



Our First Amendment 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.”



STUDENT GUIDE

PRESENTED BY:





A letter from ADL & Greenberg Traurig

The Anti-Defamation League (ADL) and Greenberg Traurig, LLP are proud to partner again with the Chicago Tribune on this important educational supplement devoted to the First Amendment to the United States Constitution. For over 200 years, the First Amendment has been a fundamental part of our society; it defines who we are as Americans. We believe that this curriculum could not be more important because it empowers teachers and their students to reflect on the significance and fortitude of the Constitution. While the original drafters could never have anticipated the astonishing advancements and challenges in our world, the principles they articulated were timeless.

ADL has been a strong defender of First Amendment rights since its founding in Chicago in 1913 exactly 100 years ago. As Americans, we are proud to have the liberty to exercise these inalienable rights, which are not guaranteed in many other countries. These freedoms enhance the distinctly American concept of a pluralistic society in which diversity is not only accepted, but highly encouraged and celebrated.

The Chicago office of Greenberg Traurig strives to be as dynamic and diverse as the city it calls home. At our law firm, diversity is also about taking action. We played a pivotal role in the landmark Supreme Court decision reaffirming the constitutionality of affirmative action programs and have partnered with the ADL to protect the religious freedom of all Americans.

As the Preamble of the U.S. Constitution states, we sincerely hope that our efforts will help “secure the Blessings of Liberty for ourselves and our Posterity.”

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- First Amendment to the Constitution of the United States of America

Student Overview

Welcome to *Our First Amendment Freedoms* program. If you were asked right now what the First Amendment of the Constitution is, would you have the right answer? Would your answer include that the First Amendment is about freedom and the different areas of freedom?

As you read through these pages and complete the activities, you will learn that the First Amendment to the Constitution of the United States guarantees you have certain freedoms. These freedoms include: religion, speech, press, and the right to assemble and petition. While you may not think

about these freedoms everyday as you go to school, listen to music or text your friends, they are important and should not be taken for granted.

You will learn about these freedoms in more detail as you read through each of the five lessons and complete the activities. As you are reading, you may be asked questions. You should take the time to answer them but don't worry, you won't have to share what you write.

Let's begin to find out what the First Amendment is all about.

Lesson
1

An Overview of the First Amendment

What you will do

- Explain what freedom means to you
- Review the First Amendment

New Vocabulary

- | | | | |
|---------------------|--|-------------------|--|
| • Abridge | to diminish or shorten | • Petition | Any nonviolent, legal means of encouraging or disapproving government action and can include: lobbying, emailing, campaigning, filing lawsuits, supporting referenda or collecting signatures for ballot initiatives |
| • Censorship | the act of censoring; to examine books, films, etc., to keep things thought to be objectionable from being known | • Prohibit | to forbid by authority or law |
| • Coerce | to dominate or control | • Redress | the setting right of what is wrong |
| • Constraint | a keeping back of one's natural feelings | • Restrain | to hold back from action |
| • Grievance | a cause of distress giving reason for complaint | | |
| • Liberate | to set free | | |



What is Freedom?

Freedom is a word that you've heard and seen many times. Speeches have been made, books have been written and songs have been sung about freedom. The last time you went to a ballgame and sang the "Star Spangled Banner," you even sang about the "land of the free and home of the brave."

But freedom is not something new. Throughout history, famous people have spoken out about our freedoms. First Lady "Lady Bird" Johnson said, "The clash of ideas is the sound of freedom." Talk show host Oprah Winfrey said, "Free speech not only lives, it rocks," and Nobel Prize winner Albert Einstein said, "Everything that is really great and inspiring is created by the individual who can labor in freedom."

So what does freedom really mean and how would you define it? Right now, if you had to define freedom or explain what freedom means to you, what would you say? Think about it for a minute, and then write your response.

According to the Merriam-Webster Dictionary, freedom (frē-dəm) is defined as the quality or state of being free as: a) the absence of necessity, coercion or constraint in choice or action; b) liberation from slavery or restraint or from the power of another.

As a student living in the United States, you experience freedoms everyday: freedom to go to the school you choose, freedom to attend a place of worship if you choose, or freedom to write a letter to your congressperson and express your opinion. These freedoms should not be taken for granted because as you will soon read about in other lessons, there are students living in other countries who do not have the right to these same freedoms. These freedoms are yours to experience because you live in the United States and these freedoms are part of the First Amendment.

