

THE FIRST AMENDMENT OF THE CONSTITUTION

The Five Freedoms:

- Freedom of religion
- Freedom of speech
- Freedom to assemble
- Freedom of the press
- Freedom to petition the government

Also Inside:

- Hate on the Internet and cyberbullying
- Student essay contest winners

Thanks to:



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SUN-TIMES

A Framework for freedom

A letter from Lonnie Nasatir



The Anti-Defamation League (ADL) is proud to partner with the Chicago Sun-Times on this special newspaper 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.

We are extremely fortunate to live in a country where the First Amendment freedoms are not just words, but seriously enforced constitutional guarantees. Knowing and understanding that these freedoms and rights are not universally accepted, and that the United States is truly one of the few countries that grants these freedoms to its people, is to truly appreciate the spirit of the American way.

National Constitution Day will be celebrated in many schools on Sept. 18th. As a resource to schools, ADL presents the following education program entitled "America's Conscience: The First Amendment in Our Daily Life" to promote awareness of the First Amendment freedoms afforded to all those in the United States, while also highlighting limitations to these freedoms as declared by the United States Supreme Court.

In recognition of the great importance of understanding the First Amendment, the ADL launched an essay competition for students in grades six through twelve, asking about the role the First Amendment played in their daily lives. The winners of the competition will receive awards and scholarships at the First Amendment Freedom Award dinner on Oct. 5 honoring Chicago Sun-Times publisher John Cruickshank.

ADL's goal is to raise awareness about the First Amendment and the importance of knowing and exercising our rights protected by the Constitution. We hope the materials presented here will help you understand, value and protect your rights and freedoms.



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

more 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 is a leading provider of anti-bias education and diversity training programs used by schools, universities, corporations and community organizations throughout the United States and abroad.

For more information about the ADL and for curriculum resources visit www.adl.org

For information on ADL programming for your school or group, email us at chiadl@adl.org



Looking at the Constitution that 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. Doesn't that seem strange?

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, fair 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 of 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 will help you learn more about the First Amendment and how it impacts you.

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

Senator Art Berman
ADL Board Member

Sheldon Fink
ADL Board Member

Hon. Lauren Beth Gash
Attorney,
Community Activist
ADL Board Member

Joel Hurwitz
Attorney, Arnstein
& Lehr LLP
ADL Board Member

Ariadna Cymet Lanski
Clinical Psychologist
ADL Board Member

Andrew W. Lapin
Attorney, Much Shelist
ADL Board Member

Jacob Morowitz
USA Trading Company
ADL Board Member

Pamela Pearl
Business Automation
Solutions, Inc.
ADL Board Member

Martin H. Redish
Professor,
Northwestern
University School of
Law

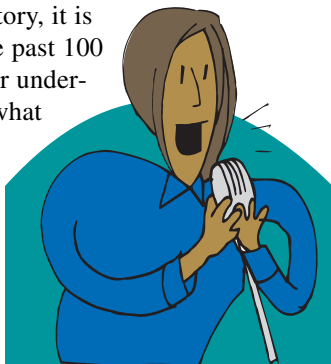
Hon. Warren Wolfson
Justice, Illinois
Appellate Court

“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.”

AMENDMENT I, the Constitution of the United States of America

Freedom of speech

The First Amendment to the Bill of Rights has protected the freedom of expression of all Americans for nearly 215 years. Despite that long history, it is largely in the past 100 years that our understanding of what speech may and may not be limited by government has taken shape.



After World War I, a number of cases challenged efforts by Congress to limit the speech against the government, military service, and against the allies of the United States. Justice Holmes famously explained in *Schenk v. United States* when regulation of speech may be permitted: “The question in every case is whether the words used are in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.” This clear and present danger test has been used, transformed, and adapted to resolve the difficult free speech issues in various eras of American history.

Today, this test is interpreted in a narrow manner. Limitations on speech against the government are only allowed when the speech is intended to “incite imminent lawless action” and the chances of success in producing such action are high.

Freedom of expression does not only provide the right to criticize the government. It also allows people to speak out on any number of issues. Yet, it is sometimes difficult to determine if all speech is worthy of protection. Sometimes people hold views or display images that are offensive or demeaning, other times people make public statements about others that are not true and are hurtful, and sometimes activities which people seek to have protected through the freedom of expression will have harmful secondary effects on the community.

When faced with these difficult issues, courts have treated different forms of expression with different levels of protection. For example, those forms of expres-

sion which are used merely to spread lies about an individual are not provided the protections of the First Amendment. Similarly, speech or images which are obscene are not afforded the same protections as speech which is intended for serious artistic or scientific purposes. That being said, courts have struggled to determine what exactly is and is not obscene.

