

Your Library: A Marketplace of Ideas

AND CONTROVERSY

Libraries as First Amendment Bastions & Battlegrounds

Multidisciplinary Law-Related Education

Critical Engagement Question:

How are First Amendment rights exercised and challenged in your library?

Overview:

Libraries serve the public and promote First Amendment freedoms in many ways: serving as storehouses of ideas; offering access to information needed for decision-making; disseminating ideas through books, periodicals, videos, and the Internet; providing meeting space for groups; and sometimes functioning as sites for sit-ins and protests. Because libraries provide access to information about myriad subjects to many diverse communities, controversy is almost inevitable. Disputes sometimes arise when individuals or groups with opposing views feel that libraries are not serving their needs. They may disagree with information that the library disseminates. More heated confrontations may occur when public libraries provide information about controversial subjects, allow access to potentially objectionable information, or permit polarizing groups to use their facilities as meeting spaces.

Objectives:

1. To reveal the exercise of and challenges to First Amendment rights in public and school libraries.
2. To examine primary documents as a means of furthering understanding of how the First Amendment applies to libraries.
3. To explore various examples of controversy in libraries and apply prior court precedents.
4. To inform students about the balance between First Amendment freedoms and limitations sought by competing interests.
5. To facilitate cross-curricular connections between social studies, language arts, and public and school libraries.

Standards:

NCHS: Era 9, Standard 4C; Era 10, Standard 2E

NCSS: Strands 2, 5, 6, and 10

Illinois: Goal 14, Learning Standard A, B, D, and F; Goal 16, Learning Standard A, B, and D

Student Materials:

Item A: *Should it Be Legal to Remove Some Books from a Public Library?*

Item B: *Should Libraries Censor the Internet to Protect Young People?*

Item C: *Should Certain Books be Pulled from a School Library's Shelves?*

Item D: *Should All Groups Be Allowed to Meet at the Library?*

Item E: *Libraries as First Amendment Bastions and Battlegrounds Worksheet*

Teacher Materials:

Libraries and the First Amendment Poster

Time and Grade Level:

One 90-minute or two 45-minute high school class periods with post-activity homework.

Warm-Up:

This entire sequence can occur either through a class discussion or via student engagement with the *Libraries and the First Amendment* companion web site at FreedomInLibraries.org.

1. Display the First Amendment, or ask students to access FreedomInLibraries.org/Marketplace_Amendment.aspx. Discuss the ways in which the five freedoms of the First Amendment are exercised in a library setting.
2. Consider how libraries promote First Amendment freedoms (optional: visit FreedomInLibraries.org/Marketplace_Bastions.aspx):
 - They are storehouses of ideas.
 - They provide access to information needed for decision making.
 - They disseminate ideas through books, periodicals, videos, the Internet, and more.
 - They provide meeting space for groups.
 - They sometimes serve as sites for sit-ins and protests.
3. Contemplate how these library functions might lead to conflict (optional: visit FreedomInLibraries.org/Marketplace_Battlefields.aspx).
4. Transition into a discussion of the four topics central to the lesson:
 - Should it Be Legal to Remove Some Books from a Public Library? (Related question: Who should decide what books are included in a library collection, or which ones should be removed from it?)

- Should Libraries Censor the Internet to Protect Young People? (Related question: Should school or public libraries have a right to block sites like Facebook and MySpace?)
- Should Certain Books be Pulled from a School Library's Shelves? (Related question: Does the First Amendment include the right to access the ideas communicated through books?)
- Should All Groups Be Allowed to Meet at the Library? (Related questions: What makes a group controversial? What are some reasons a library may not want a controversial group to meet at their site?)