The First Amendment

What Is It and Why Was It Written?

What's all the fuss about the First Amendment? Where did it come from? The First Amendment to the United States Constitution is a part of the United States Bill of Rights.

"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."

These 45 words make up the First Amendment and haven't been changed since they were adopted as part of the Bill of Rights on December 15, 1791 – over 200 years ago. The First Amendment is commonly referred to as the five freedoms because it guarantees you the freedom of:

1. **Religion** – You can practice or not practice your religion without government interference.
2. **Speech** – You can voice your opinions and exchange ideas freely.
3. **Press** – You can write newspaper articles and report news on television without government censorship.
4. **Assembly** – You can gather peacefully in a public setting and encourage support on a matter important to you without the government stepping in.
5. **Petition** – You can write a letter to the mayor, your congressperson, senator, president or other elected official, and ask for changes in the system, knowing the letter will be delivered as written.

When the Constitution was signed on September 17, 1787, it did not contain these freedoms and the U.S. people demanded a guarantee for their basic freedoms. After much discussion and debate, James Madison (who became President seventeen years later in 1808) wrote these first 45 words that have become known as the First Amendment, and the Bill of Rights was adopted on December 15, 1791.

It is important to note that when people say, "I can say and do whatever I want because this is a free country and it's my First Amendment right," they are exaggerating the freedom provided by the First Amendment. The First Amendment does not give us the right to say or do everything we like in every environment. For example, it does not give us the right to falsely yell "fire" in a crowded theater or to make serious threats of violence, and it does not prevent your parents from punishing you for teasing your brother or sister. The First Amendment, like the rest of the Constitution, shapes the relationship between the government and its citizens. It does not regulate the rules made by your parents, social networking sites like Facebook and Formspring, restaurants run by private owners, or others who are not representing the government.

Why Is the First Amendment Important to Me Today?

You may be wondering, since the First Amendment was written over 200 years ago, why is it important to you today? The First Amendment is important to you today because these rights still apply to you, they can be challenged and our courts still interpret them when they are presented with court cases.

For example, let's say in school each day after the morning announcements, your principal required everyone to recite the same prayer. You don't feel that you should have to recite the prayer. What could you do about it? Would the First Amendment support your decision not to pray?

Before you start Lesson Two and read about your freedom of religion, complete the following activity.



Lesson
2

Freedom of Religion

What you will do

- Review the two freedom of religion clauses of the First Amendment
- Review the outcome of court case **Engel v. Vitale (1962)** as it pertains to freedom of religion
- Explain what freedom of religion means to you

New Vocabulary

- **Coerce** to cause someone to do something by force or threat
- **Doctrine** a particular principle or position taught or supported as a religion, government, etc.
- **Endorse** to support actively
- **Mandate** to order
- **Neutral** not taking the part of either side in a dispute or war
- **Proselytize** to talk someone into changing religious faith or joining one's cause or group
- **Render** to furnish or give to another
- **Separatists** people who practice or advocate separation, especially from a religious or political body

Overview

“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 is the first freedom mentioned in the First Amendment. As you read in Lesson One, 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 that government cannot mandate what religion you can or cannot practice.

But centuries ago, this was not true. For example, the Pilgrims, when they were in England, were called Separatists because they wanted to be independent from the established Church of England. So, they came to a place that is now known as the United States in search of religious freedom.

Two Clauses

There are two clauses in the First Amendment that support 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***) means that government:

- Must remain neutral when it comes to religion.
- Cannot give the impression that it endorses religious belief over non-belief or any particular belief over another belief.
- Cannot coerce religious participation.

The Free Exercise Clause (***Congress shall make no law... prohibiting the free exercise thereof***) means 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, it may still be allowed under the Constitution.

For example, some people claim their religious beliefs mandate polygamy (marriage to more than one person at the same time). But in 1879, the U.S. Supreme Court said that the federal law that outlaws polygamy is a general law that applies to everyone and does not violate the Free Exercise Clause of the First

Amendment. Therefore, the law against polygamy overrides this specific religious belief.

So, what all this means to you is you can practice any religion you want or practice no religion at all, with a few exceptions. The decision is up to you...the government will not interfere!