Freedom to assemble

Just as you have the right to speak your mind, you have the right to join with like minded individuals who share your beliefs. Freedom of assembly is the freedom to associate with anyone that you choose. From the Boy Scouts of America to the Communist party, it is your right to form or join any association and peacefully gather together with them. This right extends from the privacy of your home all the way to the public square.

Freedom of religion

The First Amendment provides broad protection for an individual’s personal religious beliefs and practices. Citizens are free to “exercise” their right to attend the church, synagogue, mosque, or temple of their choice — or to choose not to attend. Religious practice may only be restricted by states when a law is neutral and only incidentally harms an individual’s right to freely exercise his or her religion. When a federal law restricts religious practice, the government has a burden of showing that the law is necessary to achieve a compelling interest. Also, the government does not evaluate an individual’s religious beliefs or practices, no matter how strange the beliefs may seem.

The government is forbidden from establishing or endorsing a religion. The effects of this prohibition are far reaching. This provision has been used to successfully challenge prayer in public schools, the use of government funding for religious activities, and the display of religious items on government owned property. In interpreting these cases, courts will look to see if the activity creates an excessive entanglement between the government and religion. If there is too much of an entanglement, then the government’s activity will not be allowed.

Freedom of the press

Freedom of the press is one of the most fundamental rights that Americans have. It ensures that they shall have access to information independent of government and political leaders, and it gives them the means to hold those leaders accountable for their actions or decisions. It also is a powerful tool for exposing bias, discrimination or prejudice in the community, for combating acts of hate or violence and for seeking fair and just treatment of all people.

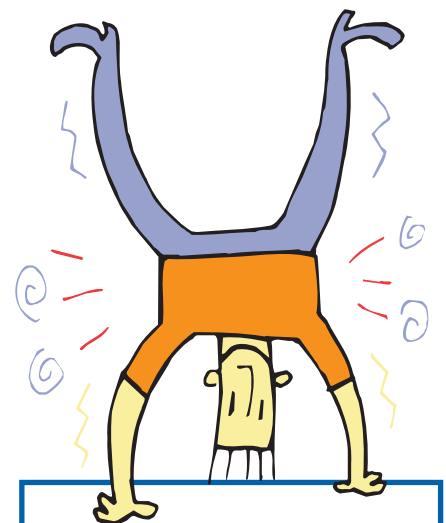
Freedom to petition the government

The right to petition is the right to ask the government to correct a problem. That might seem obvious. Today, we take for granted that if you don’t like something that happens in government, you can write a letter to your representative or senator and ask them to take action.

That was not always the case. In fact, one of the main reasons that we rebelled against the British is because we felt that we had no choice. When the colonists had specific objections against British policies such as taxation, their pleas and petitions were ignored. It was only after deciding that the king was simply not listening to our complaints did Americans feel justified in taking up arms to fight for independence.

In assuring the right to petition the government, the founders sought to avoid the king’s mistake by guaranteeing that the powers that be would be receptive to the people. So whenever you sign a petition or send an e-mail to a member of Congress, you are taking full advantage of your right to petition the government.

In the pages that follow, we will explore and celebrate the freedoms which are protected by the First Amendment. While its text and meaning has remained constant since 1791, our understanding of its full implications has evolved and will continue to evolve as our society faces new issues and concerns. Through this evolution, American society has flourished and brought with it a unique mosaic of religion, art, culture, science, protest, and praise.



Taking a stand

is a great way to show what you think about something. Try this fun activity.

Place five signs around the classroom. On each sign, place the name of a “freedom.” Then answer each of these questions by moving to the “freedom” of your choice.

1. Which freedom is most important to you personally?
2. If you had to get rid of one of these, which would it be?

Once you take a stand, talk about why you chose it and then go back to your seat.

LESSON I

Freedom of speech

"Congress shall make no law..."

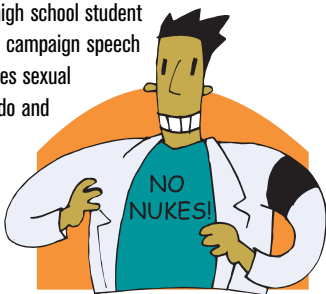
Accordingly a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea.

That is why freedom of speech, though not absolute, is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger or a serious substantive evil that rises far above public inconvenience, annoyance or unrest. There is no room under our Constitution for a more restrictive view.

