

AMERICAN BAR ASSOCIATION
DIVISION FOR PUBLIC EDUCATION

2010 National Online Youth Summit

Curriculum Guide

*It's Nothing to LOL About: How the First Amendment
Affects You in the 21st Century*



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Welcome

The American Bar Association (ABA) Division for Public Education is pleased to welcome you as a participant in the 2010 National Online Youth Summit. This year's National Online Youth Summit (NOYS) topic, *It's Nothing to LOL About: How the First Amendment Affects You in the 21st Century*, will engage students in a vigorous debate about this contemporary legal and public policy issue.

Students will develop substantive knowledge about the First Amendment through study of the amendment's historical background, student rights, local and national efforts to promote and preserve the amendment, future implications. By engaging in civil online discussion, students will also have the opportunity to develop and hone their research, critical-thinking, and writing skills.

About the ABA Division for Public Education

The mission of the ABA Division for Public Education is *to promote public understanding of the law and its role in society*. We provide national leadership in educating the public about the law, legal issues, and legal institutions.

We work in partnership with bar associations, courts, educational institutions, civic organizations, and others to reach diverse public audiences. Our programs, publications, and resources are designed to educate and inform youth, undergraduate students, and adults.

The National Online Youth Summit, one of our civic engagement programs, is designed to offer high school students the chance to participate in a virtual community of their peers while also learning about and critically evaluating a timely, law-related topic.

To learn more about the ABA Division for Public Education, as well as about available programs and resources, please visit www.abanet.org/publiced.

Summit Overview

The Summit provides students with an opportunity to build communication skills and develop knowledge about timely public policy issues. Composed of online discussion, classroom time, and research-based work, the Summit is an interactive approach to understanding current legal issues.

Through a variety of activities, you will be able to offer a truly rich summit experience to your students. Each activity in this guide is designed to be interactive and appeal to students on several levels, including academically and personally.

The Summit begins January 4, 2010, and ends April 30, 2010. (See *Activity Timeline in the "Curriculum" section for more details.*)

2010 National Online Youth Summit Activity Timeline Overview	
Activity	Date
Teacher Orientation Period	January 4 - 29
Student Activities 1 - 3	February 1 - 26
Student Activities 4 - 5	February 27 - March 26
Student Activities 6 - 9	March 27 - April 30
Final Projects submitted to ABA	May 14
Teachers submit evaluations online	May 14

Orientation

Teachers and students will participate in an orientation session to familiarize themselves with *FuseTalk* (the NOYS online discussion board) as well as to understand how the Summit will progress.

Teacher Orientation. The orientation is a guided online tutorial presented by ABA staff and the Summit Coordinator. Three orientation session dates are offered to accommodate varying schedules and will take place in January 2010. During orientation, you will have the opportunity to learn about the various aspects of NOYS, practice using *FuseTalk*, engage in discussion with other teachers, and set up online discussion activities for your students. ***Please note, participation in one online orientation session is required for new participants and highly encouraged for returning participants.***

<p>Online Orientations Sessions:</p> <p>January 6, 2010 at 5 pm EST January 12, 2010 at 10 am EST January 19, 2010 at 4 pm EST</p>

Hands-on *FuseTalk* exercises will be provided in the *FuseTalk* Guide (see *Appendix C*). It is estimated that one hour of independent work is necessary to complete the exercises.

Student Orientation. A teacher-guided student orientation (see *Appendix B: Student Orientation Guide*) provides students with an overview of the Summit and *FuseTalk*. Students will also understand the progression of activities and learn more about their role during online discussions.

Summit Components

NOYS is comprised of a number of components, each of which contributes to the overall success of the Summit. Integration of the components is key to ensuring a rich and rewarding experience for both students and teachers.

Online Activities and Civil Discussion. Students will communicate with peers around the country via an online forum. They will share their thoughts and analysis via the NOYS discussion board, *FuseTalk*. The NOYS website will provide students and teachers with additional resources and background materials.

Classroom Activities. While many activities are conducted online or on the discussion board, in-class and homework assignments are crucial in helping students create a strong foundation of knowledge. Students will conduct research on their own and in small groups to help inform their opinions. The research and writing assignments conducted offline will also help form the basis of online discussions and the presentation of logical arguments.