Religion Around the World

As you read in Lesson One, you experience these freedoms of the First Amendment because you live in the United States. While many countries have included in their constitutions the freedom of religion, with governments generally respecting this right in practice, there are still countries that do not have these same freedoms. Here are two examples, taken from the 2012 U.S. Department of State Report on International Religious Freedom:

- **Saudi Arabia** – The official religion of this country is Sunni Islam. Freedom of religion in Saudi Arabia is not recognized or protected under law. For example, mosques are the only public places of worship in Saudi Arabia, and the construction of churches, synagogues or other non-Muslim places of worship is not allowed. The government does permit people to privately practice their religions; however, this right to worship in private is not always respected. In addition, the public practice of Islam that is different from the government's version of Islam and non-Muslim religion are prohibited.





- Greece** – This European country’s constitution establishes the Eastern orthodox Church of Christ (Greek orthodox Church) as the primary religion. The government financially supports the Orthodox Church, such as financing the maintenance of Orthodox Church buildings and providing tax benefits for the Orthodox Church. However, Greece’s Constitution also provides for the right of all citizens to practice the religion of their choice. The government generally respects this right, though non-Orthodox groups sometimes face administrative obstacles or encounter legal restrictions on religious practices.

As you can see in these two examples, the government of each country supports or “dictates” one specific religion. They also allow other religions to be practiced, but impose different restrictions. As you’ve already read, the practice or non-practice of religion in the United States does not have these restrictions nor does our Constitution dictate a specific religion.

Freedom of Religion Today

If there was a change in the First Amendment, and the government was allowed to favor a religion different from your own, how do you think it would affect you at home, at school or in your neighborhood?

Take a minute, think about it then record your thoughts in the space provided. Remember, you will not be asked to share your thoughts.

Court Case Examples

Even though the First Amendment seems clear regarding freedom of religion, you still have the right to go to court if you feel your rights are being violated. The court may hear your case and render a decision based on its interpretation of the First Amendment.

Remember in Lesson One you were asked how you would feel if you had to recite a certain prayer in school? Here is one example of a court case, **Engel v. Vitale (1962)**, where the amendment, specifically the Establishment Clause, was challenged regarding this very issue.

In New York, a local school board required a prayer to be recited daily by each class. The prayer began with the phrase, “Almighty God, we acknowledge our dependence upon Thee...” This practice was challenged by the parents of the school’s students who claimed that it was “contrary to the beliefs, religions, or religious practices of both themselves and their children.”

In 1962, the Supreme Court decided that the school board’s requirement to recite this prayer was unconstitutional because it forced some students to pray. This important decision, plus many court cases that followed, helped clarify the concept of separation of church and state (here, the state includes public schools).

Because of the Court’s decisions, public schools **CANNOT**:

- Offer prayers (but must allow students to pray individually, privately and voluntarily without disrupting others)
- Teach creationism or theology (though they may teach about religion in a neutral, objective way)
- Display the Ten Commandments or Bible verses

As you can see, even though the First Amendment was written back in the late 1700s, it was challenged in this court case in 1962 and continues to be challenged even today.

Now that you’ve read about the first freedom, freedom of religion, complete the following activities before continuing on to Lesson Three to learn about your freedom of speech and press.





Activity 3: The Comics

Objectives:

- Review the comic strips in the Arts & Entertainment section of the *Chicago Tribune*
- Re-write a comic strip to include what you learned in the Freedom of Religion lesson

Directions:

- Read the comics in Live! section.
- Pick one comic strip and write new dialogue based on what you learned in the Freedom of Religion lesson.

Comic Strip Name: _____



Freedom of Speech and Press

Lesson
3

What you will do

- Review the two freedom of speech and press clauses of the First Amendment
- Review the outcome of the court cases, **Tinker v. Des Moines (1969)**, **Bethel v. Fraser (1986)**, **Gillman v. School Board for Holmes County (2008)** and **Zamecnik v. Indian Prairie School District #204 (2011)**
- Define cyberbullying
- Explain what freedom of speech and press means to you

New Vocabulary

- | | | | |
|------------------------|--|---------------------|---|
| • Censor | to delete things thought to be objectionable | • Obscene | very shocking to one's sense of what is moral or decent |
| • Confidential | private | • Regime | a ruling government |
| • Cyberbullying | the willful and repeated harm inflicted through electronic media (Internet, cell phones, PDAs, etc.) | • Repressive | putting down by force |
| • Derogatory | intended to lower the reputation of a person or thing | • Revoke | to put an end to a law, order, or privilege by taking away or canceling |
| • Dissenting | differing in opinion | • Upheld | to give support to |
| • Lewd | overly concerned with sex | | |
| • Monologue | a long uninterrupted speech delivered by one person in the presence of others | | |

