOE V. SANTA FE INDEPENDENT SCHOOL DISTRICT, 2000 (FREEDOM OF RELIGION)**

There was a school district policy in Santa Fe, Texas that required high school students to vote whether to have student-led prayer at football games. If they voted to have the prayer, they were also to elect student representatives to lead the pre-game prayers. The prayers were a long-standing tradition in Texas communities and were conducted over the school’s loudspeakers. Attendance at these events was voluntary. A group of students sued, however, stating that the prayers amounted to an endorsement of religion and violated the Establishment Clause.

In June 2000, the Supreme Court ruled that, indeed, these prayers were a government endorsement of religion, a violation of the Establishment Clause. Public school students cannot be required to listen to the promotion of a particular, sectarian religious message. Religion should not be used in such a way as to divide the community so that some students feel like insiders and others feel like outsiders. A neutral, secular public school environment is necessary to ensure that all school members will feel included.

### **CASE #3: NATIONAL SOCIALIST PARTY V. SKOKIE, 1977 (FREEDOM OF ASSEMBLY)**

Skokie, Illinois, is a suburb of Chicago with a population that includes several thousand Jewish survivors of World War II concentration camps. In 1977, a group of self-proclaimed Nazis requested a permit to march in front of the Skokie Village Hall dressed in uniforms similar to those traditionally worn by Nazis, including the swastika armbands. Skokie responded by passing laws prohibiting marching in military-style uniform, or distributing or displaying any materials which incite or promote hatred against persons of any faith or ancestry, race or religion. The Nazis filed a suit claiming that Skokie’s new ordinances were unconstitutional.

The U.S. Supreme Court ordered the State of Illinois to hold a hearing before imposing a restraint on the group’s First Amendment right to speech and

assemble. When the Illinois Court reviewed the case, they ruled that the Nazi march was protected by the First Amendment and that the Village of Skokie could not prohibit the speech. The Illinois Supreme Court ruled that the use of the swastika is a symbolic form of free speech entitled to First Amendment protections and determined that the swastika itself did not constitute “fighting words.” Ultimately, the group did not march in Skokie, but in Chicago instead. In the summer of 1978, in response to the Court’s decision, some Holocaust survivors set up a museum on the Main Street of Skokie to commemorate those who had died in the concentration camps.

### **CASE #4: HAZELWOOD SCHOOL DISTRICT V. KUHLMAYER, 1988 (FREE PRESS/SPEECH IN SCHOOLS)**

In St. Louis County, Missouri, a school principal reviewed the drafts of the school newspaper and was troubled by two articles written by students. He considered the first article, on teenage pregnancy, to be too controversial for some younger students because the article discussed sexual activities and birth control. The second article, about the impact of divorce on a student, included a student’s complaint about her father’s conduct, and the principal felt that there was not an opportunity for the parent to respond or give his consent to the article. The principal decided to remove the articles from the newspaper. The student journalists disagreed with the principal and challenged his decision to censor their work in court.

The case went all the way to the Supreme Court, which ruled for the school, saying, “Educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities as long as their actions are reasonably related to legitimate pedagogical concerns.” Because it was a school-sponsored newspaper, the principal had the right to keep certain articles out of the paper, if there were legitimate educational concerns or if it causes a substantial disruption to the educational mission.

### **CASE #5: BRADENBURG V. OHIO, 1969 (FREE SPEECH)**

Clarence Brandenburg, a leading member of the Ku Klux Klan, formed a rally and invited a local news station to cover it. The filming, which was broadcast live to city residents, showed several men in robes and hoods, some carrying firearms, first burning a cross and then making hateful racist speeches. Clarence Brandenburg was arrested for violating a law which made illegal advocating “crime, sabotage, violence, or unlawful methods of terrorism as a

means of accomplishing industrial political reform” as well as assembling “with any society, group, or assemblage of persons formed to teach or advocate the doctrines of criminal syndicalism.” Brandenburg challenged this law and his arrest stating that his First Amendment rights were violated.

The Supreme Court ruled in favor of Brandenburg, stating that the law violated his First Amendment right. The Court stated that, indeed threats are not protected by speech, but speech can only be prohibited if the speech is (1) “directed at inciting or producing imminent lawless action” and (2) it is “likely to incite or produce such action.” In other words, although the Klan’s rally was hateful, the sentiments expressed were not deemed by the U.S. Supreme Court to be of an immediate danger to those around the rally, nor were they intended to be.

#### **CASE #6: BETHEL SCHOOL DISTRICT V. FRASER, 1986 (FREE SPEECH IN SCHOOLS)**

Fraser, a senior in high school, spoke at a student school assembly to nominate a classmate for student government. His speech was filled with sexual references and innuendos, but it contained no obscenities. While some of his peers jeered, others appeared to be uncomfortable. Fraser was suspended from school for three days and removed from the list of students who were eligible to make graduation remarks. His parents disagreed with the school’s disciplinary action, and challenged the school in court.

The case went all the way to the Supreme Court, which ruled in favor of the school. It decided that school officials could punish Fraser for giving a speech before the student body that contained lewd language and numerous sexual references. Even though the student argued in court that his speech warranted free speech protection, the Court disagreed, saying that “the freedom to advocate unpopular and controversial views in schools and classrooms must be balanced against society’s countervailing interest in teaching students the boundaries of socially appropriate behavior.” The Court went on to say that it is an appropriate function of schooling to prohibit the use of vulgar and offensive terms in public discourse.

#### **CASE #7: LEE V. WEISMAN, 1992 (FREEDOM OF RELIGION)**

In Rhode Island, public schools traditionally invited local clergy to participate in middle school and high school graduation ceremonies. The clergy were provided with nondenominational prayer guidelines. The father of one student sued the school claiming that a Rabbi-led non-denominational prayer at the middle school graduation was a violation of the Establishment Clause. The school district argued that the prayer was nonsectarian and was doubly voluntary, as the students were free not to stand for the prayer and because participation in the ceremony itself was not required.

The Supreme Court held that schools can’t promote religious exercise directly or through an invited guest at graduation ceremonies. The Court held that the prayer at graduation represents “a state-sponsored and state-directed religious exercise in a public school.” Prayers at graduation put indirect pressure on students to participate in a state-sponsored religious practice. The Supreme Court has made it clear that prayers organized or sponsored at a public school event, even when delivered by a student, violate the First Amendment.

## ★ STUDENT NOTES

What's happening here?

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How is this related to the First Amendment?

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How did the court rule?

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Why do you think the court ruled the way it did?

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Do you agree or disagree with their decision and why?

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What else do you want to know about the case or that particular freedom?

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# HOW DOES THE FIRST AMENDMENT PERSONALLY IMPACT ME?

## ★ WORKSHEET

How does the First Amendment impact me?

Which of the five freedoms do I want to highlight in my project?

What are some examples of things that have impacted me?

What do I want to convey to my audience?

What words, ideas, images and quotes might I use?

What format will my project take?

Essay

Art Project

Power Point/Prezi

PSA Video

Materials Needed:

### OVERALL TIMELINE FOR COMPLETION

TASK

DUE DATE

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