Although the First Amendment states "Congress shall make no law...abridging the freedom of speech or press," a majority of Supreme Court justices have held the view that the government may regulate speech and press in certain circumstances to protect important public interests.

Read the following examples. Write "P" next to any activity that you feel should be protected under the First Amendment. Write "L" next to an activity that you feel society should have the right to limit. Give a brief reason why you answered as you did. After you have written your opinion your teacher will tell you what the Supreme Court has said about each example.

1. An individual wears a jacket or shirt displaying an obscene word or phrase.
2. An individual shouts fire in a situation that would cause panic.
3. A store owner sells pornographic materials to adults.
4. A company makes radio or television commercials that deceive the public.
5. A newspaper publishes an untrue statement that damages the reputation of a private citizen.
6. A newspaper publishes sharp verbal attacks on the job performance and personality of a government official causing humiliation to the official.
7. Students refuse to recite the Pledge of Allegiance in class.
8. A government employee campaigns actively for a political candidate.
9. Students wear armbands to class to protest nuclear arms.
10. A high school student gives a campaign speech that uses sexual innuendo and double meanings.



"We are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies, and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is afraid of its people."

John F. Kennedy

How does the First Amendment affect our daily lives?



Free speech

The First Amendment protects the right of all Americans to express their opinions even if these opinions are unpopular or offensive. In the American "marketplace of ideas" good and bad ideas compete, with truth prevailing. Americans are willing to tolerate harmful speech because we believe that it ultimately will be tested and rejected.

Allowing free speech is not always easy. It is easy to allow someone to speak with whom you agree. But what about the speaker who says something that you despise? What about the speaker who spreads hatred of others?

The government will only intrude on speech in very limited narrow situations. Constitutionally protected speech may only be restricted if the government can demonstrate a compelling state interest in doing so. Further, the government must show a close connection between its goals and its actions. Under this "strict scrutiny" standard, courts examine the law closely to see if its objective is compelling and its approach is "narrowly tailored" to meet that objective.



Here are some answers to frequently asked questions about extremist and hateful speech.

Q Why can't the government simply prohibit extremist groups like the Ku Klux Klan from expressing their hateful views in public?

A The First Amendment to the United States Constitution guarantees the right of freedom of speech to all Americans, even those whose opinions are reprehensible. To place an outright ban on the speech of certain groups would be unconstitutional and contrary to a fundamental tenet of American democracy.

Q Don't some other countries ban hate speech?

A In most countries, hate speech does not receive the same constitutional protection as it does in the United States. In Germany, for example, it is illegal to promote Nazi ideology. In many European countries, it is illegal to deny the reality of the Holocaust. Authorities in Denmark, France, Britain, Germany and Canada have brought charges for crimes involving hate speech on the Internet.

America is different. We believe that the more effective way to defeat hate speech is from more speech speaking out against it. The only weapon against bad ideas is better ideas.

Q Must the government allow an extremist group to march through a city's streets?

A The Supreme Court has acknowledged the importance of the right of individuals to express their views in town squares, streets, parks and other areas open to the public. The government must allow an extremist group, like any other organization, to march through a city's streets. The government may, however, impose reasonable restrictions on the demonstrators' speech, such as those discussed below.

Q Can the government ban use of the Internet to spread hateful and racist ideology in the United States?

A Time and time again, the Supreme Court has said that our government may not regulate the content of Internet speech to an extent greater than it may regulate speech in more traditional areas of expression such as the print media, the broadcast media, or the public square.

Q What kind of hate speech on the Internet is not protected by the First Amendment?

A Internet speech that is merely critical, annoying, offensive or demeaning is protected. However, the First Amendment does not provide a shield for libelous speech or copyright infringement, nor does it protect certain speech that threatens or harasses other people. For example, an e-mail or a posting on a Web site that

expresses a clear intention or threat by its writer to commit an unlawful act against another specific person is likely to be against the law. Persistent or malicious harassment aimed at a specific individual is not protected if it inflicts or intends to inflict emotional or physical harm. To rise to this level, harassment on the Internet would have to consist of a "course of conduct" rather than a single isolated instance.

Blanket statements expressing hatred of an ethnic, racial or religious nature are protected by the First Amendment, even if those statements mention individual people and even if they cause distress in those individuals. Similarly, denial of the Holocaust — though abhorrent — is almost never actionable under American law. The Constitution protects the vast majority of extremist Web sites that disseminate racist or anti-Semitic propaganda.

Q May newspapers reject offensive advertisements submitted by extremist groups?

