

McCormick Foundation Civics Program

First Amendment Seminar Series

First Amendment 101



McCormick Foundation Civics Program

First Amendment Seminar Series

First Amendment 101

Danielle Estler

Professional Development Manager



Morning Agenda

- | | |
|---------------|--|
| 8:30 – 9:00 | Registration/Continental Breakfast |
| 9:00 – 9:15 | Welcome and Introduction |
| 9:15 – 10:45 | First Amendment 101
Shawn Healy, Resident Scholar |
| 10:45 – 11:00 | Break |
| 11:00 – 12:00 | Panel Discussion - Students' First Amendment Rights
Patrick Geahan, Federal Bureau of Investigation
Terri Hanrahan, Glenbard South High School
Randy Swikle, Illinois Journalism Education Association
Ed Yohnka, American Civil Liberties Union of Illinois |

Afternoon Agenda

12:15 – 12:45	Lunch
12:45 – 1:15	Freedom Express Neelam J. Noorani, School Programs Educator
1:15 – 2:00	Lesson Plan Demonstrations Erica Bray-Parker, Glenbard North High School Sharon Smogor, Carmel Catholic High School
2:00 – 2:45	Small Group Work
2:45 – 3:00	Concluding Remarks/Evaluation
3:00	Seminar Concludes

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Introductions



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Shawn Healy

Resident Scholar and Director of Professional Development

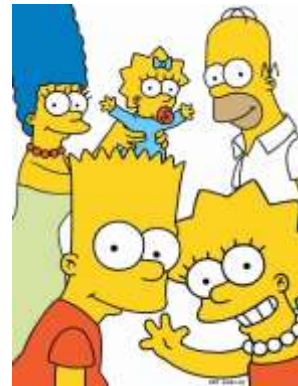


Why Teach the First Amendment?

- **The Simpson's Survey (2006)**

- Only one in four Americans (28%) can name more than one of the five freedoms of the First Amendment
- Twice as many (52%) can name two or more characters of the fictional Simpson family
- Among survey participants, recall of the five freedoms revealed the following frequencies:

- Speech: 69%
- Religion: 24%
- Press: 11%
- Assembly: 10%
- Petition: 1%



Why Teach the First Amendment?

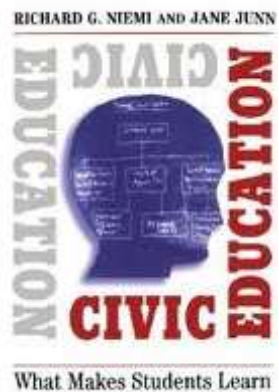
● **The Civic Mission of Schools Report (2003):** Six promising approaches outlined by the Civic Mission of Schools

1. *Formal instruction in US Government, history, law, and democracy using interactive methods and opportunities to apply learning to “real-life” situations.*
2. *Discussion of current local, national and international events that students view as important to their lives and controversial political and social issues within political and social context.*
3. Service learning linked to the formal curriculum and classroom instruction.
4. Extracurricular activities that encourage greater involvement and connection to school and community.
5. *Authentic voice in school governance.*
6. Participation in simulations of government structures and processes.



Why Teach the First Amendment?

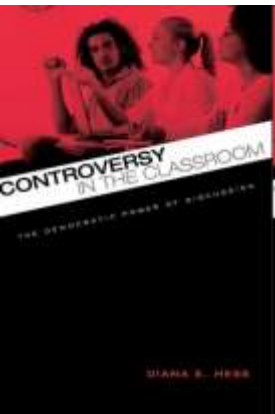
- ***Civic Education: What Makes Students Learn*** (Niemi and Junn, 1998)
 - Rationale for teaching civics:
 1. “...From an instrumental standpoint, knowledge is a prerequisite to successful political engagement.”
 2. Citizens must have knowledge of basic principles, the rules of the democratic game
 3. “...Political knowledge helps citizens operate effectively in a democracy, heightens their awareness of the limits of both governmental and citizen behavior, increases attainment of democratic goals by promoting more equal access among citizens, and contributes to the extent to which citizens regard their government with confidence and satisfaction.”
 - “...Civics courses do have an effect on student knowledge, an effect that is wide-ranging in terms of content...and that also appears to raise students’ capacity for reasoning and exposition about civic matters.”
 - “...What the teacher brings to the classroom by the way of methods and material—in ways that are understandable and theoretically plausible—seems to be an important factor in what students take away from their classes.”



Why Teach the First Amendment?

