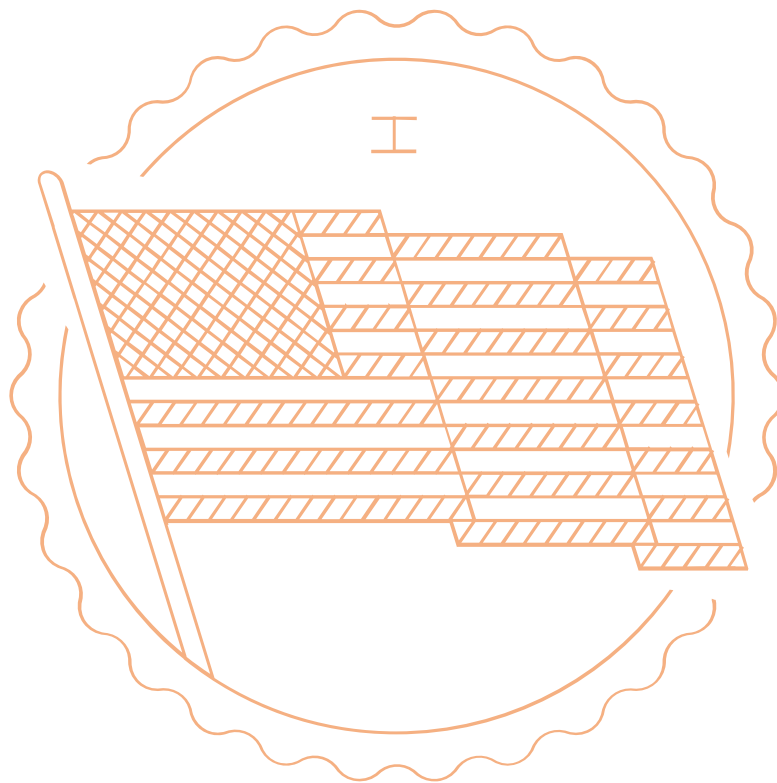


INTERACTIVE
CONSTITUTION

FIRST AMENDMENT OVERVIEW

LESSON PLAN



FIRST AMENDMENT OVERVIEW LESSON PLAN

GRADE LEVELS:

6th through 8th

NUMBER OF CLASS PERIODS:

2 class period (approximately 80 minutes each)

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INTRODUCTION/LESSON OVERVIEW:

Middle school students need a basic understanding of First Amendment rights prior to analyzing Supreme Court cases or connecting those rights to their daily lives. In this lesson, students read brief descriptions of the clauses in the First Amendment and work with their classmates to build understandings of the meaning of each clause before defining the amendment as a whole. Students will learn about the First Amendment through close readings of primary and secondary texts and create visual representations of each clause of the First Amendment.

This lesson can be used in conjunction with the National Constitution Center's First Amendment videos and video guides. Once students have a basic understanding of the amendment, they will be ready to use the *Interactive Constitution* and the accompanying texts to take a deep dive into each of the rights protected by the First Amendment.

Essential Questions:

- What rights are protected under the First Amendment?
- How have individuals and groups used their First Amendment rights throughout history?

Objectives:

- Students will be able to identify the five freedoms protected under the First Amendment.
- Students will be able to create visual representations of the meaning of each clause of the First Amendment.

Materials:

- First Amendment Freedoms Worksheets
- Poster Assignment
- Presentation Graphic Organizer
- Extension Handout

PROCEDURES:

Prior to Class

- Teachers should divide their class into four groups. Having mixed ability level groups may help with the comprehension and engagement in the activity.

Warm up/Activation of Prior Knowledge (5 minutes)

- Read the First Amendment aloud. It may be helpful to project the words on the screen for the students to follow along. Teachers can ask the students what they already know about the First Amendment and what freedoms are protected by the amendment.

Class and Group Investigation: (45 minutes)

- In their groups, students will build understandings of the meaning of each clause of the First Amendment. Students in each group should receive their own copy of the reading handouts (included).
 - o Group 1: Freedom of Religion
 - o Group 2: Freedom of Speech
 - o Group 3: Freedom of Press
 - o Group 4: Freedom of Petition and Assembly
 - Group 4 has the least amount of reading and responding
- Students will read their assigned handout and work with their group to answer the questions provided.
- Students should create their own poster presentation, either on paper or online, summarizing the content of the clause and how it applies to citizens today.

Whole Class Review/Debrief (30 minutes)

- Students will present their group investigation work to the class.
- Classmates will take notes in the graphic organizer provided.