A Yes. The First Amendment does not compel privately owned newspapers to provide a forum for the dissemination of the opinions of extremist groups. Publishers may use their editorial discretion to reject ads that they deem to be inappropriate for their publication.

Extremist groups — particularly those that deny the reality of the Holocaust — often attempt to place advertisements in university newspapers. In almost all such cases, student editors may reject the ads.

The vast majority of student newspapers at public universities are run by students and are therefore not technically under government control. These newspapers, like student papers at private universities, are free to reject inappropriate advertisements. In rare instances, student newspapers at state universities are run by the school's administration itself. In these cases, the First Amendment prohibits the paper from rejecting advertisements based on their content.

Religious freedom

Our nation's founders recognized the importance of keeping religion and the government separate. They did so out of respect for both religion and government, knowing that the combination of the two helped neither and often hurt both. To do this, they wrote what is known as the establishment clause and the free exercise clause of the First Amendment. The government cannot establish a religion nor can it prohibit its free exercise of religion. Together these two clauses embody and ensure what Thomas Jefferson called the "separation of church and state."

Sometimes there is no tension between these clauses. If Gov. Blagojevich and the Illinois General Assembly decided tomorrow that Christianity was the official religion of Illinois, that type of state action would be unconstitutional. It would both establish religion and stop others from freely exercising their religion. But what about students who want to pass out reli-

gious literature at the homecoming parade? If the school allows them to pass out the literature at the official homecoming parade, are they endorsing religion? If the school stops the students from passing out the literature, are they stopping the students from freely exercising their religious belief of spreading their faith?

More and more, our nation's schools have seen the conflict between those who believe that there should be more religion in the public square and those who want to preserve the constitutional separation. Some typical situations are below:

School policy permitting prayer by student at graduation

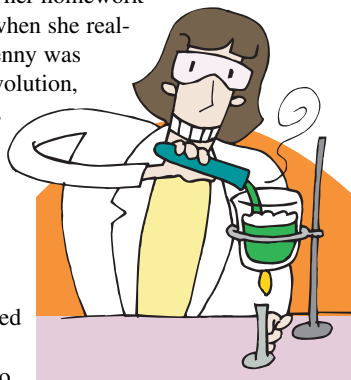
A school district is reviewing its graduation ceremony policy. The policy calls on a member of the local clergy to deliver a "non-sectarian, non-proselytizing" prayer at the start of the ceremony. After the parent of a graduating senior complains, the school district would like to substitute a student who is elected by his or her peers to deliver the prayer instead.

Q Can the school district substitute a student for a local clergy person?

A No. Neither is acceptable. Schools may not arrange to allow prayer at an event. Student prayer is limited to prayer that is personal, voluntary and non-disruptive. So long as the prayer is sanctioned by the district, at an official event using the school's loudspeaker and podium, such prayer is prohibited.

Parent asks biology teacher to stop teaching evolution or include intelligent design

Mrs. Anderson teaches a seventh grade biology class which includes a section on Darwinism and evolution. Jenny Hunter is a student in Mrs. Anderson's class. Jenny's mother was helping Jenny with her homework one night when she realized that Jenny was studying evolution, which goes against the family's belief in divine creation. Jenny's mother asked Mrs. Anderson to either stop teaching evolution or to also include a section on intelligent design in her biology class.



Q How should Mrs. Anderson respond?

A Mrs. Anderson should continue to teach evolution and should not teach any theory that humankind was created by an intelligent designer. While Jenny should be expected to learn and understand the theory of evolution, she should not

feel compelled to agree with the theory. Mrs. Anderson should make sure Jenny is not ridiculed because she believes in divine creation.

Fifth-grader distributes religious pamphlet to peers at lunchtime

Charles Hamilton, a fifth grade student at Benjamin Franklin Elementary School, brought 35 copies of a pamphlet entitled "Good Fun" to school. The pamphlet, prepared by an evangelical organization, contained crossword puzzles, word searches and comic strips. The theme running through "Good Fun" was the power of religion and the evils of secularism. Charles gave out his copies of "Good Fun" during lunch to the students who were waiting in the cafeteria line. Jonathan Freeman, a fourth grade student, accepted the pamphlet and played through the puzzles that evening. When Jonathan's mother realized that the pamphlet was religious material of a proselytizing nature, she called the principal of Benjamin Franklin Elementary School seeking an explanation. The principal had no knowledge that Charles had distributed "Good Fun" and agreed with Mrs. Freeman that the matter had to be looked into and resolved.

