

Lesson 1

What is the First Amendment?

Rationale

This lesson provides an opportunity for students to learn what the First Amendment is and why it is important to them today. Students will compare and contrast the rights provided in the First Amendment with freedoms found or not found in other countries around the world.

Objectives

- Students will be introduced to the First Amendment text and components.
- Students will compare the freedoms found in this Amendment with those found and not found in other countries.

Age Range

Grades 9–12

Time

1 or 2 class periods

Requirements

Handouts and Resources:

- [First Amendment Survey](#) (one for each student)
- [The First Amendment](#)
- [What Exactly is the First Amendment?](#) (one for each student)
- [Freedom of Speech around the World](#) (one for each student per small group)
- [Freedom of Press around the World](#) (one for each student per small group)
- [Freedom of Religion around the World](#) (one for each student per small group)
- [Freedom of Assembly and Petition around the World](#) (one for each student per small group)

Other Material:

- *Future of the First Amendment: 2016 Survey of High School Students and Teachers* at <https://kf-site-production.s3.amazonaws.com/publications/pdfs/000/000/228/original/FOFA-2016-final-2.pdf>
- Board/Smart board and markers
- Color tacks or other items that can be used as markers
- Computer with Internet access and LCD projector or smart board

Advanced Preparation

- Reproduce handouts as directed above.
- Prepare *The First Amendment* handout to be projected for viewing.
- (Optional) Prepare the handout *What Exactly is the First Amendment?* to be projected for viewing.
- Make enough copies of the *Freedom of Speech around the World*, *Freedom of Press around the World*, *Freedom of Religion around the World* and *Freedom of Assembly and Petition around the World* handouts so that each student in an assigned group receives a copy (see Part II #4).

Techniques and Skills

analyzing material, interpreting art, large-group discussion, presenting, researching, small-group work

Key Words

Censorship
Compulsion
Grievance
Incitement
Interference
Orthodox
Redress
Suppression
Unalienable

Procedures

Part I

1. Begin this lesson by distributing the [First Amendment Survey](#) to each student. Ask students to independently complete the survey, then review each item as a class, asking students to indicate by a show of hands how they answered. Keep a tally of the students' responses on the board. Ask students what patterns they notice or what surprises them about the class responses.
2. Explain that this survey asked more than 11,988 United States high school students and 726 teachers about what they know and how they feel about the First Amendment. Share the following survey results:
 - Since its launch a decade ago, the study finds that American high school students have shown their greatest appreciation for the First Amendment as a whole than do adults.
 - First Amendment support is highest among students who report more frequently consuming news and information through digital media and those who report taking a class that has dealt with the First Amendment.
 - High school students largely believe protecting First Amendment rights is more important than protecting people from offensive speech, so much so that they feel people should be allowed to express unpopular opinions even if it is offensive to others.
 - Students are far less concerned than American adults about the privacy of their personal information.
 - Most students believe that the right to document, photo and video whomever or whatever they want and publish this content should be allowed not just for journalists but for all people.

NOTE: For information about the five key findings, download the *Future of the First Amendment* report at <https://kf-site-production.s3.amazonaws.com/publications/pdfs/000/000/228/original/FOFA-2016-final-2.pdf>. Tell students that they can compare their survey results against the findings throughout the report.

3. Display [The First Amendment](#) on the board or a screen. Ask a volunteer to read the text aloud.
4. Share the following information about the First Amendment:
 - It is often considered the most important amendment in the Bill of Rights because it protects rights essential to democracy.
 - It contains the rights that people in the U.S. hold most dear: freedom of religion, speech, the press, assembly and petition. These are collectively referred to as the "five freedoms."
 - When the First Amendment was adopted on December 15, 1791, it became the law of the land.
5. Distribute [What Exactly is the First Amendment?](#) handout to students or project for viewing. Provide an overview of the five freedoms. Mention that the second, third, fourth and fifth freedoms are collectively referred to as freedom of expression.

OPTIONAL: Use the National Constitutional Center's Interactive Constitution at www.constitutioncenter.org/constitution to guide students through the five different parts of the First Amendment.

Part II

1. Emphasize the importance of the First Amendment by sharing some or all of the following points (from *The First Amendment in Schools* by Charles C. Haynes et al. ASCD, 2003).
 - Between 1971 and 1990, 110 of the world's 162 national constitutions were either written or extensively rewritten.
 - An average of five new constitutions are adopted somewhere in the world each year.
 - Canada's most recent version was adopted in 1982.
 - France, a country whose first attempt at constitution writing mirrored the timing of our own, had to begin rewriting less than three years after they finished. Since 1789, the French have written and rewritten more than 15 times.
 - By contrast, the U. S. Constitution has endured for more than 200 years, making it the oldest—and shortest—written constitution in the world.