Activity:

1. Distribute one copy of *Libraries as First Amendment Bastions and Battlegrounds* (Item E) to each student. This worksheet will facilitate the balance of the lesson.
2. Divide the class into groups of four that will dissect the meaning of four federal court opinions, and later, apply the precedents set in these cases to hypothetical court cases. Students may need a primer on the mechanics of the structure of the federal court system. The Federal Judicial Center's Web site is an excellent resource for this undertaking: fjc.gov/federal/courts.nsf.
3. Distribute the four primary documents that accompany this lesson plan (Items A, B, C and D). Each student in a group should receive a different document.
4. Ask students to work independently in reviewing their assigned document and completing the corresponding sections of the graphic organizer included in the *Bastions and Battlegrounds* worksheet. Upon completing this task, students should share individual findings with their study group, so that each member completes the graphic organizer in its entirety.
5. Time permitting, have study groups report out on their findings. Revisit the questions discussed during the warm-up activity now that students have expanded their knowledge of the issues to include legal precedents and the competing interests that often lead to First Amendment controversies.
6. During this class period or a subsequent period, encourage students to examine the *Libraries & the First Amendment* classroom poster, as well as the accompanying Web site at FreedomInLibraries.org. See the extensions below for ideas on how to leverage these resources.

Homework:

As a culminating activity, students should research school policy in one of four areas that corresponds with the court case they examined and question and hypothetical they considered over the course of the assignment. They include: (A) library book acquisition and removal procedures, (B) Internet filtering software and its use, (C) books inappropriate for library acquisition, and (D) meeting policies for outside groups seeking space outside of school hours. School librarians, technology staff, and administrators are reliable sources, along with the student handbook and Internet use policy. Then, students should write a 1.5-2 page position paper that describes their assignment policy, assesses its constitutionality on First Amendment grounds, and recommends changes, if any, in light of provisions that collide with First Amendment freedoms.

Extensions:

1. **School Board Presentation:** Encourage students with exemplary papers to prepare a presentation to the school board on one or more of the aforementioned policy areas described above.
2. **Exhibit:** Work with your school librarian to install a customizable *Libraries and the First Amendment* exhibit, which includes a free poster set, downloadable documents, and works in conjunction with its companion web site. For more information, please visit the following URL: <http://www.freedominlibraries.org/Exhibit.aspx>.
3. **Current Events:** Ask students to find a contemporary example of First Amendment freedoms exercised and/or challenged in libraries. An ongoing list of news articles is compiled on our *Libraries and the First Amendment* web site, at the following URL: http://www.freedominlibraries.org/Resources_News.aspx.
4. **Banned Books:** Assign students to read and report on a "Frequently Challenged Book." The American Library Association compiles an annual list of banned and challenged books at: <http://www.ala.org/ala/issuesadvocacy/banned/frequentlychallenged/index.cfm>.

Should It Be Legal to Remove Some Books from a Public Library?

Name

Sund v. City of Wichita Falls (TX) (2000)

EXCERPTS FROM THE AMENDED MEMORANDUM OPINION,
U.S. CIRCUIT COURT, NORTH DISTRICT OF TEXAS

Case Synopsis:

This case involves the censorship of two acclaimed books, *Heather Has Two Mommies*, by Leslea Newman and *Daddy's Roommate* by Michael Willhoite. Both are children's picture books written for very young children about the subject of children who have gay and lesbian parents.

The two Books have been endorsed by educators, psychologists, and librarians. Indeed, Linda Hughes—the Library Administrator of the Wichita Falls Public Library—feels strongly that *Heather and Daddy's Roommate* are “a wonderful way to explain to children that you may live in a different lifestyle, but the important thing is people love you.”

Before the library's purchase of *Heather and Daddy's Roommate*, the Library collection had no other titles on the subject of children with gay parents for children from preschool to the sixth grade.

Before May of 1998, the Library received only two complaints about *Heather Has Two Mommies* and *Daddy's Roommate*. However, a number of individuals and special interest groups began attempts to censor the Books—which they considered to be offensive and objectionable. These individuals and groups, many of whom objected to the perceived messages of *Heather and Daddy's Roommate* on religious grounds, felt as if they were waging a “moral battle” against the Books.