Closure/Exit Ticket:

On the way out the door, have students record answers to the following:

- What rights are protected by the First Amendment? Give as many examples as possible.
- Draw your own pictures to illustrate each protection.

EXTENSION OPTIONS:

Option 1:

Educators should divide their class into four groups prior to class. Having mixed ability level groups may help with the comprehension and engagement in the activity.

The predetermined groups will analyze a quotation from Supreme Court Justice Louis Brandeis. Teachers can project the quote, if applicable, or provide students with a copy of the included handout.

Supreme Court Justice Louis Brandeis:

The founding generation “believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government.”

(“*Whitney v. California*.” Oyez, www.oyez.org/cases/1900-1940/274us357. Accessed 10 Jan. 2020.)

Assign each of the groups one excerpt from the Brandeis quotation to analyze in detail:

Group 1:

“believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth;”

Group 2:

“that without free speech and assembly discussion would be futile;”

Group 3:

“that with them [free speech and assembly], discussion affords ordinarily adequate protection against the dissemination of noxious doctrine;”

Group 4:

“that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government.”

Each group will do the following tasks:

1. Define any words they do not understand.
2. Summarize what their part of the quotation means.
3. Answer one of the questions: According to this quote, what is the purpose of the First Amendment? Is this true in the United States today? Explain.

Option 2:

Listen to the Dueling Platform Policies and Free Speech episode of the *We the People* podcast, found here: <https://constitutioncenter.org/interactive-constitution/podcast/dueling-platform-policies-and-free-speech-online>.

Ask the students to summarize the podcast for their classmates focusing on the question: Are the landmark First Amendment cases, many of which were decided decades before social media existed, still relevant in a world of ever-changing digital platforms, bots, and disinformation campaigns?

6th-8th grade Common Core StandardCCSS.ELA-LITERACY.RH.6-8.1

Cite specific textual evidence to support analysis of primary and secondary sources.

CCSS.ELA-LITERACY.RH.6-8.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

CCSS.ELA-LITERACY.RH.6-8.4

Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.

CCSS.ELA-LITERACY.RH.6-8.10

By the end of grade 8, read and comprehend history/social studies texts in the grades 6-8 text complexity band independently and proficiently.

NAMES: _____

GROUP 1: FREEDOM OF RELIGION**FREEDOM OF RELIGION:**

In your group, read the following information about the First Amendment's protection of freedom of religion. Answer the questions as you go.

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

The First Amendment protects freedom of religion. This freedom actually comes in two parts, or two “clauses”: The establishment clause and the free exercise clause. These freedoms are at the core of our freedom of conscience, which is the right to believe what we wish and practice those beliefs freely. To understand why this was an essential freedom for the founding generation, we must remember the early history of the nation. Many early American colonists faced religious oppression in Europe and braved the journey across the Atlantic in hopes of exercising their religious beliefs freely. In the colonies, there were freely practicing Quakers, Catholics, Jews, and members of other faiths who could not openly worship in England.

Support for the freedom of conscience was very popular among the colonists. By the time the colonists declared independence and, later, at the creation of the Constitution, freedom of conscience (now understood as freedom of religion) was among the most widely recognized “unalienable rights,” and many states’ bills of rights and judicial decisions protected it in some way.

What historical contexts compelled the founding generation to include religious freedom in the First Amendment? Include examples from the text to support your answer.

The First Amendment promises religious liberty and forbids the government from establishing an official religion. While the Supreme Court's religion cases are often closely divided, the First Amendment does provide some easy — and important — answers. Congress cannot create an official, government-organized church in the United States. The government cannot stop people from believing freely in a certain religion. The government cannot force people to attend religious services. The government also cannot interfere with a religion's selection of its clergy or religious doctrine. The government is also prohibited from giving benefits to one religion rather than another unless it has a legitimate non-religious reason for doing so.

However, many contested areas remain — questions that often divide citizens and Supreme Court justices alike — with strong arguments on both sides. When must a person's religious beliefs or practices yield to a law passed by the elected branches? When may the government display religious symbols, and when is it prohibited? And when may a business refuse service to a client on religious grounds? The First Amendment's religion clauses remain a source of inspiration and debate in America today.

What are the protections under the freedom of religion?

Now, your group will create a poster to show your understanding of the freedom of religion to the rest of the class. Make sure to include pictures/images as well as text.

NAMES: _____

GROUP 2: FREEDOM OF SPEECH**FREEDOM OF SPEECH:**

In your group, read the following information about the First Amendment's protection of freedom of speech. Answer the questions as you go.