Ongoing Support. An equally important component of the Summit is the community of support it offers. Students and teachers alike will benefit from an online community of their peers where thoughts are shared and opinions are respected. In addition, ABA staff will be available throughout the Summit to answer questions and provide guidance.

Final Projects. At the end of the Summit, students will work as a class or in small groups to demonstrate their learning. Students will have the opportunity to creatively synthesize their research and knowledge, and prepare presentations to share their findings. The final projects are an invaluable learning tool and should be started early on in the Summit. (*See Activity 1: Orientation & Pre-test and Activity 8: Final Projects for more information.*)

Evaluation. Pre- and post-assessments will measure students' changes in knowledge and attitudes about the debate surrounding the First Amendment. Students and teachers will also have the opportunity to provide feedback about their overall Summit experience.

Learning Perspectives

Students will learn about the First Amendment from a variety of perspectives. By exploring the issue gradually through interaction with peers and experts in the field as well as through various forms of media, students will gain an understanding of all the factors that contribute to public policy about and public perception of the First Amendment.

Introduction. Students will explore background information from a historical perspective as well as from a legal perspective. Understanding the Framers' intentions when drafting the Constitution, critical Supreme Court decisions, student First Amendment rights, and local and national efforts to preserve and promote the five freedoms will build basic knowledge and provide an introduction to this contentious and complex topic.

Key Events. A timeline of key historical, cultural, and legal events will help students understand the prevalence of First Amendment issues throughout history. Through independent research, students will delve deeper into specific events. Learning from peers and experts will help students evaluate facts and form their own opinions.

Multimedia Resources. Students will analyze the First Amendment and the five freedoms through a variety of multimedia resources, including the internet, videos, and audio podcasts. These

resources will allow students to explore issues from different perspectives as well as to gain an understanding of how to evaluate the credibility and substance of the dearth of resources available.

Role of Advocacy Groups. Having gradually built a foundation of background knowledge, students will begin to understand the role that interest groups play in forming public policies and local and national laws.

Student Learning Objectives

Through participation in the Summit, students will further develop content-based knowledge about the First Amendment. In addition, students will have the opportunity to develop civil discussion, writing, and analytical skills. Students will use technology as a means to engage in dialogue and debate with peers.

Content. Students will develop a greater understanding of the First Amendment, its origins, and its relevance in contemporary society. Specifically, students will:

- Understand the historical context and changes over time in the public's understanding of the First Amendment and the five freedoms;
- Research and understand the historical, cultural, and legal significance of key First Amendment-related events during the course of U.S. history;
- Research and evaluate local, state, and national efforts to preserve and promote the First Amendment;
- Recognize the role of special interest groups as well as understand their perspectives; and
- Analyze implications of First Amendment rights in today's world as well as formulate informed opinions about the role of the First Amendment in the future.

Skills. Students will develop new, and enhance existing, skills related to civil discussion, research, writing, analysis, and critical-thinking. Specifically, students will:

- Distinguish between fact and opinion;
- Evaluate the credibility of online resources;
- Work independently and cooperatively within groups to accomplish goals;
- Analyze arguments made by experts, advocacy leaders, peers, and teachers through the use of open-ended questions and logical argumentation;
- Formulate clear, well-supported opinions based on rationale rather than emotion; and
- Research key First Amendment-related events and legal decisions, organize and synthesize the research, present the research to peers, and identify possible policy initiatives.

Technology. Students will use technology resources, such as the discussion board and a variety of websites, to meet overall activity and Summit objectives. Students will use technology resources routinely and efficiently to:

- Research, compile, synthesize, and disseminate information; and
- Collaborate with peers, historians, and legal experts to build a content-related knowledge base.

Using *FuseTalk*

Online discussions among participants will occur via *FuseTalk*, a private web-based discussion board available only to registered participants. *FuseTalk* is a controlled environment where discussions can take place and be stored. This online forum allows teachers and students to share and exchange messages with others quickly and easily.

Since *FuseTalk* is hosted on the ABA NOYS website, you will not need to download software to your computers. The online forum will be accessed at <http://www.abanet.org/publiced/noys>, by clicking in the “Registered Participants” section.