Overview

“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 speech and press are the third and fourth freedoms mentioned in the First Amendment. As you learned in previous lessons, you experience these freedoms because you live in the United States. But these freedoms do not exist for students in some other countries. Here are two examples, taken from the U.S. Department of State 2012 Human Rights Report:

- **China** – The law provides for freedom of speech and press, although authorities generally do not respect these rights in practice. Authorities control print, broadcast and electronic media tightly and use them to propagate government views and Chinese Communist Party (CCP) ideology. Authorities impose censorship and manipulate the press and the Internet. With significant exceptions, including speech that challenges the government or the CCP, political topics can be discussed privately and in small groups

without official punishment. Those who make politically sensitive comments in public speeches, academic discussions, and comments to the media remained subject to punitive measures. Individuals who express views critical of the government or the CCP, particularly those who share such views with foreign audiences, risk punishments ranging from disciplinary action in the workplace to police interrogation and detention.



- **Eritrea** – Eritrea is a small and poor Northeast African nation. The government severely restricts the ability of individuals to criticize the government in public or in private. In addition, they also restrict the press. Journalists must have permits and are required to obtain government permission to take photographs. Many independent journalists are detained by the government indefinitely or forced to leave the country, which has effectively stopped domestic media criticism of the government. Journalists practice self-censorship due to fear of government reprisal.



The Tinkers filed a suit in the U.S. District Court to stop the school principals from enforcing the rule in the future. Although the District Court said that this type of protest was a form of expression protected under the First Amendment's freedom of speech clause, the Court sided with the school officials, saying that the rule was needed to "prevent the disturbance of school activities." The Tinkers appealed their case to the U.S. Eighth Circuit Court of Appeals, but they lost.

The Tinkers decided to appeal the case to the Supreme Court of the United States. In the court case **Tinker v. Des Moines (1969)**, the Supreme Court voted 7-2 in favor of the students. The Supreme Court held that the students' silent expression of opinion did not cause any disorder or disturbance for the school or the students at the school. Even though the Tinkers won the case, the question of what type of behavior in school is considered a "substantial disruption of or material interference with school activities".

Another interesting case years after the **Tinker** decision involved a student by the name of Matthew Fraser. He gave a speech that was filled with sexual imagery at a school assembly. Some of his peers jeered and others were uncomfortable. The school suspended the student and revoked his right to speak at graduation.

Do you think Matthew Fraser's speech is punishable and not protected under the First Amendment? Explain your answer. Yes _____ No _____

What is Freedom of Speech?

Do you have something on your mind? Some ideas or opinions about a specific topic that you would like to share? If you do, 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. But because of the First Amendment, the government cannot censor political speech, even if the view expressed is an unpopular one.

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:

- Substantially and materially interferes with school activities and objectives
- Interferes with another individual's rights
- Is a "true threat": it threatens immediate harm to an individual, the school or community
- Promotes illegal drug use

Court Case Examples

Here is an example court case in which high school students, John and Mary Beth Tinker, exercised their First Amendment rights by wearing armbands to school as a means of protesting the Vietnam War. In December of 1965, a community group in Des Moines, Iowa decided to protest U.S. involvement in the Vietnam War by wearing black armbands.

Principals in the school district, aware of the students' plans, created a rule that any student wearing an armband to school would be suspended unless the student removed the armband. Although the Tinkers knew about this rule, they decided to come to school wearing armbands anyway. After refusing to take the armbands off, John and Mary Beth Tinker were suspended and sent home by the principal. Their suspension lasted until they agreed to come back to school without the armbands.

The United States Supreme Court upheld the school's actions. The court said that there is a difference between the political protest expressed by the students in the **Tinker** case and the lewd, obscene comments of Matthew Fraser. In this case, called **Bethel v. Fraser (1986)**, the court wrote that "a high school assembly or classroom is no place for a sexually explicit monologue."

Here is another school example pertaining to freedom of speech. Students in a Florida high school said that they were routinely intimidated by school officials for things like writing "gay pride" on their arms and notebooks or wearing rainbow-themed clothing. Their principal forbade the students from continuing the practice.