In response to the controversy surrounding the two books, the Library Advisory Board—a nine-member advisory board that issues non-binding recommendations to the Library on circulation and collection issues—agreed to reconsider the appropriateness of the two Books for children. In June 1998, after careful consideration, the Advisory Board recommended that both *Heather and Daddy's Roommate* remain in the children's areas of the Library. Then, Library Administrator Linda Hughes placed both Books in the Youth Non-Fiction section of the Library, an area that targets juveniles ages 9 through 13.

The City Council finally gave in to the relentless pressure and, on February 16, 1999, by a four to three vote, passed the “Altman Resolution.” This Resolution was, without question, passed with the primary purpose of limiting access to the two Books by patrons of the Library.

Under the Altman Resolution, a book must be removed from the children's area of the Library to the adult areas if, in the opinion of 300 petitioners—who may or may not have minor children—the book is “of a nature that it is most appropriately read with parental approval and/or supervision.” Once petitions with 300 signatures by Library patrons are filed with the Library Administrator, the Altman Resolution requires her to remove targeted books from the children's area within 24 hours.

On July 15, 1999, Linda Hughes, the Library Administrator, received petitions with over 300 signatures for the removal of *Heather Has Two Mommies* and *Daddy's Roommate* from the children's areas of the Library. On the same day, Linda Hughes—as required by the Altman Resolution—removed all copies of the two Books from the Youth Non-Fiction section of the Library, and placed them in the adult section.

After this lawsuit was filed, the Plaintiffs sought a temporary injunction to require the return of the two Books to the children's section where they belonged. The Defendants consented to this injunction, and *Heather and Daddy's Roommate* were returned to their original and proper locations, pending the resolution of this litigation.

Ruling:

The Altman Resolution, both on its face and as applied to the removal of *Heather Has Two Mommies* and *Daddy's Roommate* from the children's area of the Library to the adult section, violates Plaintiffs' federal and state constitutional rights to receive information. The Resolution and the Book removals burden fully-protected speech on the basis of content and viewpoint and they therefore cannot stand.

The First Amendment to the United States Constitution indisputably protect(s) the right to receive information—a fundamental right that is enjoyed by both adults and children.

Under the Resolution, any group of patrons with a particular viewpoint or agenda can suppress books with which they disagree, from *Heather Has Two Mommies* and *Daddy's Roommate* to, conceivably, the children's Bibles located in the youth areas of the Library.

By authorizing the forced removal of children's books to the adult section of the Library, the Altman Resolution places a significant burden on Library patrons' ability to gain access to those books. Children searching specifically for those books in the designated children's areas of the Library will be unable to locate them. In addition, children who simply wish to browse in the children's sections of the Library will never find the censored books. Moreover, parents browsing the children's areas in search of books for their children will be unable to find the censored books.

If a parent wishes to prevent her child from reading a particular book, that parent can and should accompany the child to the Library, and should not prevent all children in the community from gaining access to constitutionally protected materials. Where First Amendment rights are concerned, those seeking to restrict access to information should be forced to take affirmative steps to shield themselves from unwanted materials; the onus should not be on the general public to overcome barriers to their access to fully-protected information.

You Be The Judge

Hypothetical Court Case: A card-holding public library patron who is atheist objects to the presence of the Bible, Koran, and Torah in the library collection, considering it an unconstitutional government endorsement of religion. She convinces her local chapter of the Freedom from Religion Foundation to demonstrate outside the library, calling for the removal of all books pertaining to religion. Tired of the continued protests, the library removes the three religious texts from the collection.

Should Libraries Censor the Internet to Protect Young People?

Name

Ashcroft v. American Civil Liberties Union (2004)

EXCERPTS FROM MAJORITY OPINION BY ISSUED BY JUSTICE ANTHONY KENNEDY,
U.S. SUPREME COURT

Case Synopsis:

This case presents a challenge to a statute enacted by Congress to protect minors from exposure to sexually explicit materials on the Internet, the Child Online Protection Act (COPA). We must decide whether the Court of Appeals was correct to affirm a ruling by the District Court that enforcement of COPA should be (suspended) because the statute likely violates the First Amendment.