Technology Requirements

The suggested minimum software requirement to access the ABA discussion boards is having a browser installed that meets the standards listed below:

- Internet Explorer (IE) version 4 and higher,
- Netscape version 4 and higher,
- Opera Version 5.12 and higher,
- Safari, or
- Firefox version 1.0 and higher. (Note: There are known display issues with this browser.)

Communication Tool

Using a discussion board, such as *FuseTalk*, enables the Summit to simulate traditional, interactive, live discussions with students without having to be in the same location at the same time. Discussions occur asynchronously with participants contributing to a specific topic over the course of several days and class periods.

This type of simulated online discussion is also known as a *threaded discussion*. Unlike traditional lectures, every contribution to a threaded discussion is equal, which allows each student to voice his/her own opinion about a given topic. Additionally, students can share their thoughts and opinions with peers who live in different regions of the country, thus broadening their horizons.

Role of Teachers

The role of the teachers during the Summit is to enhance the learning experience by being facilitators in an online environment. In order to keep students on topic, class discussions on *FuseTalk* should be monitored on a regular basis (at a minimum, twice a week). At times, it may be necessary to encourage further analysis and thinking by prompting student discussion with open-ended questions. As the Summit is a team teaching effort, please feel free to also prompt students from other schools.

Teachers will be responsible for setting up student *FuseTalk* accounts. Additional tips from ABA staff and the Summit Coordinator will be available during the course of the Summit to assist you with general questions about using a discussion board, and specifically, about *FuseTalk*.

Student Participant Registration. During the orientation period, teachers will create student login names and passwords, submit the information via an Excel spreadsheet (the template to be provided by ABA), and log onto the Student Discussion Board to register students as participants.

Teachers will distribute usernames and passwords to students just before their first online activity. More information and instructions will be provided during the orientation sessions.

Teachers Only Discussion Board. This board has been created specifically to serve as the primary means of communication between teachers and with ABA staff throughout the project. As updates and reminders will be posted to this board, teachers should check regularly (at least twice weekly) for pertinent information. Teachers are encouraged to post questions and answers on the discussion board, so that all participating teachers will be able to benefit from the information. The Teachers Only Discussion Board is a helpful forum for teachers to share ideas about teaching methods, philosophies, resources, and issues that arise in the classroom throughout the project.

Software Assistance. Details about using *FuseTalk* and navigating the discussion board will be discussed during the orientation period. **While the teacher orientation will explain how to use the software, technical support must be provided by your school's technical staff.** During the Summit, we ask that questions about using *FuseTalk* be posted to the "Software" category on the discussion board so that all teachers may benefit from the information. There may be instances when *FuseTalk* is unavailable due to technical issues at ABA. In this case, messages about *FuseTalk* technical issues will be sent via e-mail, and we will work to resolve the issues as soon as possible.

Managing NOYS

The Summit is a collaborative learning community and your students' experience will be dependent upon managing time appropriately.

Nine student activities are provided, along with estimated times to complete each activity. *Note: Estimated times for each activity are based on a 45 – 50 minute class. Teachers may adjust activities to fit within their class schedules.* A number of factors can impact the ability to remain on task, including how often your class meets, inclement weather, and computer access in and out of school. Tips for staying on track and organizing time will be discussed during the online Teacher Orientation sessions and a few are noted below.

The online orientation sessions provide an opportunity to speak to NOYS veterans, teachers who have participated in a number of Summits. NOYS veterans will answer questions and provide insights into managing NOYS successfully. The Teachers Only discussion board should be used as a forum to share ideas about teaching methods, resources, and issues that arise in the classroom throughout the project. If you have questions, concerns, or comments at any point during the Summit, do not hesitate to reach out to NOYS veterans, ABA staff, or the Summit Coordinator.

Tips for Integrating NOYS into Your Curriculum

- Check the discussion board a minimum of 2 times per week for updates and reminders.
- Use the Teacher Discussion Board as a forum to share ideas and seek support from other teachers; use it for instructional support.
- Ask other teachers how they have handled particular issues raised during discussion with students via the Teacher Discussion Board.
- Use the Teacher Discussion Board to share great resources you have found that other teachers will find useful.