- **Controversy in the Classroom (Hess, 2009)**

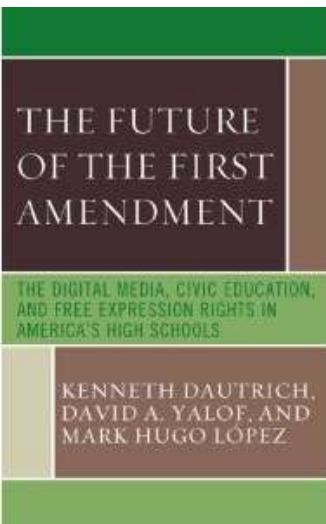
- Disturbing evidence of a dearth of political discussions among people with dissenting views (Bishop, 2008; Mutz, 2006)
- “...There is an intrinsic and crucial connection between the discussion of controversial issues, especially among young people with disparate views, and the health of democracy.” (Hess)
- Schools as a transformational site to facilitate such dialogue
- “We have to get young people comfortable with conflict. That’s when they’re more likely to engage politically. If we rely just on families to do this, it isn’t going to happen. Civic education has the potential to tap the openness of young people to arguments on both sides of important issues.”



Why Teach the First Amendment?

- ***The Future of the First Amendment (2008)***

- “...Those high school students who take classes with First Amendment or media and society content are more likely to support the exercise of free expression rights.”
- Overall, student support for the First Amendment is lower than that of adults, including their teachers and administrators.
- However, First Amendment rights in application attract stronger support, including music censorship and prior review of student newspapers.



The 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.”

THE FIRST AMENDMENT
CONGRESS SHALL MAKE NO LAW RESPECT-
ING 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.
PROTECT THE FIRST AMENDMENT, SUPPORT THE CBLDF

Freedom of Religion

- **First Amendment:** “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof...”
- **Students’ First Amendment Rights:** Most Establishment Clause cases center on education. Prior to universal public education, schools were largely church-run. Because modern public schools are governmental entities, First Amendment issues regularly surface.
- **Evolving Case Law:**
 - Government aid of religion
 - School prayer
 - Equal Access
 - Free Exercise

Government Aid of Religion

- *Everson v. Board of Education (1947)*: “Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion.”
- *Lemon v. Kurtzman (1971)*: In order to pass constitutional muster, a statute must:
 1. Have a “secular legislative purpose”
 2. Neither advance nor inhibit religion
 3. Not foster "an excessive government entanglement with religion"



School Prayer

- ***Engel v. Vitale* (1962)**: “...In this country it is no part the business of government to compose official prayers for any group of the American people to recite as part of a religious program carried out by government.”
- ***Wallace v. Jaffree* (1985)**: Alabama law struck down as it “intended to characterize prayer as a favored practice,” yet moments of silence with a secular purpose constitutionally valid
- ***Lee v. Weisman* (1992)**: Official prayers at graduation ceremonies of public high schools unconstitutional



Equal Access

- *Westside Community v. Mergens (1990)*: “...There is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clause protects.”
- *Good News Club v. Milford High School (2001)*: After school religious groups involving young students should be able to meet on the same basis as their non-religious counterparts.



Free Exercise

- ***Minersville School District v. Gobitis* (1940):** Constitutionality of a local Pennsylvania school board's directive for students and teachers to salute the flag upheld
- ***West Virginia State Board of Education v. Barnette* (1943):** "If there is any fixed star in our constitutional constellation, it is that no official can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."
- ***Wisconsin v. Yoder* (1972):** Amish need not comply with compulsory attendance laws after 8th grade



Freedom of Speech and Press

- **First Amendment:** “Congress shall make no law...abridging...the freedom of speech or of the press...”
- **Students’ First Amendment Rights:** Students in public schools enjoy First Amendment protections depending on the type of expression and their age. The Court has distinguished between elementary and secondary schools and public colleges and universities.
- **Evolving Case Law:**
 - Student speech
 - Scholastic journalism
 - Information Age challenges

Student Speech

- ***Tinker v. Des Moines (1969)***: “In the absence of a specific showing of constitutionally valid reasons to regulate their speech, Students are entitled to freedom of expression of their views.” Permissible regulation includes “material” and “substantial” disruptions in school discipline
- ***Bethel v. Fraser (1986)***: Schools may go beyond the maintenance of order in censoring student speech. Expression that is offensive or inappropriate may be censored and punished because elementary, middle, and high school students are not adults, attendance is compulsory, and they constitute a captive audience.
- ***Morse v. Frederick (2007)***: “Schools may take steps to safeguard those entrusted to their care from speech that can be reasonably regarded as encouraging illegal drug use.”



