THE FIRST AMENDMENT

of the Constitution

CHECKitOUT ➔
the FIVE FREEDOMS
» freedom of religion
» freedom of speech
» freedom to assemble
» freedom of the press
» freedom to petition the government

CHECKitONLINE ➔
For in-depth lesson plans about the First Amendment, check out ADL's Curriculum Connections issue on the First Amendment at www.adl.org/education/curriculum_connections/spring_2007/

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A Letter from ADL & Greenberg Traurig

The Anti-Defamation League (ADL) and Greenberg Traurig are proud to partner with the Chicago Sun-Times and the Pioneer Press on this special educational supplement devoted to the First Amendment to the United States Constitution. The First Amendment guarantees us the freedom to practice our religion without government regulation, freedom to express our ideas, and freedom to protest when we disagree with our government. The ADL has always been a strong defender of the First Amendment, especially on the issues of separation of church and state and freedom of speech and religion.

These freedoms, and other rights and privileges that are guaranteed by the Constitution, are not available to all people in the world. As Americans, we should be proud to have the liberty to exercise these rights. The Constitution set the guiding principles for our nation, and over 200 years later, the freedoms contained in the Bill of Rights distinguish us from other nations.

In recognition of the great importance of the First Amendment, ADL launched an essay competition for students in grades eight through eleven. ADL asked the students to discuss the role the First Amendment plays in their daily lives. Over 1,000 students submitted essays this year, and each essay provided a unique and personal perspective of the impact of the rights secured by the First Amendment.

ADL and Greenberg Traurig sponsor this program to raise awareness of the rights protected by the First Amendment. We hope that this special section will help you to understand and to champion your rights and freedoms.

Lonnie J. Nasatir
Greater Chicago/Upper Midwest Regional Director, Anti-Defamation League

Keith J. Shapiro
Managing Partner
Greenberg Traurig LLP

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About ADL

The Anti-Defamation League was founded in 1913 “to stop the defamation of the Jewish people and to secure justice and fair treatment to all.” Now the nation’s premier civil rights/human relations agency fighting anti-Semitism and all forms of bigotry, ADL defends democratic ideals and protects civil rights for all.

A leader in the development of materials, programs and services, ADL builds bridges of communication, understanding and respect among diverse groups in the United States and around the world, carrying out our mission through a network of regional and satellite Offices in the United States, as well as offices abroad.

The A WORLD OF DIFFERENCE® Institute of the Anti-Defamation League provides resources and hands-on training to help people challenge prejudice and discrimination and learn to live and work civilly in an increasingly diverse world. The Institute works with schools, parent groups, community organizations, workplaces, and colleges, reaching 38 million students nationally and internationally since its inception in 1985.

For curriculum resources, visit www.adl.org. For information on programming, email us at chiadl@adl.org.

CHECKitOUT >> A Framework for Freedom

Looking at the Constitution of the United States ratified in 1788, you cannot help but notice that something is missing. There is no mention of freedom of speech or religion. The rights to assemble or have a free and independent press are also missing. These freedoms, which we regard today as the cornerstones of our vibrant democracy, are simply not there.

Greatly debated when the Constitution was drafted, the Bill of Rights is now celebrated for protecting not only our freedoms of expression and religion, but also for providing, among other things, for a jury trial, due process, and a prohibition on cruel and unusual punishment. Opponents to the Bill of Rights worried that the act of specifically protecting freedoms would actually result in less freedom. Alexander Hamilton asked, “Why...should it be said, that the liberty of the press shall not be restrained when no power is given by which restrictions may be imposed?” In the end, proponents for the Bill of Rights prevailed and the first ten amendments were added to the Constitution.

Of course, each amendment to the Constitution is important, but the First Amendment is significant because of the way it protects our day-to-day lives. This special educational section is designed to help you learn more about 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.”

What Exactly is the First Amendment?

Freedom of Religion

The First Amendment embraces two religious principles: separation and tolerance. It prevents the government from establishing an official religion, and it provides broad protection for an individual’s personal religious beliefs and practices. We are free to “exercise” our right to attend a synagogue, temple, church, or mosque of our choice, or to choose not to attend. Religious practice should be free from government influence or compulsion.

Freedom of Speech

The First Amendment prevents governmental censorship of opinions and exchange of ideas. There are exceptions to the rule, but generally this right helps ensure that speech is not restricted because of its content. People also have the right to criticize the government.

Freedom of the Press

The government cannot control the media. Within certain parameters, it cannot control what is printed in newspapers, books, or the Internet, and what is broadcast on television or radio. We are allowed to get our information from any source. We can show our disagreement by speaking it, writing letters to newspaper editors, passing out leaflets, or having our own Web pages, to name a few examples.

Freedom of Assembly

U.S. citizens have broad rights to peaceably come together in public or private settings and to organize and advocate on behalf of things that matter to us. We can join groups for political, religious or social reasons, free from interference by the government.