Q How should the principal resolve this matter? Does Charles have the right to distribute "Good Fun" in school?

A The school can allow Charles to distribute "Good Fun" subject to certain time, place, and manner restrictions designed to prevent disruption to the educational process and to prevent disruption of the rights and well-being of fellow students. Such content-neutral regulations typically provide that materials may only be distributed during certain times of the day, and from designated locales.

"Those who would renegotiate the boundaries between church and state must answer a difficult question: Why would we trade a system that has served us so well for one that has served others so poorly?"

Sandra Day O'Connor

LESSON II Freedom of religion

On a separate sheet of paper, answer the questions after each example. Consider the First Amendment and the principle of "separation of church and state" in your answers.

1. A Pennsylvania law required students to recite at least ten verses from the Bible at the beginning of each school day. What was Pennsylvania trying to accomplish with this rule? Do you think the action was constitutional?

2. In 1878, a member of the Mormon Church took wives in spite of a state law against polygamy. He stated that his religion required him to have more than one wife. The state court found him guilty of polygamy. Who or what is protected by state government laws against polygamy? Do you think the state's action was constitutional?

3. Doctors predicted that a young mother was going to die unless given blood transfusions. She refused treatment stating that her religion prohibited transfusions. The hospital obtained a court order and transfusions were given despite her objections. Can you think of reasons why the hospital acted as it did? Do you think the hospital violated the mother's rights?



4. A city employee was fired for refusing to work on his Sabbath although he was willing to work an equal amount of time any other day. Do you think his constitutional rights were violated?

5. School children in West Virginia were suspended for refusing to salute the flag. They said their religious beliefs prohibited this type of action. What was the school board trying to accomplish? Did the school violate the constitutional rights of these children?

6. Amish residents of Wisconsin were prosecuted by the state because they refused to send their children (ages 14 and 15) to the public high school as required by the state's compulsory attendance law. Why does a state government require all children to attend school? In your opinion does religious freedom take priority over the state's wishes in this case?

LESSON III

Freedom of the press



Over the years the Supreme Court has decided that fairness and the protection of certain national interests require limits on press freedom. They have set forth the following principles:

- Individual privacy and the protection of minors may be more important than "the public's right to know." Therefore, the names of victims of sexual assault and those of juvenile lawbreakers are not reported.
- Editors and reporters cannot publish or air stories that they know are false. But public figures and officials cannot collect damages even for false and negative statements made about them unless they can prove "actual malice." The public figure must prove those who made the statement did so with the knowledge that it was false or with "reckless disregard for the truth."
- Reporters covering criminal cases can be forced to disclose the names of people from whom they obtain information if the information appears necessary for a fair trial. Reporters have argued that people would not trust them unless they were guaranteed confidentiality. The Supreme Court decided that the obligation of all citizens (including reporters) to testify regarding criminal conduct was more important than laws protecting a reporter's sources.
- When judges believe that too much publicity will endanger a defendant's right to a fair trial, the press can be barred from covering certain criminal trials.
- In extremely rare cases, the government can stop publication of a story if national security is said to be at stake.

Some of the best known cases relating to freedom of the press are listed below. Following your teacher's directions, separate into groups and choose one of the following cases to research.

The trial of John Peter Zenger (1735).

The Pentagon Papers (1971).

The case of "Dr. X" and The New York Times (1978).

The Progressive magazine and the hydrogen bomb story (1979).

Carol Burnett and the National Enquirer (1981).

Present an oral report to the class that answers these questions:

1. What are the facts of the case you have researched?
2. What freedom of press issue was involved? (See principles listed in this activity.)
3. Was this case ever heard by the Supreme Court? If so, what was the court's decision? If not, what was the decision of the lower court?



THE TRUTH ABOUT CYBERBULLYING

As we have learned from the introductory materials, freedom of speech is not absolute. When words are intended to harass, they may run afoul of the First Amendment. Such is the case in some instances of cyberbullying.

What is cyberbullying?

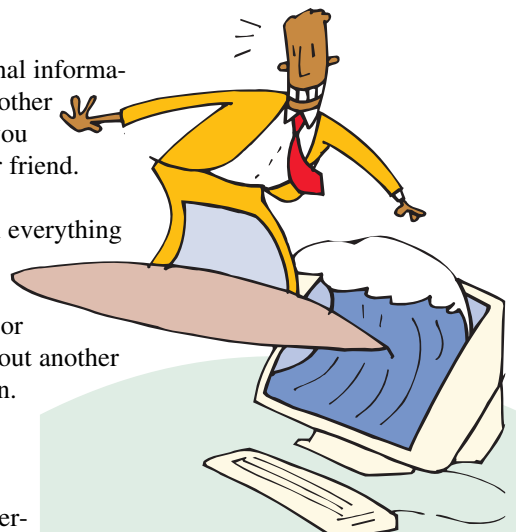
- Sending mean, hurtful or threatening messages or images about another person.
- Posting sensitive, private information about another person.
- Pretending to be someone else in order to make that person look bad.
- Intentionally excluding someone from an online group.