A junior by the name of Heather Gillman decided to go to court and after a two-day trial in Florida, a federal judge ruled that the school violated students' First Amendment rights. The judge ordered the school to stop censoring students who want to express their support for the fair and equal treatment of gay people.

Here in Naperville, Illinois, the opposite situation arose – a school preventing students from wearing t-shirts with the anti-gay message, "Be Happy, Not Gay." The high school said that the message violated a school rule forbidding "derogatory comments... that refer to race, ethnicity, religion, gender, sexual orientation or disability." The students sued the school in federal court, arguing that the First Amendment protects their right to wear shirts with that message.

The U.S. Seventh Circuit Court of Appeals determined that the school could not prevent students from wearing the "Be Happy, Not Gay" message. It explained that "people do not have a legal right to prevent criticism of their beliefs or for that matter their way of life," and that wearing the t-shirt did not cause substantial disruption. However, the Court noted that speech that constitutes severe harassment "blends insensibly into bullying" and could lead to such disruption.

As you can see, even though the First Amendment was written back in the late 1700s, it continues to be relevant today.

Cyberbullying

Freedom of speech is not just about what you say. As you just read, it includes other forms of expression such what you wear. In the technological world of today, you have even more resources through which you can express yourself or receive information from others. Can you list three resources you use to “speak” or express yourself? List them in the space provided.

Did you include the Internet, video or cell phones? Let’s talk a little more about communicating through electronic technology.

Have you ever heard of “cyberbullying”? Although different states have different legal definitions, cyberbullying is basically harassment, intimidation, humiliation or other mistreatment using electronic communication. Cyberbullying can occur through any type of electronic communication, including emails, text messages, social networking sites such as Facebook, and video Web sites such as YouTube.

Like face-to-face bullying, cyberbullying is wrong, harms others, and does not create a safe, respectful, and inclusive school environment. There have been reported instances where cyberbullying became so bad that the targets of cyberbullying committed suicide.

While you have read that even on school grounds you can exercise your freedom of speech, remember that you also read that there are some limitations on that First Amendment right. Cyberbullying is an example. The government and public schools may interfere with student speech in certain circumstances of cyberbullying, such as when students cyberbully using school computers, when cyberbullying creates a substantial disruption on campus or when cyberbullying interferes with a student’s rights.



Activity 4: Here’s the Headline

Objectives:

- Review articles in the *Chicago Tribune*
- Write an article to support the headline

Directions:

- Read 2-3 articles from any section of the *Chicago Tribune* and notice how the title of the article is a summary of the article.
- Write an article to support the title, “Teens Stand Up Against Cyberbullying!” Use information from this lesson or from the following Web site to write your article:

<http://www.adl.org/combatbullying>

Teens Stand Up Against Cyberbullying!



What is Freedom of the Press?

Freedom of the press means that newspaper articles and television news reports are written without government censorship, unless it is during wartime. In this situation, the government can only censor news about important national security information.

Freedom of the press also protects reporters as they do their jobs so they cannot be punished for making mistakes or not naming confidential sources. In addition, the government **CANNOT**:

- Pass a law that requires newspapers to publish information against their will
- Impose taxes on the press that it does not collect from other businesses
- Prohibit the press from attending judicial proceedings and thereafter informing the public about them

While this type of protection may not pertain to you because you are not a reporter for the *Chicago Tribune* or *WGN News*, the freedom of press does apply to school newspapers with additional limitations.

Court Case Example

The court case **Hazelwood School District v. Kuhlmeier (1988)** involved a First Amendment challenge regarding whether school principals could censor school-sponsored student newspapers. In the outcome of this case, the Supreme Court held that the high school principal in a St. Louis suburban school had the right to delete two stories from the school newspaper – one about teen pregnancy and the other about the effects of divorce on students – because of the inappropriate nature of the materials for the wider student body and the risk of the students in the articles losing their privacy. Based on this court ruling, educators can censor school-sponsored student publications when they have legitimate educational concerns or when it causes substantial disruption of the educational process.

My Thoughts About These Freedoms

You just read about the First Amendment's guarantee of the freedom of speech and press, two examples of how other countries do not have our same freedoms and several court cases in which these freedoms have been challenged. Think about the following questions and record your thoughts in the space provided. You can answer all three questions or just select one. Remember, you will not have to share your thoughts with another student.

1. What do these freedoms of speech and press mean to me today?

2. How would I feel if the next time I sent an email, texted a friend or posted a tweet, it was censored by the government?