2. Tell students that they will be reading about the ways in which different countries' address individual rights.

NOTE: This part of the lesson is not meant to disparage other countries and their peoples, or to suggest that the U.S. system is best. Rather, the purpose is for students to consider the unique nature of the U.S. First Amendment from a global perspective. Be sure to emphasize that some of the countries mentioned in the *Freedom around the World* handouts have a high level of respect for individual freedoms in many different areas.

3. Divide the class into four small groups, and assign each group one of the following topics: religion, press, speech or assembly and petition.
4. Distribute to each student a copy of the corresponding handouts—[Freedom of Speech around the World](#), [Freedom of Press around the World](#), [Freedom of Religion around the World](#) and [Freedom of Assembly and Petition around the World](#), depending on group assignment.
5. Instruct students to read and discuss the questions that accompany the handout.

OPTIONAL: If time is limited, assign this reading for homework and ask students to discuss in small groups during the next class.

6. Ask each group to present their responses to the class.

OPTIONAL: Ask students to indicate each country's location on a map of the world, using tacks or other items as markers (one color per topic).

7. Lead a discussion about students' impressions of different countries' laws as they relate to the freedoms in the First Amendment.

Extension Activities:

- December 15th was designated Bill of Rights Day in 1941 by President Franklin D. Roosevelt in celebration of the 150th anniversary of its ratification. President Roosevelt urged all U.S. citizens to display the flag on this date and to have ceremonies honoring the occasion. Ask students how they think U.S. citizens—specifically young people—should celebrate and honor the Bill of Rights today.
- Using either the lesson's First Amendment Survey or the complete *Future of the First Amendment: 2016 Survey of High School Students and Teachers* (see <https://kf-site-production.s3.amazonaws.com/publications/pdfs/000/000/228/original/FOFA-2016-final-2.pdf>), instruct students to poll students in their school or grade level about their knowledge and attitude toward the First Amendment. Ask students to compile and report their findings through a bulletin board presentation or at an all school teacher or social studies department meeting, using a variety of visual diagrams, such as bar graphs and charts.

First Amendment Survey

The First Amendment became part of the U. S. Constitution more than 200 years ago. This is what it says:

“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.”

- 1. Based on your own feelings about the First Amendment, indicate to what extent you agree or disagree with the following statement: The First Amendment goes too far in the rights it guarantees.**

Strongly agree Somewhat agree Somewhat disagree Strongly disagree
- 2. 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
- 3. People should be allowed to express unpopular opinions.**

Strongly agree Somewhat agree Somewhat disagree Strongly disagree
- 4. Musicians should be allowed to sing songs with lyrics that others might find offensive.**

Strongly agree Somewhat agree Somewhat disagree Strongly disagree
- 5. People should be allowed to say whatever they want on social media, even if what they say could be seen as bullying others.**

Strongly agree Somewhat agree Somewhat disagree Strongly disagree
- 6. Students should be able to express their opinions about teachers and school administrators on social media platforms (e.g. Facebook, Instagram, Snapchat) without worrying about being punished in school by school administrators.**

Strongly agree Somewhat agree Somewhat disagree Strongly disagree
- 7. Newspapers/online news should be allowed to publish freely without government approval of a story.**

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

Strongly agree Somewhat agree Somewhat disagree Strongly disagree
- 9. Students should be concerned about their privacy of information they share online.**

Strongly agree Somewhat agree Somewhat disagree Strongly disagree

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 yes or no.

- 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 legal 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. People should be able to send online messages and make phone calls without government surveillance.

Strongly agree

Somewhat agree

Somewhat disagree

Strongly disagree

Excerpted and reprinted with permission from Kenneth Dautrich, “Future of the First Amendment: 2016 Survey of High School Students and Teachers,” (Miami: The John S. and James L. Knight Foundation, 2017), <https://kf-site-production.s3.amazonaws.com/publications/pdfs/000/000/228/original/FOFA-2016-final-2.pdf>.

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?

First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Freedom of Religion

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. U.S. citizens are free to “exercise” their right to attend a synagogue, temple, church or mosque of their choice—or to choose not to attend. Religious practice should be free from government influence or compulsion.

Freedom of Speech

The First Amendment prevents government 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, 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 e-mailing those representatives.

