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
McCormick Foundation Civics Program
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Introductions
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First Amendment 101

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?


  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?

  - “...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.”
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.

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

  - 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)

- Social Networking Sites

- Cyberbullying
Application Exercise

4. *Zamecnik v. Indian Prairie School District* (2008), 7th Circuit Court of Appeals, unconstitutional
5. Wilton (CT) High School, “Voices in Conflict,” never litigated
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Questions?
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Shawn Healy
Resident Scholar and Director of Professional Development
McCormick Foundation Civics Program
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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
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 redefine freedom in the United States.

Featured individuals:
- Sequoyah (Native American rights)
- Martin Luther King (Civil rights)
- Mary Taft Amato (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 event?" Limits on 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.

Assembly: Gregory v. Chicago (1969)
Petition: Brown v. Louisiana (1966)

The Founding Documents
Using touch-screen interactives, 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 where 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 demonstrate 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.

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

Assembly: *Gregory v. Chicago* (1969)
Exhibit D: Flip Panels

...RESPECTING AN
ESTABLISHMENT OF
RELIGION, OR
PROHIBITING THE FREE
EXERCISE THEREOF...

...OR ABROGING THE
FREEDOM OF SPEECH...

...OR OF THE PRESS...

...OR THE RIGHT OF THE
PEOPLE TO REASSEMBLE
TO ASSEMBLE...

... TO PUBLISH THE
UNIVERSAL LAW.
OF HUMANITY.
Station 3: Freedom for All?
Exhibit E: The Struggle Continues
Exhibit F: Faces of Freedom
Station 4: Marketplace of Ideas
Station 5: What is Censorship?
Exhibit H: Censorship Wheels

Artists frequently push the boundaries of free speech by exploring themes in politics, religion, and sexuality. On occasion, some works have provoked controversy and even censorship. Explore these controversial examples from art, books, film, and music and decide whether or not they were times when censorship was merited.

Spin the wheels to find out.
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
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Lesson Plan Demonstrations

Erica Bray-Parker
Glenbard North High School

Sharon Smogor
Carmel Catholic High School
McCormick Foundation Civics Program
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Free to Speak in Schools Lesson Plan

Erica Bray-Parker
Glenbard North High School
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.

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 Courtney Brower for details.

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 Courtney Brower for details.
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.

**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 Today)

**Additional Resources**

**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)

**Frisco 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)
FBISD 8th grader suspended after wearing rosary to school

by Rucks Russell / 11 News

khou.com

Posted on January 11, 2011 at 5:59 PM
Updated Tuesday, Jan 11 at 7:36 PM

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.
Exhibits relating to Free to Speak in Schools lesson plan

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- Martin Luther King (Civil rights)
- Mary McLeod Bethune (immigrant rights)
- Susan B. Anthony (Abortion of slavery)
- Alice Paul (Women's suffrage)
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- Assembly: Gregory v. Chicago (1969)
- Petition: Brown v. Louisiana (1966)
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Free to Believe Lesson Plan

Sharon Smogor
Carmel Catholic High School
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Thank you & Evaluations