“Congress shall make no law ... abridging the freedom of speech”

Among the freedoms listed in the First Amendment is the freedom of speech. Let's begin with a story. The year is 1798, John Adams is president, and America is on the brink of war with France. The Federalist Congress believed they needed to quickly make the country more secure from foreign spies and domestic traitors, so they passed four new laws—the Alien and Sedition Acts. These acts made it a crime to criticize the government during times of war. If war was declared, it made it possible to arrest, detain, and deport all male citizens of an enemy nation, and it authorized the president to deport any non-citizen suspected of plotting against the government during war or peace. Thomas Jefferson and James Madison fought back. They worked with the Virginia and Kentucky state legislatures to write public resolutions—in other words, statements by each state arguing that the Alien and Sedition Acts were unconstitutional. Matthew Lyon, a Congressman from Vermont, along with prominent anti-Adams newspaper editors, was found guilty under the acts because he wrote a letter that was published in a newspaper criticizing President Adams. Lyon was jailed for a year and had to run for reelection to Congress from his jail cell, and he won! Even though Lyon won reelection, Adams refused to pardon him. In 1800, Americans made their voice heard and elected Thomas Jefferson to be their next president along with a Republican-majority Congress. The verdict was clear: freedom to express opinions, especially opinions critical of the government, without the fear of punishment, was and is one of our most cherished rights.

THE ALIEN AND SEDITION ACTS**Who did these acts affect?****What did these acts restrict?****When were these acts passed?****Where were the acts implemented?****Why were these acts passed?****How did the public react?**

The First Amendment protects the people's freedom to speak out about their government without fear of repercussions. Therefore, the government cannot stop people from criticizing a war or arguing for tax cuts. But the First Amendment covers more than the spoken word. It also protects communications through printing, movies, broadcasting, and the internet. The First Amendment also applies to symbolic expressions, such as banners, flag-burning, and armbands. In public schools, as long as the communication is not disruptive, students can express their opinions through speech as well as things like clothing. However, if they are using a school-sponsored platform, such as the school newspaper, students' expression may be more restricted, and courts are more deferential to school officials' decisions when related to a course or official curricular activities.

Generally speaking, the government cannot restrict speech unless it's likely to cause imminent violence. This standard is known as the "Brandenburg" standard, named after the Supreme Court case *Brandenburg v. Ohio*. In that case, the Court reversed the conviction of Ku Klux Klan leader Clarence Brandenburg, who was charged with advocating violence during a speech. The Court ruled that the government can only place a restriction on speech when it is "directed to inciting or producing imminent lawless action" and "likely to incite or produce such action."

Overall, we have the most robust free speech protections in the world.

What is protected under the freedom of speech?

What is not protected under the freedom of speech?

Now, your group will create a poster to show your learning to the rest of the class about the freedom of speech. Make sure to include pictures/images as well as text.

NAMES: _____

GROUP 3: FREEDOM OF PRESS**FREEDOM OF PRESS:**

In your group, read the following information about the First Amendment's protection of freedom of press. Answer the questions as you go.

“Congress shall make no law ... abridging the freedom ... of the press ... ”

The First Amendment addresses the freedom of the press. Today, “press” usually covers journalists and news outlets. The First Amendment protects the right of these entities to report on government leaders and activities. The founding generation believed that an independent press was essential for preventing corruption within the government.

The founding generation remembered restrictions imposed on them while they were colonists, like the Stamp Act—a tax on printed materials — put in place by the British government during the decades leading up to the American Revolution. They also remembered the trial of John Peter Zenger, who was the printer of *The New York Weekly Journal*.

In 1733, Zenger published articles critical of the Royal Governor of New York, William Cosby. The paper reported on disputes over Cosby's salary and the firing of a judge who ruled against Cosby. Governor Cosby fought back, issuing a proclamation condemning *The New York Weekly Journal*, and charging Zenger with libel. Libel is defined as “a published false statement that is damaging to a person's reputation.” After months in jail, Zenger was acquitted, and his landmark case would help lay the groundwork for freedom of press in the United States.

Why is the freedom of press important?

What historical contexts compelled the framers to include freedom of press in the First Amendment? Make sure to include examples from the text to support your answer.