Right to Petition

“To petition the government for a redress of grievances” means that we can ask the government for changes. We can do this, for example, by collecting signatures and sending them to our elected representatives, or by calling, writing or emailing those representatives.

The freedoms of speech, press, assembly, and petition are collectively referred to as “freedom of expression.”

Establishing a Safe Learning Environment

Throughout this special section, you are challenged to explore and articulate your personal feelings about sensitive topics surrounding the First Amendment. It is also useful to collaboratively develop working agreements that ensure mutual safety and respect among you and your classmates in order to create an environment which allows this:

- **Respect Others:** As you participate and interact, try to take in new information without judgment and to keep an open mind. Make sure that your words and body language reflect a respectful attitude towards others.
- **Speak from the “I”:** Use “I” statements such as “I feel…” or “In my experience…” Avoid “you should” statements and generalizations of any kind.
- **Ask Questions:** Feel free to ask any questions that come up for you without feeling that they are too “silly.”
- **Respect Confidentiality:** Make sure that everything said in the room stays in the room. When sharing personal anecdotes, make sure to avoid using the real names of other people.
- **Share “Air Time”:** While you are encouraged to express your ideas and opinions, please do not monopolize the group’s time. Help create a safe space in which everyone can speak. No one, however, is obligated to speak. “Passing” is okay.
The following statements are about how people might try to exercise their rights under the First Amendment. Decide whether you think people in the U.S. have the right to do these things. Circle the answer you agree with.

1. Under current law, do Americans have the right to burn the U.S. flag as a means of political protest?
   - Yes
   - No

2. Under current law, does the government have the right to restrict indecent material on the Internet?
   - Yes
   - No

3. Under current law, does someone have the right to shout "fire" in a crowded area as a prank?
   - Yes
   - No

4. Are the rights guaranteed by the First Amendment something you think about or are they something you take for granted?
   - Personally think about
   - Take for granted
   - I don't know

5. Overall, do you think the press in the U.S. has too much freedom to do what it wants, too little freedom, or just the right amount of freedom?
   - Too much freedom
   - Too little freedom
   - About right

Based on your own feelings about the First Amendment, indicate to what extent you agree or disagree with the following statements:

1. The First Amendment goes too far in the rights it guarantees.
   - Strongly agree
   - Mildly agree
   - Mildly disagree
   - Strongly disagree

2. People should be allowed to express unpopular opinions.
   - Strongly agree
   - Mildly agree
   - Mildly disagree
   - Strongly disagree

3. Musicians should be allowed to sing songs with lyrics that others might find offensive.
   - Strongly agree
   - Mildly agree
   - Mildly disagree
   - Strongly disagree

4. Newspapers should be allowed to publish freely without government approval of a story.
   - Strongly agree
   - Mildly agree
   - Mildly disagree
   - Strongly disagree

5. High school students should be allowed to report controversial issues in their student newspapers without the approval of school authorities.
   - Strongly agree
   - Mildly agree
   - Mildly disagree
   - Strongly disagree

Find the answers to questions one, two and three on page three of this section.

CHECKitOUT ➢ First Amendment Q&A

Complete this survey independently. When you are finished, review each item with your classmates.

Cartoonist Andrew Wahl does not seem to think that young people today value the First Amendment. To what extent does this cartoon relate to you? How does it make you feel?

STATE OF THE FIRST AMENDMENT

"Our liberty depends on the freedom of the press, and that cannot be limited without being lost."
— Thomas Jefferson, 1786

"Free speech, exercised both individually and through a free press, is a necessity in any country where people are themselves free."
— Theodore Roosevelt, 1918

"Whatever."
— Generation Y, 2005

©2007 Andrew Wahl

Jake Valabov and Bonita Scales, UIC students, sold raffle tickets at the Hurricane Katrina benefit concert, where 100% of all donations went to support local chapters of the American Red Cross relief efforts. Photo by Al Podgorski/Chicago Sun-Times
Understanding Religious Freedom in Public Schools

FREEDOM OF RELIGION:

Valparaiso University students Mark Seeber, left, and Dave Erickson, right, bow their heads and pray during the annual "See You at the Pole" prayer circle Sept. 17, 2003, in Evans, Ga. The event attracted over a hundred students.

-AP Photo/Chronicle, Jim Blaylock

lesson two ➪ Understanding Religious Freedom in Public Schools

This section is designed to encourage thinking skills and open-minded thinking with regard to religious freedom and the tensions that exist around this Constitutional right.

FOR DISCUSSION ➪ FREEDOM OF RELIGION:

The Establishment Clause

“Congress shall make no law respecting an establishment of religion...”

The Establishment Clause is understood to mean that government must remain neutral when it comes to religion.