COPA is the second attempt by Congress to make the Internet safe for minors by criminalizing certain Internet speech. The first attempt was the Communications Decency Act of 1996. The Court held the CDA unconstitutional because it was not narrowly tailored to serve a compelling governmental interest and because less restrictive alternatives were available.

In response to the Court's decision in *Reno*, Congress passed COPA. COPA imposes criminal penalties of a \$50,000 fine and six months in prison for the knowing posting, for "commercial purposes," of World Wide Web content that is "harmful to minors." Material that is "harmful to minors" is defined as:

"any communication, picture, image, graphic image file, article, recording, writing, or other matter of any kind that is obscene or that—

- A. The average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;
- B. Depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact.
- C. Taken as a whole, lacks serious literary, artistic, political, or scientific value for minors."

A person may escape conviction under the statute by demonstrating that he "has restricted access by minors to material that is harmful to minors—

- A. By requiring use of a credit card, debit account, adult access code, or adult personal identification number;
- B. By accepting a digital certificate that verifies age, or
- C. By any other reasonable measures that are feasible under available technology."

Ruling:

Content-based prohibitions, enforced by severe criminal penalties, have the constant potential to be a repressive force in the lives and thoughts of a free people. To guard against that threat the Constitution demands that content-based restrictions on speech be presumed invalid, and that the Government bear the burden of showing their constitutionality. This is true even when Congress twice has attempted to find a constitutional means to restrict, and punish, the speech in question.

In considering this question, a court assumes that certain protected speech may be regulated, and then asks what is the least restrictive

alternative that can be used to achieve that goal. The purpose of the test is to ensure that speech is restricted no further than necessary to achieve the goal, for it is important to assure that legitimate speech is not chilled or punished. The court should ask whether the challenged regulation is the least restrictive means among available, effective alternatives.

The primary alternative (is) blocking and filtering software. Blocking and filtering software is an alternative that is less restrictive than COPA, and, in addition, likely more effective as a means of restricting children's access to materials harmful to them. Above all, promoting the use of filters does not condemn as criminal any category of speech, and so the potential chilling effect is eliminated, or at least much diminished.

Filtering software, of course, is not a perfect solution to the problem of children gaining access to harmful-to-minors materials. It may block some materials that are not harmful to minors and fail to catch some that are. Whatever the deficiencies of filters, however, the Government failed to introduce specific evidence proving that existing technologies are less effective than the restrictions in COPA.

On this record, the Government has not shown that the less restrictive alternatives proposed by respondents should be disregarded. Those alternatives, indeed, may be more effective than the provisions of COPA. The District Court did not abuse its discretion when it entered the preliminary injunction. The judgment of the Court of Appeals is affirmed.

You Be The Judge

Hypothetical Court Case: A local high school installed Internet filters on all computers in the building. They block student and staff access to web sites containing pornography, facilitating credit card payments, and social networking services. A student objects to his inability to access his favorite social networking site, Facebook, at school. He doesn't have Internet access at home, and his friends and family regularly communicate through the site. The principal defends the blocking of Facebook because Internet predators have used the site to lure minors into dangerous situations.

Should Certain Books Be Pulled from a School Library's Shelves?

Name

Island Trees School District v. Pico (1982)

EXCERPTS FROM PLURALITY OPINION ISSUED BY JUSTICE WILLIAM BRENNAN, U.S. SUPREME COURT

Case Synopsis:

In February, 1976, at a meeting with the Superintendent of Schools and the Principals of the High School and Junior High School, the Board gave an "unofficial direction" that the listed books be removed from the library shelves (including *Black Boy*, *The Naked Ape*, and *Slaughterhouse Five*) and delivered to the Board's offices so that Board members could read them. When this directive was carried out, it became publicized, and the Board issued a press release justifying its action. It characterized the removed books as "anti-American, anti-Christian, anti-Sem[i]tic, and just plain filthy," and concluded that "[i]t is our duty, our moral obligation, to protect the children in our schools from this moral danger as surely as from physical and medical dangers."

