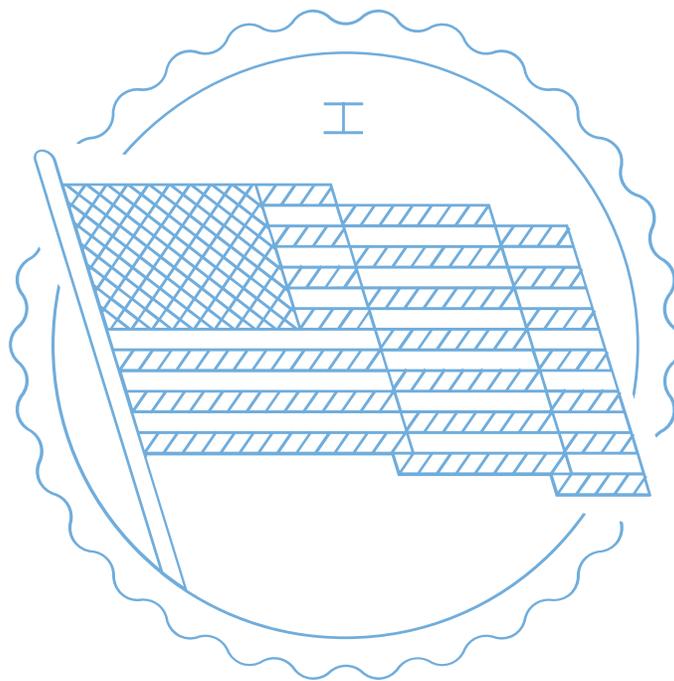


**INTERACTIVE**  
**CONSTITUTION**

# FIRST AMENDMENT HISTORICAL FOUNDATIONS

LESSON PLAN



## First Amendment: Historical Foundations

# Lesson Plan

### GRADE LEVELS:

11th and 12th

### NUMBER OF CLASS PERIODS:

1 (approximately 55 minutes)

### AUTHOR:

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Mike Adams serves as Director of Education at the National Constitution Center where he oversees educator outreach and professional development programs; the creation of instructional resources; design and assessment of student workshops; and other key educational initiatives. He holds an M.S. of Education and a B.S. of Secondary Education Social Studies from Temple University as well as teaching certifications in secondary Social Studies and English Language Arts. He previously taught middle and high school students in the classroom setting in the Council Rock School District, in Bucks County, Pennsylvania.

### INTRODUCTION/LESSON OVERVIEW:

The First Amendment enshrines, in the U.S. Constitution, protections for a number of individual and collective rights, or freedoms. These include: freedom of religion, freedom of speech and press, and the freedom to peaceably assemble and to petition the government. Why did the Founding generation protect these freedoms in the First Amendment? Why were these freedoms grouped together in a single amendment? What do these freedoms have in common? This lesson helps students construct answers to these questions by examining primary sources that record the development of the First Amendment through the *Writing Rights* interactive.

This tool presents students with James Madison's original proposals for what became the First Amendment as well as the legal texts that preceded Madison's drafts. Through small group investigation and a jigsaw-style activity, students compare and contrast a range of excerpted, Founding Era texts to uncover the relationships between the freedoms protected by the First Amendment.

The lesson plan also demonstrates for the students that disagreement about interpretation of the First Amendment is as old as the amendment itself, while modelling the ability to reach consensus on contentious questions.

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### Essential Questions:

- What are the freedoms protected by the First Amendment?
- Why did the Founding generation choose to protect the freedoms listed in the First Amendment?
- How was the text of the First Amendment influenced by earlier legal texts?
- What similarities between the freedoms of the First Amendment may have caused the First Congress to combine them in a single amendment?



**Objectives:**

- Students will be able to use the *Writing Rights* interactive tool from the National Constitution Center to identify and analyze legal texts from the Founding Era.
- Students will compare and contrast primary sources to understand the origins of the legal protection of the freedoms in the First Amendment.
- Students will participate in discussions to understand the relationships between the freedoms protected in the First Amendment.
- Students will be able to predict areas of disagreement in the meaning of the First Amendment over time and in the present.

**Materials:**

- Warm Up activity (included)
- Access to the *Writing Rights* interactive tool (online)  
<http://constitutionalrights.constitutioncenter.org/app/home/writing/1>
- “Madison’s Proposal 4” handout, 2-pages (included)
- “Madison’s Proposal 5” handout, 2-pages (included)
- “Madison’s Proposal 6” handout, 2-pages (included)

**Procedures:****1. Warm Up/Activation of Prior Knowledge**

The teacher will display or provide printed copies of the following excerpt of the preamble to the Bill of Rights and explain to students that this text appeared at the top of the list of amendments that were sent to the states for ratification as additions to the Constitution in 1789.

### Congress of the United States,

*begun and held at the City of New-York, on*

*Wednesday the Fourth of March, one thousand seven hundred and eighty nine.*

The Conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution...

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States...



Students should read the excerpt and answer the following questions:

- What reason(s) did the First Congress list for passing the amendments that would become known as the Bill of Rights?
- Why might representatives of “a number of States” have “expressed a desire” to add amendments to the Constitution?