- That means that government cannot endorse — or appear to endorse any religion or any religious practice.
- It also means that government cannot appear to disapprove of religion either.
- Furthermore, government cannot give the impression that it endorses religious belief over non-belief or any particular belief over other beliefs.
- In order for a policy or law to be considered acceptable under the Establishment Clause, the U.S. Supreme Court came up with three questions that must be answered “yes” (from Lemon v. Kurtzman, 403 U.S. 602, 1971):
  1. Does the policy in question have a secular purpose?
  2. Will the policy in question have a primary effect which neither advances nor inhibits religion?
  3. Does the policy in question avoid entangling government and religion?

The Exercise Clause

Congress shall make no law...prohibiting the free exercise thereof...

The Free Exercise Clause is understood to mean that government cannot prevent someone from practicing his or her own religion.

- That means that government cannot regulate how to practice your religion and punish the expression of religious doctrine.
- There are exceptions to this clause—if a law or policy is passed that applies to everyone but interferes with the practice of a particular religion, an individual may not be able to challenge the law or policy based on this clause. For example, some people claim that 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. Therefore, the law against polygamy overrides this specific religious belief.

CHECK it OUT ➪

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof....”

This part of the First Amendment focuses on the freedom of religion. There are two parts to the freedom of religion: the Establishment Clause and the Free Exercise Clause. The word “government” in these clauses refers to public schools as opposed to private, parochial or other independent or religious schools. Administrators, teachers, specialists and other school staff who are employed at public schools represent the school and therefore are part of the “government.”

Can you think of public school controversies related to religion? How do your examples demonstrate neutrality or a lack of neutrality regarding religion in public schools?

CHECK it ONLINE ➪

An expanded version of this lesson can be found at www.adl.org/education/curriculum_connections/spring_2007/

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“Congress shall make no law ... abridging the freedom of speech, or of the press; ...”

See if you can answer the following questions using facts from the three landmark precedents that the Supreme Court draws upon when deciding free expression cases that involve students in public schools:

- **Tinker v. Des Moines Independent Community School District, 1969**;
- **Bethel School District v. Fraser, 1986**;

**CHECKitONLINE** Read about these cases online at http://www.adl.org/education/curriculum_connections/spring_2007/lesson%203.pdf

1. If a student wears a piece of clothing with the Confederate flag on it, which of the three standards would the Supreme Court apply?
2. If a principal wants to change the “Johnny Reb” school mascot—a caricature of a Confederate soldier that many people find to be racist—to one less offensive to some members of the community, which standard would the Court apply?
3. If a student wears buttons to protest the adoption of a school uniform policy while at school, which standard would apply?
4. If a student wears buttons to protest the adoption of a school uniform policy while at school, and the buttons have lewd language on them, which standard would apply then?

Answers appear at the bottom of this page.

Remember, speech is not absolute; there are certain restrictions, particularly for young people in public schools. The American Civil Liberties Union (ACLU) has summarized the limitations on free speech for students in public schools. According to the ACLU, students have the right to express their opinions, but they cannot do so in a way that:

- substantially and materially interferes with school activities; or threatens immediate harm to the welfare of the school or community;
- encourages unlawful activity; or
- interferes with another individual’s rights.

For more information go to www.aclu.org/educationalstudentmanual/freedomofexpression.

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**CHECKitOUT**

Speech can be defined as spoken words, as well as nonverbal forms of communication, such as written speech. Brainstorm examples of speech (e.g., books, essays, poems, items of clothing, Internet postings, music, tattoos, silence).

Tamia Mayes of Westside High School makes a point during her presentation at the citywide speech contest held in Gary, Ind. Photo by Dave Bartman/Post-Tribune

“...it can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years.”

Read the following quotes and try to decide what is the main idea for each:

“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.”

– First Amendment to the United States Constitution

“Sooner or later being less human leads the oppressed to struggle against those who have made them so. In order for this struggle to have meaning, the oppressed must not, in seeking to regain their humanity (which is a way to create it), become in turn oppressors of the oppressed, but rather restorers of the humanity of both.”

– Paulo Freire, Educator

“Thou shalt not be a victim. Thou shalt not be an oppressor. But most of all, thou shalt not be a bystander.”

– Yehuda Bauer, Jewish Historian

“What’s it going to take? That’s the question. We know we need some big changes, but how are we going to get them? I think it’s going to take the courage of people who refuse to stand silently by.”

– Pete Seeger, Songwriter and Activist

“Action is an antidote to despair.”

– Joan Baez, Singer and Songwriter

“Divide and conquer, in our world, must become define and empower.”

– Audre Lorde, Poet, Writer and Activist

What do you think these quotes have in common? Many of the quotes include ideas of activism, action and empowerment.

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What do you think these quotes have in common? Many of the quotes include ideas of activism, action and empowerment.