Scholastic Journalism

○ *Hazelwood v. Kuhlmeier* (1988):

- A school must be able to set high standards for the student speech that is disseminated under its auspices—standards that may be higher than those demanded by some newspaper publishers or theatrical producers in the ‘real world.’”
- “...Educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.”



Information Age Challenges

○ Internet Filters

- Children's Internet Protection Act (2000)
- *U.S. v. American Library Association* (2003)

○ Social Networking Sites

○ Cyberbullying



Application Exercise

- 1. *Zelman v. Simmons-Harris* (2002), 5-4, constitutional (Rehnquist)
- 2. *Santa Fe Independent School District v. Doe* (2000), 6-3, unconstitutional (Stevens)
- 3. *Kitzmiller v. Dover Area School District* (2005), U.S. District Court for Middle Pennsylvania, unconstitutional
- 4. *Zamecnik v. Indian Prairie School District* (2008), 7th Circuit Court of Appeals, unconstitutional
- 5. Wilton (CT) High School, “Voices in Conflict,” never litigated
- 6. *Snyder v. Blue Mountain School District* (2010), 3rd Circuit Court of Appeals, constitutional

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Questions?



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Shawn Healy

Resident Scholar and Director of Professional Development



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BREAK



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Students' First Amendment Rights Panel





Student First Amendment Rights Panel

Special Agent Patrick Geahan

Federal Bureau of Investigation

Terri Hanrahan

Glenbard South High School, Principal

Randy Swikle

Illinois Journalism Education Association

Edwin C. Yohnka

American Civil Liberties Union of Illinois

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LUNCH



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McCormick Foundation Civics Program

First Amendment Seminar Series

Freedom Express

Neelam Noorani

School Programs Educator





Freedom Express Orientation

McCormick Foundation Freedom Express

Exhibit Guide

- touchscreen
- touchscreen w/ audio
- artifact case
- hands on
- film

Freedom for All?

This exhibit features artifacts that help tell the story of several historic figures who asserted their First Amendment rights in a struggle to re-define freedom in the United States.

Featured individuals:

Sequoyah (Native American rights)
Martin Luther King (Civil rights)
Mary Tsukamoto (Immigrant rights)
Sojourner Truth (Abolition of slavery)
Alice Paul (Women's suffrage)
Eugene Debs (Workers' rights)

The Struggle Continues

This touch-screen interactive highlights six current and controversial debates: smokers' rights, gun rights, property rights, gay rights, immigration and abortion. The exhibit demonstrates that the struggle to define freedom is never-ending, and the First Amendment allows us to participate in these debates and others.

Defining Freedom

Through flip panels, visitors learn that the First Amendment both protects and limits our freedoms. Visitors can quiz each other on several scenarios such as "Does the First Amendment mean you can protest at a public mall?" Limits to our First Amendment freedoms are consistently challenged by individuals and re-defined by legislation and the courts. Some of these panels refer to Supreme Court decisions featured in the You Be the Judge exhibit.

You Be the Judge

This touch-screen interactive allows visitors to learn the facts surrounding five landmark First Amendment cases. Visitors assume the role of a Supreme Court justice, analyzing the facts of the case before handing down their own ruling. They can then review the actual majority and dissenting opinions.

Religion: *Westside School District v. Mergens* (1990)
Speech: *Tinker v. Des Moines* (1969)
Press: *New York Times v. Sullivan* (1964)
Assembly: *Gregory v. Chicago* (1969)
Petition: *Brown v. Louisiana* (1966)

The Founding Documents

Using a touch-screen interactive, visitors can view the Declaration of Independence, Constitution and the Bill of Rights. Each document features 'hot spots' where visitors can explore the deeper meaning behind select passages.

The Founding Generation

Here visitors can listen to members of the founding generation, comprised of both Federalists and Anti-Federalists, engaging in a debate over whether or not a Bill of Rights should be added to the U.S. Constitution.

Marketplace of Ideas

This film explores the concept of a 'marketplace' of ideas, a public forum wherein ideas are shared, tested, adopted or rejected through discussion and debate. The film chronicles events that unfolded at Homewood-Flossmoor High School in 2005 when two student groups wore t-shirts expressing opposing perspectives on homosexuality.

Censorship: What is it?

This exhibit defines censorship as a government denying free expression. Several historic examples of censorship in art, literature and film - both domestic and international - are offered.

Musical Hit List

Visitors can listen to music that was banned or censored by radio stations and stores between the 1950s and 2000s. The examples provided illustrate how standards of decency have changed over time.