A short time later, the Board appointed a "Book Review Committee," consisting of four Island Trees parents and four members of the Island Trees schools staff, to read the listed books and to recommend to the Board whether the books should be retained, taking into account the books' "educational suitability," "good taste," "relevance," and "appropriateness to age and grade level." In July, the Committee made its final report to the Board, recommending that five of the listed books be retained and that two others be removed from the school libraries. As for the remaining four books, the Committee could not agree on two, took no position on one, and recommended that the last book be made available to students only with parental approval. The Board substantially rejected the Committee's report later that month, deciding that only one book should be returned to the High School library without restriction, that another should be made available subject to parental approval but that the remaining nine books should "be removed from elementary and secondary libraries and [from] use in the curriculum." The Board gave no reasons for rejecting the recommendations of the Committee that it had appointed.

Ruling:

The only books at issue in this case are *library* books, books that, by their nature, are optional, rather than required, reading. Our adjudication of the present case thus does not intrude into the classroom, or into the compulsory courses taught there. Furthermore, even as to library books, the action before us does not involve the *acquisition* of books. Rather, the only action challenged in this case is the *removal* from school libraries of books originally placed there by the school authorities, or without objection from them.

In sum, the issue before us in this case is a narrow one. It may best be restated as two distinct questions. First, does the First Amendment impose any limitations upon the discretion of petitioners to remove library books from the Island Trees High School and Junior High School? Second, if so, (does the evidence) before the District Court, construed most favorably to respondents, raise a genuine issue of fact whether petitioners might have exceeded those limitations? We think that the First Amendment rights of students may be directly and sharply implicated by the removal of books from the shelves of a school library. Our precedents have focused not only on the role of the First Amendment in fostering individual self-expression, but also on its role in affording the public access to discussion, debate, and the dissemination of information and ideas.

In keeping with this principle, we have held that, in a variety of contexts, "the Constitution protects the right to receive information and ideas." This right is an inherent corollary of the rights of free speech and press that are explicitly guaranteed by the Constitution, in two senses. First, the right to receive ideas follows ineluctably from the sender's First Amendment right to send them. More importantly, the right to receive ideas is a necessary predicate to the *recipient's* meaningful exercise of his own rights of speech, press, and political freedom.

In sum, just as access to ideas makes it possible for citizens generally to exercise their rights of free speech and press in a meaningful manner, such access prepares students for active and effective participation in the pluralistic, often contentious society in which they will soon be adult members. Of course all First Amendment rights accorded to students must be construed "in light of the special characteristics of the school environment." But the special characteristics of the school library make that environment especially appropriate for the recognition of the First Amendment rights of students.

Petitioners emphasize the (impressible) function of secondary education, and argue that they must be allowed unfettered discretion to "transmit community values" through the Island Trees schools. But that sweeping claim overlooks the unique role of the school library. It appears from the record that use of the Island Trees school libraries is completely voluntary on the part of students. Their selection of books from these libraries is entirely a matter of free choice; the libraries afford them an opportunity at self-education and individual enrichment that is wholly optional.

Petitioners rightly possess significant discretion to determine the content of their school libraries. But that discretion may not be exercised in a narrowly partisan or political manner. If a Democratic school board, motivated by party affiliation, ordered the removal of all books written by or in favor of Republicans, few would doubt that the order violated the constitutional rights of the students denied access to those books. Our Constitution does not permit the official suppression of ideas.

Nothing in our decision today affects in any way the discretion of a local school board to choose books to add to the libraries of their schools. Because we are concerned in this case with the suppression of ideas, our holding today affects only the discretion to remove books. In brief, we hold that local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books and seek by their removal to "prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion."