The teacher should ask students to share their responses to these questions.

## 2. Preparing for Group Activity

The teacher should introduce the main activity by clarifying that the First Congress created the Bill of Rights because multiple state conventions, during the ratification of the Constitution, expressed what they saw as the need to protect specific rights, or freedoms, from abuse by the new federal government. Among these freedoms are those protected by what became the First Amendment. The teacher should display, or read, the text of the First Amendment:

Congress shall make no law respecting the 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.

The teacher will explain that the First Amendment was the result of dozens of proposals and revisions during the First Congress, in 1789, and ratified by the states in 1791; but that the ideas in the amendment existed long before the amendment itself. In this class period, students will use resources from the National Constitution Center’s *Writing Rights* tool to explore the origins and ideals behind the First Amendment.

The teacher will display the Writing Rights online interactive (<http://constitutionalrights.constitutioncenter.org/app/home/writing/1>). After selecting the First Amendment from the dropdown menu in the upper-left-hand corner, students and teachers can select the texts listed under the headings “Historical Sources,” “Madison’s Original Proposal,” “The House’s Proposals,” and “The Senate’s Proposals.” By clicking on “Madison’s Proposal 4,” the teacher can show students the relationships between various versions of the ideas that would be incorporated into the First Amendment. The interactive also highlights the percentage of legally significant words shared between the selected document and the final text of the amendment. The teacher will show students the relationships between the “Historical Sources” and “Madison’s Proposals 4, 5, and 6” to understand the context of the primary source texts they are going to investigate.

## 3. Small Group Investigation

Students will be divided into three groups. One group will get individual copies of the “Madison’s Proposal 4” handout, one group will get individual copies of the “Madison’s Proposal 5” handout, and one group will get individual copies of the “Madison’s Proposal 6” handout. Students should read all of the historical sources provided in their handouts. After reading all their assigned sources, students should revisit the texts to circle or highlight repeated and related words and phrases. Space is also provided to take notes about or summarize each text.

At the bottom of the graphic organizer, students should summarize the main ideas reflected in the historical texts: what are the texts about, what rights do they protect, from whom does it protect those rights, etc.?

## 4. Jigsaw

Students should regroup themselves to form triads with classmates who read different sources. (Each triad should have one student who explored Madison’s Proposal 4, one student who explored Madison’s Proposal 5, and one who explored Madison’s Proposal 6.) In their triads students will complete page 2 of the handout and address the following prompt:



How are Madison's three proposals related? What central idea(s) do they have in common that might explain why the First Congress combined the three proposals into a single amendment?

### **5. Whole Group Discussion:**

By now, students should know why the Bill of Rights was proposed, where the ideas in specific amendments originated, and how the First Amendment was formed. The teacher will lead a brief discussion to check for understanding. Discussion questions can include:

- How are Madison's three proposals related?
- What central idea(s) do they have in common that might explain why the First Congress combined the three proposals into a single amendment?
  - How might combining Madison's three proposals into a single amendment have effected (and continue to effect) interpretation of the First Amendment?

The teacher will wrap up the discussion by explaining to students that the ideas in Madison's proposals—the ideas that became the First Amendment—are often collectively referred to as “freedom of conscience” or “freedom of expression.” They are considered among the most fundamental rights protected by the U.S. Constitution, but the meaning of those rights has been continually redefined throughout history.

### **5. Wrap-up/Conclusion:**

Exit Ticket: What questions about “freedom of conscience” do you think are unanswered?

### **6. Extension Activity:**

As an extension activity, students can further explore the Writing Rights interactive by tracing the lifespan of Madison's proposed amendments through the House of Representatives and the Senate, to the final version of the First Amendment that was ratified by the states.

Students can compare the proposed language from House of Representatives and Senate iterations of the amendment to the final version of the First Amendment by answering the following questions:

- How were Madison's three proposals combined into two proposals by the House of Representatives? What does that combination tell us about what the First Amendment would become?
- How did the language in the House proposals compare to the final version of the First Amendment? What are some ideas or words that are the same or different between the two documents? Why are those choices significant?
- How does the Senate's final proposal compare to the final version of the First Amendment? What are some ideas or words that are the same or different between the two documents? Why are those choices significant?



## Madison's Proposal 4

Primary Source	Date	Text	Notes
Laws of West New Jersey	1681	The Liberty of Conscience in Matters of Faith and Worship towards God, shall be granted to all People within the Province aforesaid; who shall live peaceably and quietly therein; and that none of the free People of the said Province, shall be rendered incapable of Office in respect of their Faith and Worship.	
North Carolina Declaration of Rights	1776	That all Men have a natural and unalienable Right to worship Almighty God according to the Dictates of their own Conscience.	
Virginia Ratification Convention	June 27, 1788	That religion or the duty which we owe to our Creator, and the manner of discharging it can be directed only by reason and conviction, nor by force or violence, and therefore all men have an equal, natural and unalienable right to the free exercise of religion, according to the dictates of conscience, and that no particular religious sect of society ought to be favored or established by Law in preference to others.	
New York Ratification Convention	July 26, 1788	That the People have an equal, natural and unalienable right, freely and peaceably, to Exercise their Religion according to the dictate of Conscience, and that no Religious Sect or Society ought to be favoured or established by Law in preference of others.	
Madison's Proposal 4	June 8, 1789	The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext infringed.	
<b>Summary</b>			

Madison's Proposal 4 is about...