Draw the Line

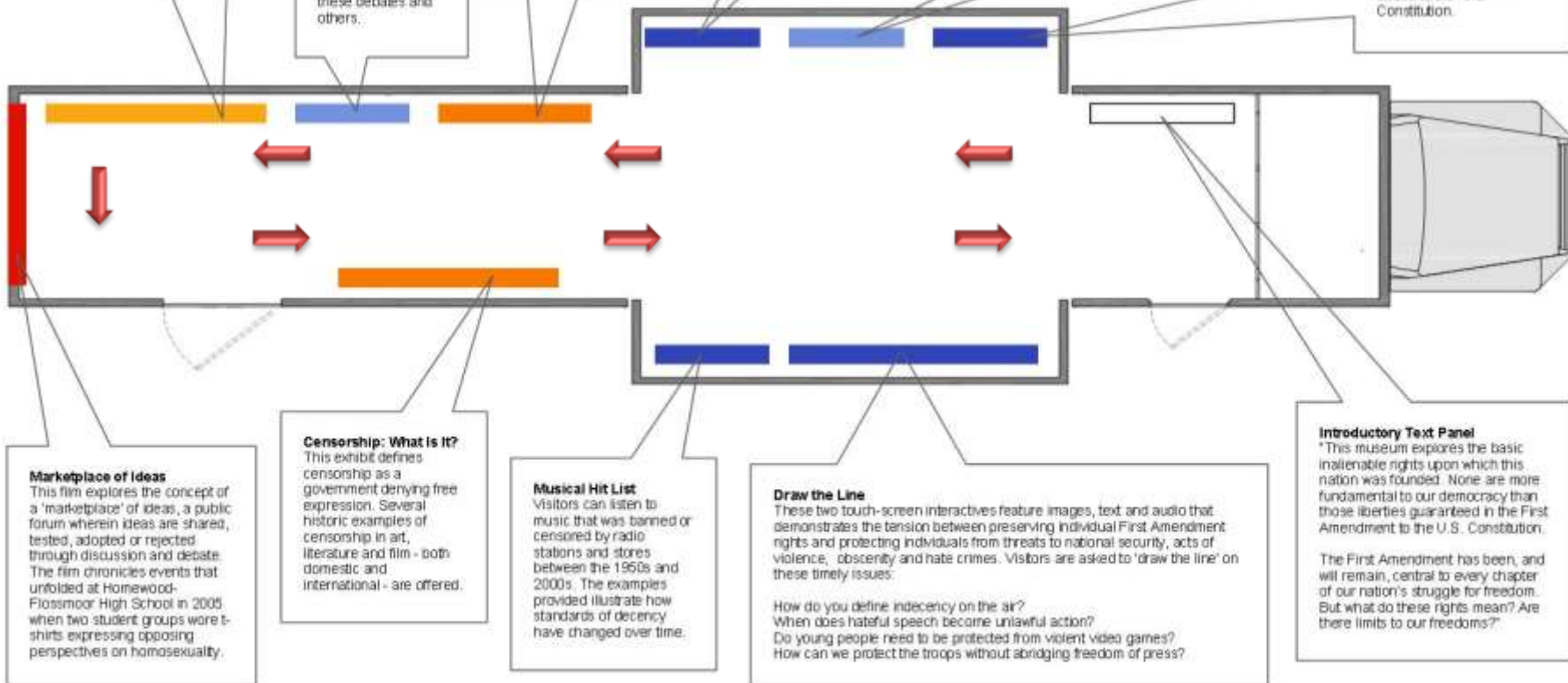
These two touch-screen interactives feature images, text and audio that demonstrates the tension between preserving individual First Amendment rights and protecting individuals from threats to national security, acts of violence, obscenity and hate crimes. Visitors are asked to 'draw the line' on these timely issues:

How do you define indecency on the air?
When does hateful speech become unlawful action?
Do young people need to be protected from violent video games?
How can we protect the troops without abridging freedom of press?

Introductory Text Panel

"This museum explores the basic inalienable rights upon which this nation was founded. None are more fundamental to our democracy than those liberties guaranteed in the First Amendment to the U.S. Constitution.

The First Amendment has been, and will remain, central to every chapter of our nation's struggle for freedom. But what do these rights mean? Are there limits to our freedoms?"