Freedom of Speech around the World*

Governments around the world hold a wide range of views with regard to their citizens' rights. The following is a summary of five countries' laws regarding freedom of speech. Your group's responsibility is to read and answer the questions below. Your group will share its responses with the class.

Eritrea

Eritrea is one of the smallest and poorest nations in Africa. The 1997 Constitution grants citizens of Eritrea freedom of speech and expression but the rights of the constitution have yet to be implemented. It is reported that officials in the country have cracked down on any outspoken critics of the government. Human rights observers have claimed that critics of the government have been arrested and held without trial and that thousands have been arrested for simply expressing dissenting views.

Egypt

Freedoms of expression have constantly been violated over the years. In 2014, Egypt included several provisions in the constitution including specifically stating that every person shall have the right to express his/her opinion verbally, in writing, through imagery, or by any other means of expression and publication. Yet, there exist exceptions and ambiguities in the constitution in addition to laws that go against these freedoms. Rights continue to be violated against those who verbally or in writing criticize the government, military, public authorities or public institutions. Many civilians and journalists have been fined, imprisoned and physically abused.

France

The French constitution protects freedom of speech but also has legislation that limits freedom of expression such as prohibiting speech, writings or publishing on child pornography, denial of the Holocaust, hate speech based on gender, sexual orientation or identity, and disability, and other restrictions.

Germany

Germany guarantees freedom of speech in article 5 of The Basic Law (Germany's Constitution), but some restrictions apply, including speech that incites violence or hatred, promotes Nazism, approves or denies the Holocaust and displays of religious symbols in public workplaces.

India

Article 19 of the Indian constitution says, "All citizens shall have the right to freedom of speech and expression." The freedom of speech is comparable to that in most Western European democracies.

* Last updated: 2016

Sources:

World Report 2016, Human Rights Watch, 2016, https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf

Law Library, Library of Congress, <https://blogs.loc.gov/law/>

Freedom of the Press 2016, Freedom House, 2016, <https://freedomhouse.org/report/freedom-press/freedom-press-2016>

Freedom of Press around the World*

Governments around the world hold a wide range of views with regard to their citizens' rights. The following is a summary of six countries' laws regarding freedom of the press. Your group's responsibility is to read and answer the questions that follow. Your group will share its responses with the class.

Belgium

Freedom of the press is guaranteed by the constitution and respected by the government. However, their constitution limits the definition of "press" to the print media. Thus, press freedoms do not cover radio, TV and websites.

Myanmar (previously Burma)

Burmese media are among the most restricted in the world. Any speech that undermined national stability or public expression of critical views about the regime was forbidden until recently. Instead of censorship, the government now closely monitors media coverage. Journalists have been reported to be imprisoned for expressing dissident views.

Mexico

Mexico is one of the most dangerous countries for journalists whose murders often go unpunished. Ownership of the broadcast media is extremely concentrated.

Namibia

Namibia is viewed as one of the most media-friendly countries in Africa with no serious abuses against the media. There has been a rise in incidents of threats and harassment against journalists in recent years, particularly during elections.

Sweden

Legal protection for freedom of the press dates back to 1766.

Venezuela

Venezuela has had a steady decline in press freedom to a current state of being very restrictive. The country ratified the Law of Social Responsibility in Radio, Television, and Electronic Media, which imposed large fines and possible closure if prohibited content was aired, and amended this law in 2010 with vague restrictions that can be used to severely limit freedom of expression. Prohibited content includes anything that leads to "incitements to war," "disruptions of the public order," "disrespect toward legitimate institutions and authorities," or "threats to national security."

* Last updated: 2016

Sources:

2016 World Press Freedom Index, Reporters without Borders, 2016, <https://rsf.org/en/ranking>

Freedom of the Press 2016, Freedom House, 2016, <https://freedomhouse.org/report/freedom-press/freedom-press-2016>

Freedom of Religion around the World*

Governments around the world hold a wide range of views with regard to their citizens' rights. The following is a summary of seven countries' laws regarding religion. Your group's responsibility is to read and answer the questions below. Your group will share its responses with the class.

Belarus

According to Article 31 of the Belarus Constitution, a citizen has "the right independently to determine his attitude towards religion." But a government agency regulates religious communities' activities and is hostile toward religious groups viewed as political opponents, such as Protestants. Religious groups are required to obtain state permission to worship in houses and public places.

Canada

The Constitution Act of 1982 states that Canada is founded upon principles that recognizes the supremacy of God and provides religious freedom to everyone.