How does cyberbullying differ from other forms of bullying?

- It can occur at any time of day.
- Messages and images can be distributed quickly to a very wide audience and are often impossible to take back or retrieve.
- Perpetrators of cyberbullying can be anonymous, making it difficult to hold them responsible.

What can you do?

- Never give any personal information or passwords to another person online, even if you think the person is your friend.
- Do not accept as truth everything you see or read online.
- If you receive hurtful or harmful information about another person, do not pass it on.
- Do not say or do anything online that you wouldn't say or do in per-



LESSON IV

Freedom to assemble

Freedom of speech may force us to defend and question our own beliefs. In extreme instances we may debate whether any person should have the right to say such unpleasant and provocative things to others.

In these examples the right of free speech conflicts with the strongly held beliefs, the privacy or the painful memories of individuals or groups.

Consider both examples carefully and answer the questions after each one.

1. Skokie, Illinois, is a suburb of Chicago with a population that includes several thousand Jewish survivors of World War II concentration camps. In 1977, a group of self-proclaimed Nazis requested a permit to march in front of the Skokie village hall dressed in Nazi uniforms. Skokie responded by:

- Temporarily stopping the march by court order.
- Passing ordinances which prohibited passing out material that would incite hatred and prohibiting the wearing of "military-style" uniforms during any public demonstrations.

The Nazis filed suit claiming that Skokie's new ordinances were unconstitutional. A federal court of appeals and the Illinois Supreme Court both ruled that the Nazi march was protected by the First Amendment. The federal court added, "We would hopefully surprise no one by confessing our personal views that the Nazi Party's beliefs and goals are repugnant to residents of this country."

A. What rights of Skokie residents were at issue in this case?

B. What rights of the Nazis were at issue?

C. Consider the court's statement at the end of the example and decide whether it is true. If it is true, why did the court find it necessary to protect the free speech of Nazis? Do you agree or disagree?

2. One of the first American universities to experience widespread student protest was the University of California at Berkeley in 1964. Students were prohibited from soliciting for political causes on campus. Many felt their free speech rights were being violated. Calling themselves the Free Speech Movement (FSM), students protested by "sitting-in" at campus administration offices until they were forcibly removed by campus police. When 800 students moved into a campus building one night, they were arrested. Within a short time, 5,000 students gathered for a demonstration. Of course, these tactics disrupted the routine of the 27,000-member university community.



The tactics from civil rights struggles were used by other students around the country to protest America's involvement in Vietnam – sit-ins, non-violent confrontation, marches and symbolic illegal acts such as the burning of draft cards led to disciplinary action and arrest for many students.

In 1987, protest on campus focused on American foreign policy in Central America and South Africa. Protesters erected shantytowns on campuses to symbolize the poverty of South African Blacks. Other students protested American policy in Central America through sit-ins and obstructing traffic.

A. While protestors feel justified in the tactics they use, what objections might be raised by those not involved in the protest – such as other students, faculty, administrators, and people outside the campus?

B. Do you believe expressions such as sit-ins, the building of shantytowns and the disruption of campus routine are protected by the First Amendment? Do Americans have an obligation to protest if they feel injustices are being committed?

C. In your opinion, how can the rights of protestors and the rights of those not involved in protest be balanced? Is the right of free speech at risk when restrictions are placed on protests? How far should protests be allowed to go? Should violent acts ever be considered protected speech?



1st Place, 6-8th Grade
Alex Flipowicz
 William B. Ogden School, Chicago Grade 8

"I am the first in my family to have been born in the United States. My mother grew up in Communist Poland, and my grandparents, who are all still living, survived World War II in Eastern Europe. My mother's father saw his family brutally murdered by Fascist Nazi sympathizers. My father's father lived under the Nazis and the Communists. I have learned from my family that the freedoms that some Americans take for granted are worth fighting for, not only on the battlefield, but also in daily, ordinary life, before evil men and women can enslave and kill. I have learned from research on my History Fair project that abuses of power have happened in the United States, and that here in Chicago the Red Squad illegally punished people for exercising their First Amendment rights. I also learned that concerned citizens were able to bring this abuse to the attention of the Courts, and this abuse was stopped."