Station 1: Roots of Freedom

Exhibit A: Founding Generation



Exhibit B: Founding Documents

**Station 2:
The First Amendment**

Exhibit C: You Be the Judge



Religion: *Westside School District v. Mergens* (1990)

Speech: *Tinker v. Des Moines* (1969)

Press: *New York Times v. Sullivan* (1964)

Assembly: *Gregory v. Chicago* (1969)

Petition: *Brown v. Louisiana* (1966)

Exhibit D: Flip Panels

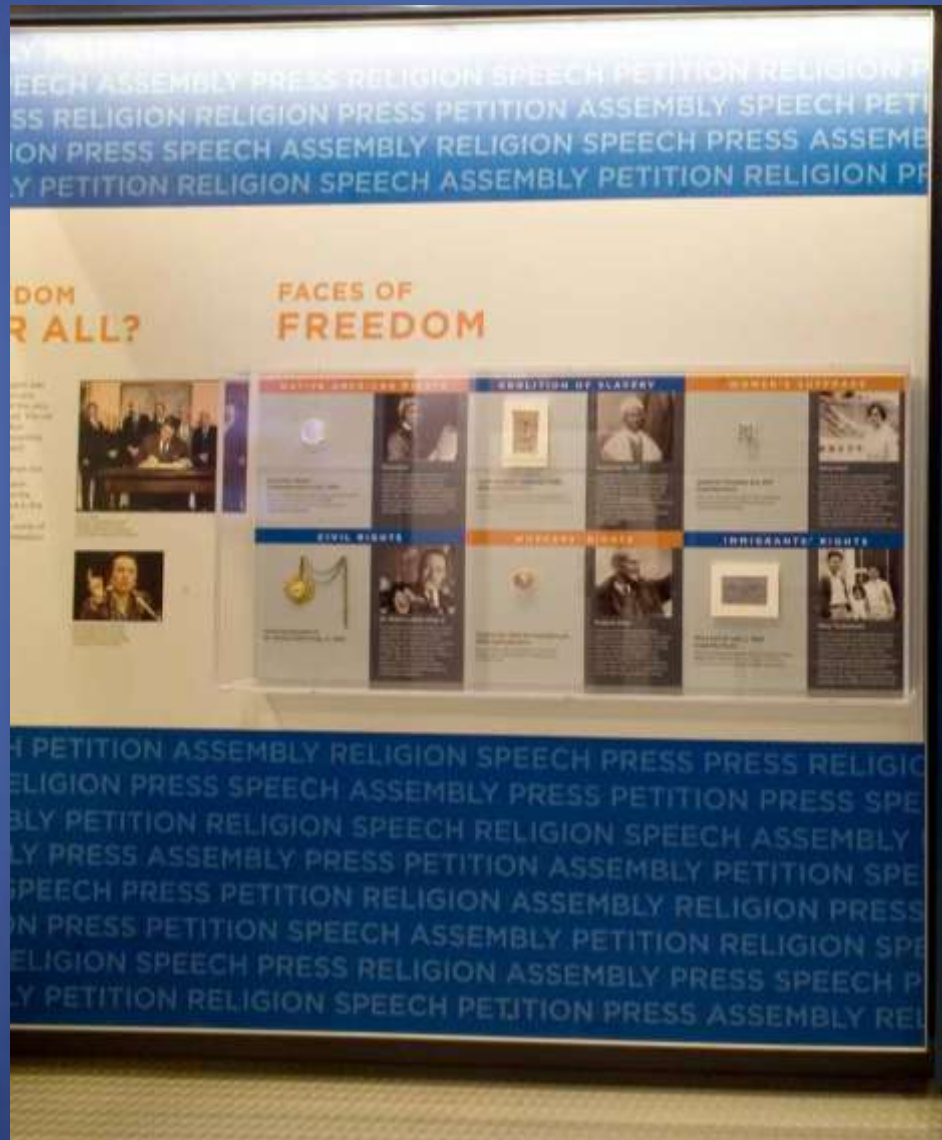


**Station 3:
Freedom for All?**

Exhibit E: The Struggle Continues



Exhibit F: Faces of Freedom



Station 4:
Marketplace of Ideas

Exhibit G: Marketplace of Ideas Film



**Station 5:
What is Censorship?**

Exhibit H: Censorship Wheels



Exhibit I: Music Hit List



**Station 6:
What are the Limits?**

Exhibits J: Draw the Line



How to Book the Freedom Express

- Visit www.FreedomExpress.org
- Go to School Visits page & review info
- Download and save School Request Form
- View Availability Calendar to choose dates
- Submit it to:
FreedomExpress@McCormickFoundation.org
- Check out Educator Resources page