You Be The Judge

Hypothetical Court Case: An angry parent convinces the local school board to remove the controversial title, *The Perks of Being a Wallflower*, from the library at the public high school. The book, written by Stephen Chbosky, is a coming of age story of a high school student that addresses topics such as drugs, homosexuality, and suicide, and also contains nudity and controversial and sexually explicit language. For these reasons, the parent and the school board consider the book unsuited for high school students.

Should All Groups Be Allowed to Meet at the Library?

Name

Faith Center Church v. Glover (2006)

EXCERPTS FROM MAJORITY OPINION ISSUED BY JUDGE RICHARD PAEZ,
U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

Case Synopsis:

Contra Costa County ("County") makes available to the public its public library meeting rooms during operating hours...Pursuant to the County's library meeting room policy, "[n]on-profit and civic organizations, for-profit organizations, schools and governmental organizations" may use the meeting room space for "meetings, programs, or activities of educational, cultural or community interest." The County regulates use of the meeting rooms in the following ways: (1) library meeting rooms are available on a first-come, first-served basis; (2) the applicant must submit an application that identifies the applicant and purpose of the meeting; (3) access to the meeting room is contingent upon approval by the library staff, and the County library reserves the right to deny an application or revoke permission previously granted; and (4) the library meeting room "shall not be used for religious services."

It is the last policy restriction on "Religious Use" that is the subject of this case.

Plaintiff Faith Center Church Evangelistic Ministries is a non-profit religious corporation led by plaintiff Pastor Hattie Mae Hopkins. Pastor Hopkins believes that she is called to share her Christian faith with others. Pastor Hopkins believes that there are many individuals who need to hear about the gospel of Jesus Christ but who may never enter a traditional church building. To reach those individuals, Pastor Hopkins holds meetings and worship services in non-church buildings under the auspices of Faith Center.

In May 2004, Pastor Hopkins submitted applications requesting to use the County's Antioch Branch Library meeting room...In each application, Pastor Hopkins described the purpose of Faith Center's meetings as "Prayer, Praise and Worship Open to the Public, Purpose to Teach and Encourage Salvation thru Jesus Christ and Build up Community." Pastor Hopkins received confirmation from Antioch Library staff that her applications had been approved...

Faith Center held its meeting and service on May 29, 2004. Toward the end of the afternoon service, Antioch Library staff informed Faith Center representatives that they were not permitted to use the meeting room for religious activities. According to Faith Center, the library staff did not express concern about excessive noise but rather about a violation of the "Religious Use" policy, which, at that time, prohibited the use of library meeting rooms for "religious purposes." In June 2004, the County removed Faith Center's July 31, 2004 meeting from the Antioch Library calendar and later confirmed with Faith Center that the July meeting had been cancelled.

On July 30, 2004, Faith Center sued to (prevent) the County from excluding Faith Center's proposed religious meetings on the basis of the County's "Religious Use" policy. Faith Center also sought a declaration that the meeting room policy was unconstitutional on its face and as applied to Faith Center's proposed use of the meeting room.

Ruling:

We conclude that Faith Center engaged in protected speech when its participants met in the Antioch Library for prayer, praise, and worship. The Constitution, however, does not guarantee that all forms of protected speech may be heard on government property. We must at the outset determine the nature of the forum established

by the County when it opened the Antioch Library meeting room to various community groups.

Traditional public forums such as public streets and parks are locations that "by long tradition or by government fiat have been devoted to assembly and debate." When the government intentionally dedicates its property to expressive conduct, it also creates a public forum. The ability of the government to limit speech in a traditional or designated public forum is sharply circumscribed.

Any public property that is not by tradition or designation a forum for public communication is classified as a nonpublic forum. Regulation of speech in a nonpublic forum is subject to less demanding judicial scrutiny.