3. How would I feel if I wanted to express my opinion (whether in the school newspaper, in class or even on a T-shirt) about something happening at school, but I was not allowed to express it?

Before you continue to Lesson Four and learn about the last two freedoms of expression — assembly and petition — complete the following activities.



Activity 5: Censored!

Objectives:

- Review the sections of the *Chicago Tribune*
- Select articles and ads that could be censored
- Consider how censoring the articles and ads could be problematic

Directions:

- Imagine that the government decided to censor what was written in the newspaper. Determine what would be censored, e.g., criticism about the President.
- Read articles and ads in all the sections of the newspaper and list the titles of articles or ads that you think might be controversial and that the government might censor and not let the paper print.
- Under each title you list, write why you think the government would censor it.
- Finally, write why you think censoring the article or ad could be a problem.

Title of Article/Ad

Why I think the government would censor the article/ad

Why I think censoring this article/ad could be a problem

Title of Article/Ad

Why I think the government would censor the article/ad

Why I think censoring this article/ad could be a problem

Title of Article/Ad

Why I think the government would censor the article/ad

Why I think censoring this article/ad could be a problem

Title of Article/Ad

Why I think the government would censor the article/ad

Why I think censoring this article/ad could be a problem

What you will do

- Review the freedom to assemble and petition clauses of the First Amendment
- Review the outcome of the court case *Snyder v. Phelps* (2011)
- Explain their opinions regarding the freedom of assembly and petition

New Vocabulary

- | | | | |
|--------------------|--|---------------------|----------------------------------|
| • Legal | permitted by law or established rules | • Nonviolent | not using violence; peaceful |
| • Lobbying | trying to influence public officials, especially members of a legislative body | • Peaceful | not involving violence or force |
| • Mandatory | containing or constituting a command | • Petition | to make a formal written request |

Overview

“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.”

There once was a time in our history when you could be arrested for gathering or assembling on a public street. Or, if you thought the decisions made by the king or queen were not right for the good of the community, you could not speak out for fear of being beaten or thrown in jail. 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.

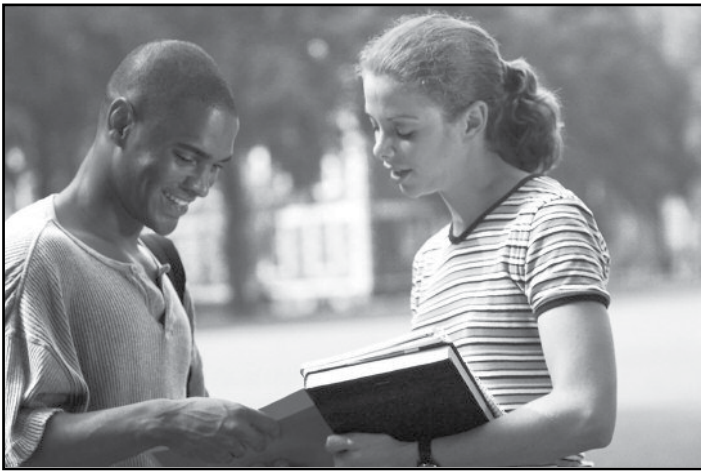
What is the Freedom to Assemble?

“Down with Segregation,” “Undocumented and Unafraid,” “Support our Troops” and “Equal Rights for All” 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 fourth freedom of the First Amendment – the right to a peaceful, nonviolent 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.

Does this mean that you can demonstrate whenever and wherever you want? Actually, it does not. 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 danger to others.





What is the Freedom to Petition?

The freedom to petition is the fifth and last freedom mentioned in the First Amendment and means you can write a letter to the mayor, your 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.

Does petitioning mean that you can only write a letter?

No, it does not. 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.

Examples

For decades, students have exercised these aspects of the First Amendment in many different ways. In the 60s, African-American children in Birmingham, Alabama walked out of school to protest segregation. In the 60s and 70s, youth popularized the slogan, “serve the people” by going into their communities and organizing free breakfast programs and health clinics. Youth organized around issues such as HIV/AIDS in the 80s and more recently gun violence near schools, gay marriages and immigration. As you can see, each successive generation adds its voice and actions to elicit change in its local communities and around the world.

Have you ever been part of an assembly for a specific cause or signed a petition in school? If you have, briefly explain the cause and outcome of the assembly or petition.