1st Place, 11-12th Grade
Amarto Bhattacharyya
 Glenbard South High School, Glen Ellyn Grade 11

"It's interesting how people can become dependent on money. Sometimes it seems as if people are always finding new reasons to spend it. There's one product that perfectly epitomizes this behavior. The iPod. First, a person spends hundreds of dollars on purchasing one of these devices. However, once this purchase has been made, a person now must acquire accessories to protect and display the iPod. After that, a person needs to buy music online, in order to fill it up with music. It seems as if, through the purchase of one product, a person has to spend much more than they originally planned. This introduces an interesting question. Why do people do it? Why do people spend so much money, just for a small object that plays songs? This question can be answered by examining, not the iPod itself, but the ideal that it represents. The ideal of music. Music symbolizes independence and freedom. Some people use music to display their inner emotions. Some use it to send a message. Others use it to create beautiful sound. Everyone, however, uses it to exercise their First Amendment rights. The concept of music, and the values that it represents, can manifest itself in all five of the rights that are guaranteed to Americans by the First Amendment. These are the rights of free speech, free press, free exercise of religion, peaceful assembly, and petition of the government for redress of grievances. Thus, every time I involve music in my life, I am actually employing my First Amendment rights."

This past spring, the Chicago Sun-Times and ADL sponsored a student essay contest asking the 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 grades 6-8, 9-10 & 11-12. Here are excerpts of the First place winning essays. For the complete essay from all the winners go to the website : www.suntimes.com

Congratulations to all our winning essay writers!



1st Place, 9-10th Grade
Joe Mahoney
 Notre Dame High School for Boys, Niles Grade 10

"The First Amendment influences my involvement in the drama club and the debate team, both avenues for the freedom of expression. This fall we chose "One Flew Over the Cuckoo's Nest," a very controversial play, containing multiple references to sexual intimacy and drinking. These are clearly disputatious topics, especially in a high school. Many people feel that high school students should not perform a play like this. In fact, in some areas of the world, it would not be allowed, as these nations do not have the luxury of freedom of expression. My drama club is allowed to put on a play, even with such questionable topics and themes, because of our rights. This freedom not only applies to my work as a member of the drama club, but also as an active member of the debate team. During my tenure on our championship team, we have debated numerous topics ranging from economics to foreign affairs. If our government did not guarantee free speech or expression, we would probably be forced to end our debate club, unless, of course, we expressed the views of the government. Here in the United States, however, we have an easier time expressing our belief and voicing our opinions. Our competitions bring the voice of less recognized groups to the chamber, one of the principles that our country was founded on."



The Second Place winners are:

Katie Burns
 Finley Jr. High, Chicago Ridge, Grade 8
Peter Alexander Prindiville
 St. Ignatius College Prep, Chicago, Grade 9
Samuel Perez
 York Community High School, Elmhurst, Grade 12

Did you Know?

Since the Constitution was written, more than 10,000 amendments have been suggested. But only 27 amendments have passed. Women were given the right to vote in the 19th Amendment in 1920. Slavery was outlawed in the 13th Amendment in 1865. The 26th Amendment in 1971 lowered the voting age to 18. And, by the time you read this there may be a new amendment as Congress is considering one about flag desecration



Learning standards: writing editorials, Evaluating the practices of government

Write a letter to the editor giving your opinion about what the framers of the Constitution might think if they read today's newspaper. Would they think they had written a good plan? Would they think their plan was being followed?

Lesson I-IV answers

I. ANSWERS

In this activity, students will explore the limits of free speech. Before handing out this activity list on the chalkboard any circumstances the class can imagine in which a person's speech could present a danger to other individuals or society. In a separate chalkboard column ask the class to list the possible dangers resulting if government had unlimited rights to restrict speech and press. What abuses might result?

Distribute the activity. Ask students to read the introductory quotation. Remind students that the Constitution is open to a multitude of interpretations and former Supreme Court Justice William Douglas represents one viewpoint. Ask students whether any restrictions they had listed in the first column on the board contrasted with Douglas' view. After concluding this discussion, students should complete the activity.