McCormick Foundation Civics Program

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Lesson Plan Demonstrations

Erica Bray-Parker

Glenbard North High School

Sharon Smogor

Carmel Catholic High School



McCormick Foundation Civics Program

First Amendment Seminar Series

Free to Speak in Schools Lesson Plan

Erica Bray-Parker

Glenbard North High School



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EXHIBITS

TAKE ACTION

EDUCATION

PROGRAMS & INFORMATION

EDUCATION

- Freedom Express Mobile Museum
- Professional Development
- Discovery Trunks
- Resources
 - About
 - FreeSource Newsletter
 - Lesson Plans
 - Freedom in The News
- Civic Blueprint for High Schools
- Student News Media Protocol

LESSON PLANS & CURRICULA



Introduction to News Literacy: Structured Engagement with Current and Controversial Issues
News Literacy prepares students to become active and well-informed citizens. Encouraging discussion of current events in the classroom allows teachers to demonstrate the relevance of concepts they are teaching in class. This brief lesson plan provides an introduction to news literacy concepts, ideas to broaden the use of news in the classroom and additional resources. [Download PDF \(1.3 MB\)](#)



Faces of Freedom in American History (8.0 reading level) introduces students to Americans who exercised their First Amendment rights to preserve, defend and expand freedom. This 12-lesson curriculum will strengthen your students' understanding of their First Amendment rights and the people who have struggled to protect those freedoms.
Created in partnership with the Bill of Rights Institute, the Civics Program also offers two comprehensive curricula. Both are available as free downloads. Bound copies may be purchased for \$15.95 (plus tax & shipping). Contact [Courtni Rouzer](#) for details. [Download PDF \(2.2 MB\)](#)



Conflict and Continuity: The Story of American Freedom (10.5 reading level) explores the ideas that established the foundations of freedom that continue to challenge American society today. This 12-lesson curriculum uses primary source documents and content-rich background essays to demonstrate how the United States has struggled to reconcile competing rights. Created in partnership with the Bill of Rights Institute, the Civics Program also offers two comprehensive curricula. Both are available as free downloads. Bound copies may be purchased for \$15.95 (plus tax & shipping). Contact [Courtni Rouzer](#) for details. [Download PDF \(2.4 MB\)](#)

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EXHIBITS

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PROGRAMS & INFORMATION

TAKE ACTION

- Post-Exchange
- Freedom in the News
- Illinois Democracy Schools

Freedom in the News

To be an effective citizen you need to stay on top of the news. In this section we've compiled recent news articles about freedom. News stories will be updated 2-3 times each week.

January 14, 2011

January 12, 2011

January 10, 2011

January 7, 2011

January 5, 2011

December 15, 2010

[Click here](#) to join the Freedom in the News mailing list.

Source Abbreviations: AFP: Agence France Presse; AJE: Al Jazeera English; AP: Associated Press; EBC: British Broadcasting Corporation; BG: Boston Globe; BS: Baltimore Sun; BW: Business Week; CMLP: Citizen Media Law Project; CR: Chicago Reader; CSM: Christian Science Monitor; CST: Chicago Sun-Times; CT: Chicago Tribune; DH: Daily Herald; DR: Drudge Report; EP: Editor & Publisher; FAC: First Amendment Center; HC: Houston Chronicle; HP: Huffington Post; IHT: International Herald Tribune; IT: Illinois Times; LAT: Los Angeles Times; MH: Miami Herald; MJS: Milwaukee Journal-Sentinel; NCC: National Constitution Center; NW: Newsweek; NYT: New York Times; OS: Orlando Sentinel; RCP: Real Clear Politics; SC: San Francisco Chronicle; SJR: State Journal-Register; SLPD: St. Louis Post-Dispatch; SPI: Seattle Post-Intelligencer; SPLC: Student Press Law Center; SPT: St. Petersburg Times; ST: Seattle Times; TH: Townhall.com; UNWP: U.S. News and World Report; USA: USA Today; WP: Washington Post; WSJ: Wall Street Journal; WT: Washington Times

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Freedom in the News

The Latest First Amendment and Freedom News from Sources around the Country and World.

The McCormick Foundation Civics Program seeks to improve access to quality civic education and engagement opportunities in Chicagoland for youth ages 12-22. For more information about our organization, [click here](#).

[Click here](#) for source abbreviations.