The Supreme Court has identified another category—the "limited public forum"—to describe a non(traditional) forum that the government intentionally has opened to certain groups or for the discussion of certain topics. Restrictions governing access to a limited public forum are permitted so long as they are viewpoint neutral and reasonable in light of the purpose served by the forum.

We conclude that the Antioch Library meeting room is a limited public forum and that enforcement of the County's policy to exclude religious worship services from the meeting room is reasonable in light of the forum's purpose. The County's policy and practices make clear that the County did not intend for the Antioch Library meeting room to be open for indiscriminate use...To allow the meeting room to be converted into a classroom would transform the character of the forum from a community meeting room to a public school.

By the same token, the County's decision to exclude Faith Center's religious worship services from the meeting room is reasonable in light of the library policy so that the Antioch forum is not transformed into an occasional house of worship. We see nothing wrong with the County excluding certain subject matter or activities that it deems inconsistent with the forum's purpose, so long as the County does not discriminate against a speaker's viewpoint.

Here too, the County has a legitimate interest in screening applications and excluding meeting room activities that may interfere with the library's primary function as a sanctuary for reading, writing, and quiet contemplation. The County reasonably could conclude that the controversy and distraction of religious worship within the Antioch Library meeting room may alienate patrons and undermine the library's purpose of making itself available to the whole community. We therefore conclude that the County's prohibition on religious worship services is reasonable in light of the purpose served by the Library meeting room.

You Be The Judge

Hypothetical Court Case: A local high school opens its library for outside groups to meet on evenings, weekends, and during the summer when school is not in session. Requests are rarely denied, subject to availability and the principal's discretion. Among the groups that have used the space are a local chapter of the Democratic Party, the National Association for the Advancement of Colored People's local chapter, and a Bible study group. The city's small Ku Klux Klan membership seeks to use the space on a Saturday morning, but the principal rejects their request on grounds that their message conflicts with the school's commitment to diversity.

Student Worksheet

Name

Part I:

In order to understand how First Amendment rights apply to public and school libraries, we must begin by studying a four important Supreme Court and lower federal court decisions. On your own, read the Real-World Court Case that was assigned to you and complete the corresponding section in the graphic organizer below.

Part II:

On your own, read the You Be the Judge: Hypothetical Court Case that was assigned to you. Based on the precedent set by the Real-World Court Case you studied, how would you rule on this hypothetical case? Write your response to this question and explanation in the final column of the organizer below.

Part III:

Take turns sharing your findings with the rest of your study group. Take notes as other group members share their findings.

Court Case	Key Facts of the Case	Precedent Set by the Ruling	Do You Agree with the Ruling? Why or Why Not?	You Be the Judge Court Case: Your ruling
(Item A) Sund v. City of Wichita Falls (2000) , U.S. Circuit Court, North District of Texas				
(Item B) Ashcroft v. American Civil Liberties Union (2004) , U.S. Supreme Court				
(Item C) Island Trees School District v. Pico (1982) , U.S. Supreme Court				
(Item D) Faith Center Church v. Glover (2006) , U.S. Court of Appeals, Ninth Circuit				

McCormick Freedom Project

Your educational resource on freedom and the First Amendment

Through public, educator and student programming, the McCormick Freedom Project enables informed participation in our democracy by demonstrating the relevance of the First Amendment and the role it plays in an ongoing struggle to define and defend freedom.

The Freedom Project offers middle and high school educators numerous professional development opportunities and a variety of classroom resources. Visit us at www.FreedomProject.us to learn about these and additional offerings designed specifically for middle and high school educators, as well as their students:

- Teacher seminars
- Summer institutes
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- Curriculum guides
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The McCormick Freedom Project is part of the McCormick Foundation team. We encourage educators to take advantage of the Foundation's additional educational resources at Cantigny in Wheaton, Illinois:

- First Division Museum
- Robert R. McCormick Research Center
- Robert R. McCormick Museum

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