Chile

Chile's 1980 Constitution supports the separation of Church and state, but the Catholic Church gets preferential treatment. The U.S. State Department has received reports of public discrimination against Jews in Chile.

Cuba

While the Cuban constitution guarantees freedom of religion, the government monitors, harasses and limits religious communities through other government authorized laws and policies. The government requires religious communities to register. Only registered religious communities can receive foreign visitors, import religious materials and meet in approved houses of worship. In October 2014, the government approved the Catholic Church's building of a new church in more than 55 years. Since then, the Cuban government has "increasingly targeted houses of worship with closure, confiscation, and destruction."

Iran

The Constitution of Iran declares Islam as the official religion. Christianity and Judaism are considered minority faiths and are closely monitored, restricted and harassed. Numerous incidents of imprisonment and physical abuse have been recently reported. Muslims who have converted to another faith have been imprisoned or murdered.

North Korea

After WWII the communist regime of North Korea didn't allow any religious activity at all. This conflicts with Article 68 of the 1972 Constitution that states that citizens have religious freedom yet this freedom is non-existent. Religious activities not in alignment with the belief of the "supreme leaders" are done in secret. Those involved in these activities may suffer arrest, torture, imprisonment and execution. Family members as well may be subject to these punishments just because they are viewed as guilty by association.

Swaziland

There aren't specific constitutional guarantees of religious freedom, but the government generally respects the rights of people to believe and practice as they wish.

* Last updated: 2016

Sources:

Annual Report of the U.S. Commission on International Religious Freedom, 2016, U.S. Commission on International Religious Freedom, www.uscirf.gov/sites/default/files/USCIRF%202016%20Annual%20Report.pdf
Freedom of the Press 2016, Freedom House, 2016, <https://freedomhouse.org/report/freedom-press/freedom-press-2016>

Freedom of Assembly and Petition around the World*

Governments around the world hold a wide range of views with regard to their citizens' rights. The following is a summary of five countries' laws regarding freedom of assembly and petition. Your group's responsibility is to read and answer the questions below. Your group will share its responses with the class.

Burma

Human rights groups around the world considered Burma as among the most repressive regimes in the world, but that changed slightly with the new reformist government in 2011. The Myanmar Constitution adopted the law of peaceful assembly and peaceful procession which gives every person the right to protest but, with limitations. Government permission must be obtained five days in advance. If not, protestors are subject to imprisonment. The government can also stop the gatherings if it feels they are harmful to the state or disturb public order.

China

The right to petition is guaranteed in the Chinese Constitution, but in practice it is frequently violated. The government could contest the legitimacy of the petition with no legal course of appeal available to the petitioner. Although China's petitioning system has been in reform since 2013, human rights organizations have made reports and documented evidence of petitioners being interceded, abducted and retained in secret detention centers known as "Black Jails." The Chinese government continues to declare "black jails" do not exist.

United Kingdom

The United Kingdom's Human Rights Act 1998 provides every citizen the right to assemble peacefully and associate with others. The Act also provides for lawful restrictions by police, armed forces or administrators of the state such as imposing conditions on both public processions and public assemblies if they believe serious public disorder, property damage, or disruption will occur. And, depending on the perceived possible seriousness of disorder, damage and disruption, the chief of police can prohibit public processions.

Italy

The right to peaceful and unarmed assembly of meetings held in private places, meetings held in places open to the public and meetings in public places as long as they do not "disturb the public order" are provided for every citizen under Italy's Political Constitution. Permission is not required but a 3-day advanced notice must be given for meetings to be held in public places. Violation is punishable by imprisonment and fines.

Poland

The right to petition the government directly is granted to every citizen; however, the law does not define what a petition is. Many Poles do not feel they have any influence on public institutions.

* Last updated: 2016

Sources:

Freedom of the Press 2016, Freedom House, 2016, <https://freedomhouse.org/report/freedom-press/freedom-press-2016>

Law Library, Library of Congress, <https://blogs.loc.gov/law/>

"*Risking one's Life to Petition the Authorities: The black jail industry in China*" by Thornely, Will, *China Perspectives* 4 (2013): 76.

World Report 2016, Human Rights Watch, 2016, https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf

Freedoms around the World Questions

How are the rights of people in these countries similar or different from the rights of people in the U.S.?

How do you think it would feel to have some of the restrictions you just read about placed upon you? Which would most upset you? Why? (Each person in the group can have his or her own answer to these questions.)