January 14, 2011

Five Freedoms

Speech

[Old City tour invites say licensed taxi violates free speech](#) Three Old City tour guides tried to persuade a panel of U.S. Court of Appeals judges on Tuesday that a 2008 city law to require licensing and testing of guides violates their First Amendment rights to free speech. (Philadelphia Daily News)

[Ieb. bill would increase distance between funerals, protests](#) A bill introduced in the Nebraska House of Representatives would amend the state's funeral-picketing law to increase the distance imposed upon would-be protesters — such as the Westboro Baptist Church. (FAC)

[B.C. agrees not to ticket homeless hearing signs](#) The city has settled a federal lawsuit by agreeing it will not issue tickets to people holding signs asking for money or employment. (Salt Lake City Tribune)

[Museum of Modern Art Acquires Video Removed from Smithsonian Exhibition](#) The Museum of Modern Art has acquired the David Wojnarowicz video that was removed from a show at the National Portrait Gallery in Washington after drawing criticism from a religious organization and some congressional Republicans. (NYT)

[Libertyville flag debate continued to May](#) Once trees have felled out in May, Roch Tranel will raise a boom truck and invite village leaders to see what a 400-square-foot flag would look like at various levels. (Daily Herald)

[Redington Beach takes proposals](#) Commissioners wrestled with the final language to balance the recent proliferation of solicitors bringing advertisements to doorsteps with First Amendment concerns, as well as

What's New



Many February dates open!

We have many open slots for Freedom Express school visits in February. Check our availability calendar to book the mobile museum.

Additional Resources



Learn about opening professional development opportunities for edu

Student Freedoms

Speech

[School District Cancels Theater Production of 'Rent,' Cites Concerns Over Subject Matter](#) School district officials have halted a production of the musical Rent at Monrovia High School because of subject matter they deemed inappropriate, forcing the school's drama teacher to scramble to find another play for the spring theater season. (Monrovia Patch)

[Schools watch court case on breast cancer bracelets](#) School districts nationwide have their eyes on a federal court case in Pennsylvania, which will address whether students should be allowed to wear breast-cancer awareness bracelets that have become a controversy in multiple states. (USA)

[FBI SD 8th grader suspended after wearing rosary to school](#) Devlin said she wore the rosary because it reminds her of her late grandmother who was a practicing Catholic. (KHOU)

[Funeral held for Christina Taylor Green in Tucson](#) She was drawn to the idea of politics and public service, and had recently been elected to the student council at Mesa Verde Elementary School. She had gone with her neighbor Susan Hileman to meet their congresswoman. (LAT)

[College's Policy on Troubled Students Raises Questions](#) Last year, Pima updated its policies for dealing with disturbed students, as did campuses across the country after several deadly shootings, including the killing of 32 at Virginia Tech. The college created a team of senior officials to identify students who might pose a threat to themselves or others. (NYT)

Religion

[Moment of silence may be back](#) Many school principals and superintendents were caught off guard this week when the state's top educator cautioned that they soon might need to observe a dormant state law requiring a moment of "silent prayer or silent reflection" to start the school day. (CT)

[FBI SD 8th grader suspended after wearing rosary to school](#) Devlin said she wore the rosary because it reminds her of her late grandmother who was a practicing Catholic. (KHOU)

Article from Freedom in the News



The screenshot shows the khou.com website interface. At the top, there is a navigation bar with the khou.com logo and "Houston, Texas". Below this is a search bar and a menu with categories like Home, News, Weather, Traffic, Entertainment, Events, Sports, Kids, Community, and Houston. The main content area features a local news article titled "FBISD 8th grader suspended after wearing rosary to school". The article includes a video player showing a young girl wearing a rosary. To the left of the article is a sidebar with a CIMZIA advertisement and a link to "linktown".



FBISD 8th grader suspended after wearing rosary to school

by Rucks Russell / 11 News

khou.com

Posted on January 11, 2011 at 5:55 PM

Updated Tuesday, Jan 11 at 7:25 PM

Recommend 940

HOUSTON — A middle school student believes the Fort Bend Independent School District has violated her rights, and now she wants an apology. Jonae Devin, 14, was suspended from Hodges Bend Middle School after wearing a rosary to the school.

"I never get in any trouble like this," said the 8th grader.

Devin said she wore the rosary because it reminds her of her late grandmother who was a practicing Catholic.

"It reminds me of all the love she had for me," Devin said.

Devin said the principal ordered her to remove the rosary just before the winter break.

"She said, 'I'm going to give you the choice to take it off or be suspended,' and I said, 'You might as well suspend me,'" Devin told us.

"I'm angry because of the way they're treating students," said Sherell Johnson, Devin's mom.

According to the district's student dress code, openly wearing a rosary violates school policy.

Some gang experts have associated the rosary with gang activity.