Assembly of Unpopular Voices

The freedom to assemble also exists for those with very unpopular beliefs and opinions. For example, the Westboro Baptist Church (WBC) is an independent church that believes that G-d hates and punishes the United States for its tolerance of homosexuality. WBC communicates its views by protesting at various locations around the country. In 2006, a U.S. marine named Matthew Snyder was killed in Iraq in the line of duty. On the day of Snyder’s funeral, WBC picketed on public land approximately 1,000 feet from the church where the funeral was being held, carrying signs that said “God Hates the USA/Thank God for 9/11,” and “God Hates Fags.” Snyder’s father sued WBC. When the case, called Snyder v. Phelps (2011), reached the United States Supreme Court, the Court held that WBC’s speech was protected by the First Amendment. The Supreme Court explained that, even though WBC’s

protest near the funeral may be hurtful, such speech at a public place, on a matter of public concern, in a peaceful way, and in compliance with the rules, cannot be prohibited “simply because it is upsetting or arouses contempt.”

Even though their beliefs are unpopular to many, the protesters were able to have their voice heard because of the First Amendment, specifically their freedom to assemble as well as their freedom of speech.

Rally for the Illinois DREAM Act

Another example of freedom to assemble took place in Chicago in April 2011, calling for the passage of the Illinois DREAM Act which would create private college scholarships for certain undocumented students who were brought to the country as children. Several hundred attendees rallied, some carrying signs with slogans matching the chants they yelled: “Education not Deportation!” and “One Nation, One Dream!” Youth stood alongside adults, including local leaders and Illinois university presidents, showing their support for undocumented youth who call Illinois home.

The First Amendment’s freedom to assemble made it possible for the rally participants to voice their beliefs to influence public officials and others in the community without fear of government harassment or interference. In this case, the Illinois state government heard their voice. On August 1, 2011, Governor Quinn signed the act in the law.

What Would You Do?

Here is something to think about: from 1948 until 1973, during both peacetime and periods of conflict, men between the ages of 18-26 were “drafted” to fill vacancies in the armed forces which could not be filled through voluntary means. This means that when men turned 18 (typically seniors in high school), they were required to “register for the draft” and then join the armed services. Often times, especially during the Vietnam War, there were assemblies protesting the war and the draft.

However, in 1973, the draft ended and the U.S. converted to an all-volunteer military. What this means today is that if you are a man ages 18-25 and living in the U.S., you must register with Selective Service. However, since we are in a time of an all-volunteer military, you only have to register. Serving in the armed services is not mandatory.

Let’s come back now to the freedom to assemble or petition. If our government changes its mind and decides to reinstate the draft for both young men and women, making it mandatory to join the armed services, would you assemble or petition the government to support or protest the mandatory draft? Think about your response and then record your thoughts. Make sure to provide reasons for your response.

Think about events happening in your neighborhood, school or place of worship. What issue, problem or concern do you feel strongly enough about that you would practice the freedom to assemble or petition? Record your thoughts below and make sure to include why this issue is important to you and what outcome you would like to see as a result of your assembly or petition.

This completes Lesson Four, Freedom of Assembly and Petition. Before you review the projects in the last lesson, complete the following activities.



Activity 7: Advertising for Change

Objectives:

- Review ads in the *Chicago Tribune*
- Create an ad supporting an important concern or issue

Directions:

- Read through the different sections of the paper and notice the ads. Some sell products or services while others provide information.
- Note the information included in the ad: name, location, cost, time, some type of photograph or graphic, etc. Ask yourself, what makes the ad effective? Catchy slogan? Eye-pleasing image? Easy-to-understand text?
- Think about an issue that is affecting your neighborhood, school or place of worship. Create an ad illustrating your response, keeping in mind what makes for a good ad. Think about how your ad will help meet the outcome you want. Remember to include information found on other ads as listed above.
- Display your ad in the classroom.



FINAL GROUP ACTIVITY: Let Your Voices Be Heard



What you will do

- Work in small groups and create a First Amendment project incorporating what you learned in the lessons

Congratulations

You have finished all the lessons of ***Our First Amendment Freedoms***. Now it is time for you to share what you learned with other students in your school by creating a First Amendment Project. Below are the directions you should follow when creating your project, but you can decide how you want to create it. You may choose to write a song, create a video, design a Web site, write a skit, record a radio segment, etc. Your group should decide how you want to share your message. Ask your teacher for assistance. Have fun!