“I have learned to accept the fact that we risk disappointment, disillusionment, even despair, every time we act. Every time we decide to believe the world can be better. Every time we decide to trust others to be as noble as we think they are. And that there might be years during which our grief is equal to, or greater than, our hope. The alternative, however, not to act, and therefore to miss experiencing other people at their best, reaching toward their fullness, has never appealed to me.”

– Alice Walker, author and activist

Working for change is not always easy and does not always lead to the desired outcomes, but nevertheless brings many rewards. What have you gained from organizing around an issue with your classmates? Reflect on the quote above by author/activist Alice Walker and discuss why it is important to act for social justice.

Brainstorm issues of social concern and injustice in the school or the local community. Join up with others interested in the same issue and develop a plan for action by going through the steps of assembling and petitioning for a redress of grievances. If you feel passionately about organizing around your topic, join a local group or start your own non-curricular student group. Present your plan, goal and the expected outcomes. Are the goals and outcomes realistic? What other factors need to be considered in order for the goals to be accomplished?

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*Check out the Youth Activism Worksheet at http://www.adl.org/education/curriculum_connections/spring_2007/ Entire%20First%20Amendment_cc4-07.pdf*
CONGRATULATIONS TO ALL OUR WINNING ESSAY WRITERS!

This past spring, ADL, Greenberg Traurig and the Chicago Sun-Times sponsored a student essay contest asking the following question: “How do you use the First Amendment in your everyday life?”

Essays were judged based on creativity, originality, concise, well-organized writing, correct grammar and following the theme. First and Second place winners were chosen from two categories: Grades 8 & 9 and Grades 10 & 11. Additionally, the judges decided to award Honorable Mentions to seven more entries in each category. Below is a list of the winners from over 1000 entries. The essays can be found at www.suntimes.com and www.adl.org.

THE WINNERS >>

GRADE 8-9:
FIRST PLACE
Brooke Schuster
Neuqua Valley High School
Naperville
SECOND PLACE
Nicholas Proctor
Neuqua Valley High School
Naperville
HONORABLE MENTIONS:
Jamila McClinton
Alan B. Shepard High School
Palos Heights
Bre’Aun McGlory
Guerin Prep High School
River Grove
Katelynn McKinney
Schurz High School
Chicago
Gonzalo Montes
Whitney M. Young Magnet
Chicago

GRADE 10-11:
FIRST PLACE
Billy Carey
Beecher High School
Beecher
SECOND PLACE
Imrose Kauser
Schurz High School
Chicago
HONORABLE MENTIONS:
Roumaiessa Belkhos
Schurz High School
Chicago
Heather Bulthuis
Bremen High School
MIDLOTHIAN
Sarah Grenke
Schurz High School
Chicago
Jeffrey Leets
Neuqua Valley High School
Naperville

PLANNOW >>

start planning for the 2008 essay contest

ADL & Greenberg Traurig will be sponsoring the essay contest in the spring of 2008. Plan now to prepare to answer the following question:

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

A special thanks to the esteemed panel of judges responsible for selecting the 2007 student essay contest winners:

Hon. William Marovitz
Former Illinois State Senator
ADL Board member

Terrance Norton
Attorney
Sonnenschein Nath & Rosenthal, LLP

Judith Rice
VP, Director, Government Relations
Harris Bank
Former City of Chicago Treasurer

Zoraida Sambolin
Anchor,
Telemundo

Keith Shapiro
Attorney
Greenberg Traurig, LLP
ADL Board member

HONORABLE MENTIONS:
Reema Rao
Neuqua Valley High School
Naperville
Laura Rivera
Schurz High School
Chicago
Gerardo Velayarce
Schurz High School
Chicago
Sarah Grenke
Schurz High School
Chicago
Jeffrey Leets
Neuqua Valley High School
Naperville

HONORABLE MENTIONS:
Aaron Rosenson
Evanston Township High School
Evanston
Ilana Strauss
Deerfield High School
Deerfield
Jose Villasenor
Schurz High School
Chicago

GRADES 10-11:
FIRST PLACE
Billy Carey
Beecher High School
Beecher
SECOND PLACE
Imrose Kauser
Schurz High School
Chicago
HONORABLE MENTIONS:
Roumaiessa Belkhos
Schurz High School
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Sarah Grenke
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Chicago
Jeffrey Leets
Neuqua Valley High School
Naperville

THE JUDGES >>

Hon. Arthur Berman
Former Illinois State Senator
ADL Board member

Hon. Anne Burke
Illinois Supreme Court Justice

John Cruickshank
Publisher
Chicago Sun-Times
Chief Operating Officer,
Sun-Times News Group

Linda Doyle
Attorney
McDermott Will & Emery, LLP

Gary Feinerman
Attorney
Sidley & Austin, LLP
ADL Board member

Sheldon Fink
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Thomas Homburger
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Bell Boyd & Lloyd, LLP
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