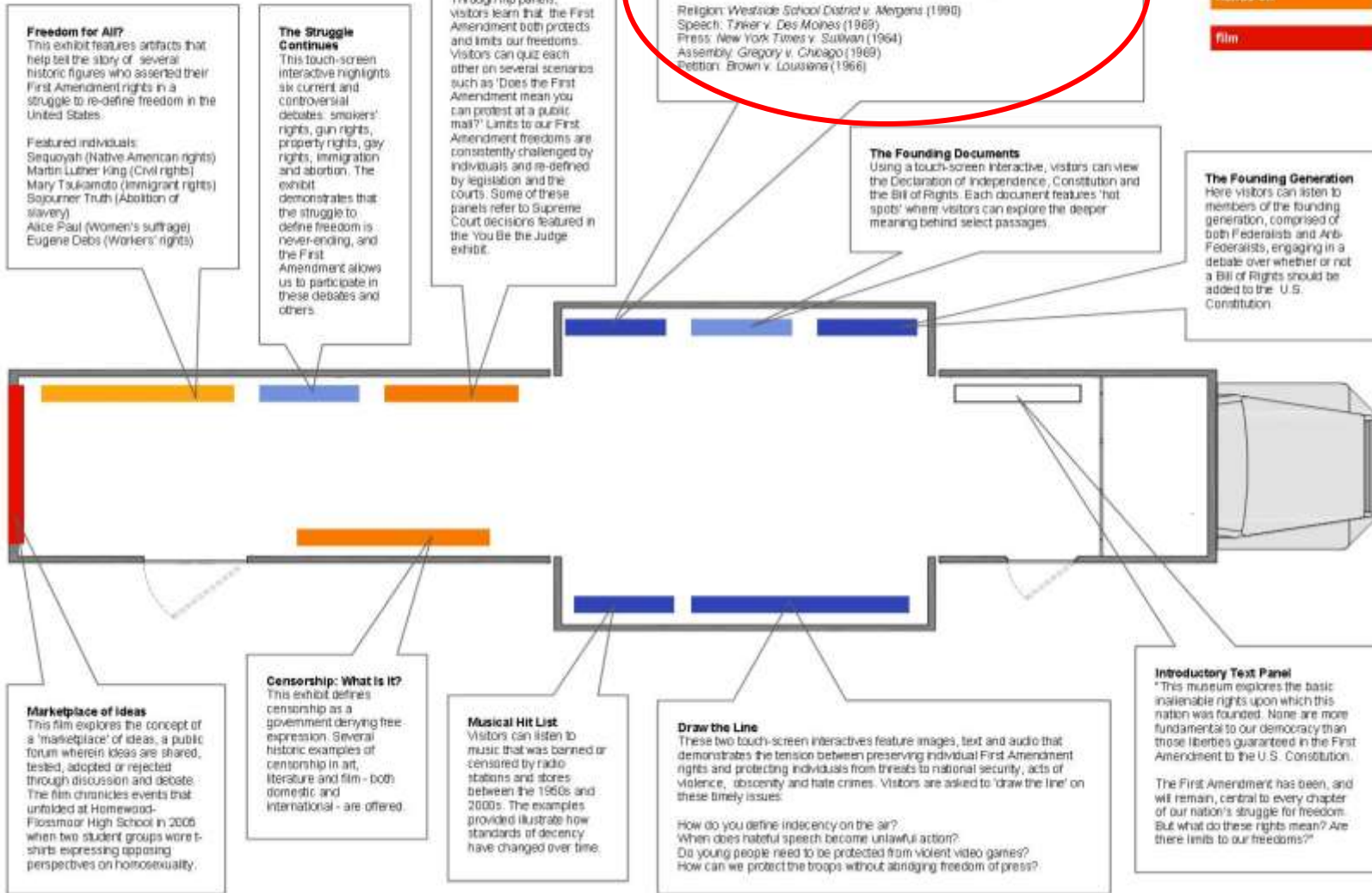
"The rosary can be a sign of gang involvement," said Victor Gonzales, the Director of the Houston mayor's Anti-Gang Task Force. "Schools are just worried about safety."

Both Devin and her mom claimed they had no idea about the policy.

FBISD officials insist the dress code was spelled out to both parents and children

McCormick Foundation Freedom Express

Exhibit Guide



Exhibits relating to Free to Speak in Schools lesson plan

McCormick Foundation Civics Program

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Free to Believe Lesson Plan

Sharon Smogor

Carmel Catholic High School



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Small Group Breakout



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Thank you & Evaluations