Curriculum

The activities provided in this curriculum guide have been designed to address key issues related to the First Amendment while also providing students with an interactive introduction to a law-related topic. The activities can be easily adapted to suit your classroom needs and your students' abilities.

Issues related to the activities may arise during the Summit, so do not hesitate to post your questions, comments, and/or suggestions to the Teachers Only Discussion Board. Remember to also reach out to other teachers for ideas and support! Several teachers have been participants in past Summits, and they will be able to share their experiences.

Collaborative Learning

The Summit presents students and teachers with a collaborative learning environment. The opportunity to communicate with students in rural, urban, and suburban areas is invaluable as students are exposed to a variety of perspectives.

Several activities will require that students participate in discussions with students from other schools. Each school will be placed in a cluster of seven to eight schools, and they will work with this cluster throughout the Summit. In order for the Summit to be a truly valuable experience, we encourage students to interact with at least two other students who do not attend their school.

Due to the collaborative nature of the Summit, it is important to provide students deadlines and encourage their full participation, especially with peers from cluster schools. **While you have a certain amount of flexibility in conducting activities, adhering to the general timeframe provided by the ABA will ensure that all participants are moving forward in a timely manner.** In addition, several activities rely on interaction among schools, and the completion of these activities will depend on whether students are able to communicate with their peers in their cluster of schools. In the event that you are unable to keep up with the activities, please contact the Summit Coordinator immediately.

Student Assessment

While you will be reviewing student postings on the discussion board regularly, participants in the past have also found it useful for their students to keep a portfolio of their work. Portfolios also serve as a useful tool for students as they assess their work over the course of the Summit. The content and layout of the portfolios is up to the teacher's discretion. At a minimum, we recommend students print copies of their postings to the discussion board to keep in their portfolios.

Student Portfolios

Contents might include:

- Copies of completed handouts
- Research notes and source citations
- Print-outs of all *FuseTalk* postings
- Final project research materials

Some past participants have also required students to use reading logs or journals. The content and layout of the reading log is up to the teacher's discretion, and you will want to instruct students on the types of reflections and information they should include in the log or journal.

A posting rubric has also been designed to help you assess your students' performance during the Summit. Students should use the rubric to help guide expectations for their participation during the course of the Summit. (*The FuseTalk Posting Rubric can be found in Activity 1 Handouts.*) The rubric can be modified to best suit your classroom needs. Please note, in the section "Participation in Discussion," you will need to determine how many participants your students need to interact with in order to receive a rating of either 4 or 3 points. To earn a rating of 2 points, we recommend students interact with one to two participants.

Final Projects

After students have had the opportunity to learn more about the First Amendment and conceptualize the various issues surrounding the debate, they will complete a final project that demonstrates a synthesis of their learning. Final project options will be introduced at the beginning of the Summit during orientation. It is important to begin thinking about final projects early on during the Summit in order to ensure students have ample time to conduct research and compile materials. (*See the Final Project Options handout in Activity 1 for more information.*)

Important:

Once final projects are submitted to the ABA they may be posted online and used in future NOYS outreach efforts. It is important that students do not identify themselves or their schools in their final project materials.

Activities

The year's Summit curriculum includes nine required activities. The activities have been designed to be followed in the order they are presented. Handouts and additional resource materials can be found at the end of each activity plan. *Note: Estimated times for each activity are based on a 45 – 50 minute class. Teachers may adjust activities to fit within their class schedules.*

If you have questions about the activities at any point during the Summit, you may post your question to the Teachers Only Discussion Board or contact ABA staff and/or the Summit Coordinator.