Under current constitutional interpretation the correct answers to questions one through ten are:

1. P (protected as freedom of expression).
2. L (public safety more important than speech).
3. P (for the most part, this has been protected).
4. L (deception is not protected).
5. L (a private citizen is entitled to more privacy than a public official).
6. P (this protects critics who might be sued by government officials. The court has ruled that unless a statement is made with reckless disregard for truth it is protected).
7. P (Court rejected any suggestion that citizen could be forced to take an oath).
8. L (This is limited to prevent elected officials from coercing government employees into campaigning).
9. P (the Court has upheld student's rights to express political beliefs).
10. L (the Court has ruled that any expression in school that could be "disruptive" is not protected).

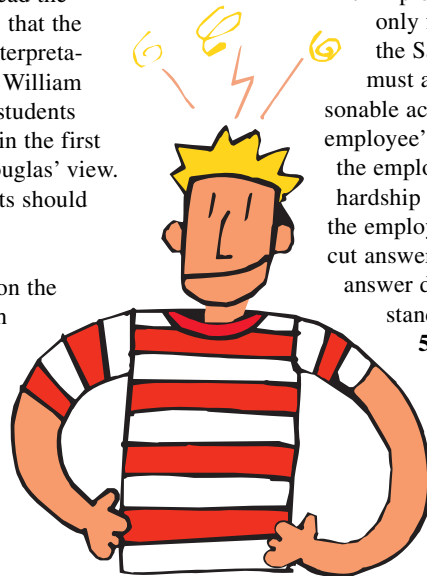
II. ANSWERS

Allow students time to read the introduction to this activity. Discuss any questions or comments students may have. Give students time to read and complete examples one through six. Review the answers below in class.

1. The state in this case was trying to enforce a

"moral citizenry." This state action was unconstitutional.

2. The state was protecting the interests of the family and the legality of marriage. In this case, the state's action was found to be constitutional.
3. Blood transfusions are not always given over a patient's objections. In this case, since the young woman had dependent children, it was in the state's interest that the children continue to have the support of their mother. A patient in different circumstances might have had a different outcome.
4. Employees cannot be fired only for refusing to work on the Sabbath. The employer must attempt to make a "reasonable accommodation," to the employee's religious beliefs unless the employer would suffer undue hardship by accommodation of the employee. There is no clear cut answer to his question. The answer depends on circumstances.
5. The state and Board of Education were trying to encourage patriotism. However the children's rights were violated. Freedom of speech includes freedom from coercion to speak.
6. The state interest was in mandating an educated citizenry. However in this case, the right of religious freedom took precedence. *Point out to students that as they can see from these examples, there are many possible interpretations of the sixteen words that guarantee religious freedom.*



III. ANSWERS

This lesson asks students to explore the balance between the public's "right to know" and other interests. These are the points that should be mentioned during student reports to the class.

- John Peter Zenger was a printer who, in his publication, attacked the Royal Governor. He was brought to trial and the jury found in his favor. The issue was truth as an absolute defense against libel. There was no Supreme Court at the time.
- The government attempted to restrain publication of this series about decision-making during the Vietnam War, citing national security. The government did not prove its case and the Supreme Court ruled in favor of The New York Times which wanted

to publish the papers.

- Myron Farber, a New York Times reporter, was jailed for forty days for refusing to disclose his notes and sources as he wrote about the trial of "Dr. X" in 1978. The trial concerned the deaths of hospital patients several years before. The prosecution contended that the doctor had poisoned the patients with curare in order to make other doctors appear incompetent. The trial judge believed that Farber had important evidence concerning the case. This case was not heard by the Supreme Court.
- The case of The Progressive magazine represents the first time the government succeeded in prohibiting publication of a significant piece of journalism. The government claimed that the article would teach anyone how to make a nuclear bomb. Later, the ban on publication was lifted when testimony revealed that the information in the article was readily available from other sources. This case was heard in a federal district court in Wisconsin, not the Supreme Court.
- The actress sued the National Enquirer for making false statements about her. The principle involved was whether the magazine had acted with malice and with reckless disregard for the truth. The actress won a large settlement from the jury that heard the case. The dollar amount was later reduced but the principle was upheld. This case was not heard by the Supreme Court.

IV. ANSWERS

Students are given two examples of emotionally-charged situations in which the right of free speech conflicts with equally cherished rights or beliefs. In the first example, students might mention the rights of Skokie residents to privacy and to respect for their beliefs. Jewish Skokie residents might have asserted the right not to be reminded of painful past memories. The Nazi marchers, of course, claimed the First Amendment rights of free speech and assembly.

In the second example, students might mention the rights of non-protestors to attend classes, to have a peaceful campus and not be unwilling participants in protests.

Solicit student opinions on whether they can think of any times when a person is obligated to protest. What form should a protest take and how far can it be carried without violating other important rights?

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