Madison's Proposal 5 is about...

Madison's Proposal 6 is about...

The text of the First Amendment is the result of the First Congress combining ideas from dozens of historical documents through a process of debate and revision. How might combining Madison's three proposals into a single amendment have effected (and continue to effect) interpretation of the First Amendment?

Exit Ticket: What questions about "freedom of conscience" do you think are unanswered?

## Madison's Proposal 5

Primary Source	Date	Text	Notes
Virginia Declaration of Rights	1776	That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotick governments.	
Massachusetts Constitution	1780	The Liberty of the Press is essential to the security of freedom in a States, it ought not, therefore, to be restrained in this Commonwealth.	
New Hampshire Constitution	1783	The Liberty of the press is essential to the security of freedom in a State; it ought therefore, to be inviolably preserved. The freedom of deliberation, speech and debate in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution, in any other court or place whatsoever.	
Pennsylvania Constitution	1790*	That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of government: And no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write and print on any subject.....	
Madison's Proposal 5	June 8, 1789	The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable.	
<b>Summary</b>			

*\*The Pennsylvania Constitution of 1790 was written after Madison's Proposal 5 but before the First Amendment was ratified. This text demonstrates one way states were protecting specific rights before the First Amendment was added to the Constitution.*

Madison's Proposal 4 is about...

Madison's Proposal 5 is about...

Madison's Proposal 6 is about...

The text of the First Amendment is the result of the First Congress combining ideas from dozens of historical documents through a process of debate and revision. How might combining Madison's three proposals into a single amendment have effected (and continue to effect) interpretation of the First Amendment?

Exit Ticket: What questions about "freedom of conscience" do you think are unanswered?

## Madison's Proposal 6

Primary Source	Date	Text	Notes
English Bill of Rights	1689	That it is the right of the subjects to petition the King and all commitments and prosecutions for such petitioning are illegal. And that for redresse of all grievances, and for the amending strengthening and preserving of the lawes Parlyaments out to be held frequently.	
Declarations and Resolves of the First Continental Congress	1774	That they have a right peaceably to assemble, consider of their grievances, and petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.	
Massachusetts Constitution	1780	The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good: Give instructions to their representatives; and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.	
North Carolina Ratification Convention	1788	That the people have a right peaceably to assemble together to consult for the common good, or to instruct their representatives; and that every freeman has a right to petition or apply to the Legislature for redress of grievances.	
Madison's Proposal 6	June 8, 1789	The people shall not be restrained from peaceably assembling and consulting for their common good; nor from applying to the Legislature by petitions, or remonstrances for redress of their grievances.	
<b>Summary</b>			

Madison's Proposal 4 is about...

Madison's Proposal 5 is about...

Madison's Proposal 6 is about...

The text of the First Amendment is the result of the First Congress combining ideas from dozens of historical documents through a process of debate and revision. How might combining Madison's three proposals into a single amendment have effected (and continue to effect) interpretation of the First Amendment?

Exit Ticket: What questions about "freedom of conscience" do you think are unanswered?

# Common Core Standards

## Addressed in this Lesson Plan:

### History/Social Studies

#### **CCSS.ELA-LITERACY.RH.11-12.1**

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

#### **CCSS.ELA-LITERACY.RH.11-12.2**

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

#### **CCSS.ELA-LITERACY.RH.11-12.4**

Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines faction in Federalist No. 10).

#### **CCSS.ELA-LITERACY.RH.11-12.10**

By the end of grade 12, read and comprehend history/social studies texts in the grades 11-CCR text complexity band independently and proficiently.

### English Language Arts

#### **CCSS.ELA-LITERACY.RI.11-12.1**

Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain.

#### **CCSS.ELA-LITERACY.RI.11-12.2**

Determine two or more central ideas of a text and analyze their development over the course of the text, including how they interact and build on one another to provide a complex analysis; provide an objective summary of the text.

#### **CCSS.ELA-LITERACY.RI.11-12.3**

Analyze a complex set of ideas or sequence of events and explain how specific individuals, ideas, or events interact and develop over the course of the text.

#### **CCSS.ELA-LITERACY.RI.11-12.4**

Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze how an author uses and refines the meaning of a key term or terms over the course of a text.

#### **CCSS.ELA-LITERACY.RI.11-12.9**

Analyze seventeenth-, eighteenth-, and nineteenth-century foundational U.S. documents of historical and literary significance for their themes, purposes, and rhetorical features.



### Speaking and Listening

#### **CCSS.ELA-Literacy.SL.11-12.1**

Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

#### **CCSS.ELA-Literacy.SL.11-12.2**

Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.

#### **CCSS.ELA-Literacy.SL.11-12.3**

Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

#### **CCSS.ELA-Literacy.SL.11-12.4**

Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

#### **CCSS.ELA-Literacy.SL.11-12.6**

Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate.