Courts have not always offered robust protection for freedom of the press. Until the 1920s, the Supreme Court read the First Amendment narrowly, but it increased protections as the 20th century progressed, with that trend accelerating in the 1960s and 1970s. Perhaps the most famous case during this period was the Pentagon Papers case. The Pentagon Papers were a series of reports compiled in the late 1960s, under the direction of Secretary of Defense Robert McNamara. They were a full history of the Vietnam War — a war the United States was still fighting. The reports contained evidence that government officials had misled the public about the scope of the war and U.S. actions in Vietnam. When the existence of the Pentagon Papers was eventually leaked, the Nixon administration tried to stop newspapers — including *The New York Times* and *The Washington Post*—from publishing stories about them. The case — *New York Times Co. v. United States* — made it to the Supreme Court, and the Court sided with the news outlets. Justice Hugo Black explained, “Only a free and unrestrained press can effectively expose deception in government.” Today, the legal protection offered by the First Amendment is stronger than ever before in our history.

THE PENTAGON PAPERS	
Who?	
What?	
When?	
Where?	
Why?	
How does this relate to today?	

Now, your group will create a poster to show your learning to the rest of the class about the freedom of press. Make sure to include pictures/images as well as text.

NAMES: _____

GROUP 4: FREEDOM OF ASSEMBLY AND PETITION**FREEDOM OF ASSEMBLY AND PETITION:**

In your group, read the following information about the First Amendment's protection of freedom of assembly and petition. Answer the questions as you go.

“Congress shall make no law ... abridging ... the right of the people peaceably to assemble, and to petition the Government for a redress of grievances ... ”

The final two freedoms listed in the First Amendment are the rights of assembly and petition. The right to assemble means that people have the right to peacefully gather together. The right to petition means that people have the right to protest, to ask the government to right a wrong, or to address a problem. Taken together, these rights are a core way of communicating beliefs and grievances to those in public office.

These rights are among the oldest in the Anglo-American legal tradition. For instance, when the American colonists declared independence from Great Britain, they justified the split by referencing the years of ignored petitions by the colonists to King George III. Throughout history, assembly and petition rights have been especially important to groups challenging a situation. Even when members of these groups couldn't vote or hold office, they could petition their government and express their views. This includes abolitionists in their struggle against slavery, suffragists during their decades-long battle for women's voting rights, to say nothing of countless other labor activists, religious minorities, and civil rights groups.

Although the First Amendment rights of assembly and petition have been central to America's constitutional story since the founding, they are not often cited in Supreme Court decisions. Instead, today's Supreme Court treats both as included within an expansive “speech” right, often called “freedom of expression.”

What happened in history that compelled the founding generation to include freedom of assembly/petition in the First Amendment? Make sure to include examples from the text to support your answer.

Where have you seen examples of the rights of assembly and petition?

Now, your group will create a poster to show your learning to the rest of the class about the freedom of assembly and petition. Make sure to include pictures/images as well as text.

NAMES: _____

CREATE YOUR OWN PRESENTATION

Your group will present to the class what you learned about the First Amendment, providing your interpretations and specific information from the text.

In the presentation, you should have the following information:

- Name the clause
- Definition of the clause
- How the clause has been exercised in history or present day
- Historical or present-day photos to illustrate how people have exercised the clause.

(These photos can be found on the internet or from the student's personal collection. If found on the internet, make sure to give proper credit to the source of the images.)

NAME: _____

PRESENTATION GRAPHIC ORGANIZER

NAME OF PROTECTION	
<p>FREEDOM OF RELIGION Definition</p>	<p>Illustration/Connection</p>
<p>FREEDOM OF SPEECH Definition</p>	<p>Illustration/Connection</p>
<p>FREEDOM OF PRESS Definition</p>	<p>Illustration/Connection</p>
<p>FREEDOM OF PETITION/ASSEMBLY Definition</p>	<p>Illustration/Connection</p>

EXTENSION HANDOUT

GROUP 1 SECTION OF THE QUOTE		
<p>believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth;</p>		
DEFINE WORDS	SUMMARIZE SECTION	IS THIS STILL TRUE TODAY?

GROUP 2 SECTION OF THE QUOTE		
<p>that without free speech and assembly discussion would be futile;</p>		
DEFINE WORDS	SUMMARIZE SECTION	IS THIS STILL TRUE TODAY?

GROUP 3 SECTION OF THE QUOTE		
that with them (free speech and assembly), discussion affords ordinarily adequate protection against the dissemination of noxious doctrine;		
DEFINE WORDS	SUMMARIZE SECTION	IS THIS STILL TRUE TODAY?

GROUP 4 SECTION OF THE QUOTE		
that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government.”		
DEFINE WORDS	SUMMARIZE SECTION	IS THIS STILL TRUE TODAY?