Directions:

- Work in groups of 3-4 students.
- Review and discuss the key points you learned in the four lessons and list them in the space provided below.
- Talk about what the First Amendment means to you in your group. In other words, how does the First Amendment impact you personally?

Why does the First Amendment matter to you? Decide as a group what you want others in your school or class to know about the First Amendment and list them in the space provided below.

- Write a short paragraph describing your project and share it with your teacher. Remember your project could be a song, skit, video, radio broadcast, etc. Make sure you include in your paragraph any materials you will need to create your project. For example, you might need a computer, video camera, poster board, paint, music, etc.
- Submit your proposal to the teacher. Once your teacher approves it (which may require discussion or further information, depending on what the teacher needs), create your project. You may also check in with your teacher during the development of the project to make sure you are on the right track.
- Share your First Amendment Project with your school or class.



A. Key points we learned in the lessons

1. _____
2. _____
3. _____

B. What we want others to know about the First Amendment

1. _____
2. _____
3. _____

C. On a separate piece of paper, write out a description of our First Amendment Project

D. Materials we will need to create our project

1. _____
2. _____
3. _____
4. _____

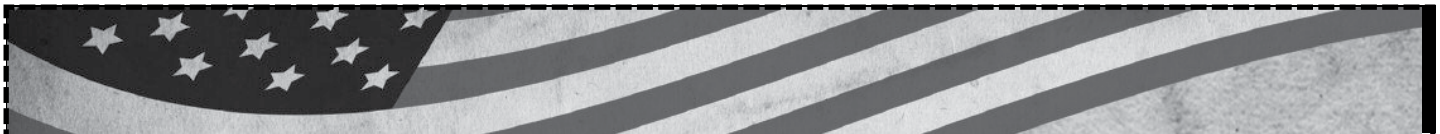
In 2012, over 2,024 entries were submitted from 144 schools. So many of the inspired essays and imaginative artwork truly demonstrate how the First Amendment impacts students' lives in very personal ways. We encourage all students to submit entries at the conclusion of this 5-week curriculum, when ideas are fresh.

Thanks to the *Harold R. Burnstein Future Leaders Merit Award Endowment Fund*, the 1st place winners each receive \$1,000 and 2nd place winners receive \$250. In addition, each scholarship winner whose family establishes an Illinois Bright Start 529 college-savings plan will receive a financial contribution courtesy of the Office of State Treasurer Dan Rutherford. First and second place winners will be invited to the Jerold S. Solovy Freedom Award Dinner in the fall of 2014.

★ Contest Topic

Students are asked to submit an essay or create a work of art that best answers or represents the following question:

“Describe or portray how one or more of the five freedoms listed in the First Amendment personally affects your daily life in the 21st century.”



2014 First Amendment Art & Essay Contest Entry Form

Student's first and last name

Teacher's first and last name (including Mr., Mrs., Miss or Ms.)

Student Home Address*

Teacher's Email

Student Phone Number*

School Phone Number (including area code)

Student e-mail

School Name in Fall 2014 (if different)

*required for notification if selected as a finalist

Current Grade (circle one): 7 8 9 10 11

Current School Name

Current School Address

City State Zip

School in Fall 2014

**DOWNLOAD DETAILED CONTEST RULES
AND ADDITIONAL ENTRY FORMS
ON THE ADL WEBSITE:**

<http://regions.adl.org/upper-midwest/programs>

Mail all original entries to:
ADL First Amendment Contest
120 South LaSalle
Suite 1150
Chicago, IL 60603

For more information or questions contact ADL
at 312-533-3939

Teachers: We encourage you to have your students submit their entries now while the topic still fresh in their minds!





THIS IS CHICAGO. THIS IS MY ADL.

Chicago's vibrant mix of cultures, races, religions and ethnic groups enhance our city's strength, beauty and collective wisdom. Together, we all weave the fabric of our pluralistic society.

Founded in Chicago in 1913, the Anti-Defamation League is the nation's premier civil rights and human relations organization. ADL has upheld this distinctly American concept by leading the fight against anti-Semitism, bigotry and racism. ADL has become the leader in addressing diversity in schools, communities and workplaces and our renowned educational programming deals with topics as varied as cyber-bullying, Holocaust awareness and law enforcement training.

This educational curriculum supplement, created in partnership with the *Chicago Tribune*, provides vital lessons on the freedoms guaranteed to all Americans by the First Amendment.

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