Activity Timeline

2010 National Online Youth Summit Activity Timeline	
January 2010	
Activity	Complete by
Teacher Orientation Session #1	January 6
Teacher Orientation Session #2	January 12
Teacher Orientation Session #3	January 19
Teachers submit student <i>FuseTalk</i> information	January 22
Q&A Session with ABA staff	January 26
Teachers submit pre-survey	January 29
All teacher orientation activities completed	January 29
February 2010	
Activity 1: Student Orientation and students take pre-test online	February 5
Teachers distribute FuseTalk login information to students	February 5
Activity 2: Discuss concept of "online civil discussion" Students participate in first online discussion with classmates	February 12
Submit final project ideas for ABA approval/Students form groups	February 24
Activity 3: Timeline of Key First Amendment Events	February 26
March 2010	
Activity 4: Understanding the First Amendment	March 12
Activity 5: Advocacy Groups and the Future of the First Amendment	March 26
April 2010	
Activity 6: Student First Amendment Rights	April 2
Activity 7: It's All Local: The First Amendment in Your Community	April 16
Activity 8: Final projects presented	April 23
Activity 9: Students take post-test online and post self-assessments	April 30
May 2010	
Final Projects submitted to ABA	May 14
Teachers submit evaluations online	May 14

Activity 1: Orientation & Pre-Test

Estimated time

1 class period

Overview

During orientation, students will learn about Summit activities as well as about their expected role during the program. Students will be introduced to final project options and *FuseTalk*. Students will also become familiar with the Student Code of Conduct, grading procedures and rubrics, and Summit portfolios. At the end of the activity, students will complete a pre-test to assess their knowledge about the Summit topic.

Objectives

Students will:

- Learn about the Summit, *FuseTalk*, and the general content and layout of activities;
- Review the Student Guide to Online Conduct to understand their role and participation expectations during the course of the Summit;
- Learn about assessment tools and final project options; and
- Complete a pre-test to assess current knowledge of the Summit topic.

Materials and Preparation

1. Computer and projection screen
2. Student Orientation PowerPoint (See *Appendix B* for hard copy. Visit the “2010 NOYS Materials” section at <http://www.abanet.org/publiced/noys> to download the file.)
3. Student Guide to Online Conduct handout
4. *FuseTalk* Posting Rubric handout
5. Final Project Options handout
6. Computers with internet access
7. Pre-test (To be completed online via Qualtrics, an online survey tool. Detailed instructions on how to access the pre-test will be posted on the Teachers Only discussion board.)

Activity:

1. Conduct an orientation session using the Student Orientation PowerPoint provided on the NOYS website. Guide students through the PowerPoint to explain what NOYS entails as well as how NOYS will work. Components of the orientation are:
 - a. A general overview about NOYS, which briefly describes the program and logistics.
 - b. A section on how to navigate *FuseTalk* explains how the discussion board is organized and describes the most used commands.
 - c. Tips for effective communication highlights the information found on the Student Guide to Online Conduct handout.
 - i. Distribute the Student Guide to Online Conduct handout at this time. Review the bulleted points with your students and ask the class as a whole to verbally agree to the rules. Keep a copy posted in your classroom.
2. Distribute the *FuseTalk* Posting Rubric handout. (*Prior to distributing the handout, be sure to complete the Participation in Discussion section and determine how many participants your students need to interact with to receive a rating of either 3 or 4 points.*) Use this opportunity to explain to students how they will be assessed during the Summit. If you plan to have students keep portfolios and/or reading logs, discuss them at this time.
 - a. **The use of student portfolios is highly encouraged.** Asking students to keep portfolios of their Summit work not only provides you with a basis for assessment, but it

also helps students to organize their research and thoughts into one central location. (See Student Assessment in the Curriculum section for more information.)

3. Distribute the Final Project Options handout. Explain to students they will be responsible for presenting a final project at the end of the Summit as well as for sharing final projects with their peers on the discussion board.
4. Review the final project options with students and answer any questions.
 - a. **Important: Once final projects are submitted to the ABA they may be posted online and used in future NOYS outreach efforts. It is important that students do not identify themselves or their schools in their final project materials.**
 - b. Encourage students to be creative. These final projects are not meant to be a tremendous burden to students; rather, the projects should demonstrate what students have learned during the course of the Summit as well as allow students a creative outlet to express their newfound knowledge and opinions.
5. By **February 24**, students should form groups and determine which option they will complete. Three of the four project options are designed for small groups of students, and the fourth (writing model legislation) can be done by individual students. Additional information about the final projects can be found at the end of this activity plan. **Note:** *Students also have the option to create their own final project ideas. If any students or groups in your class would like to design their own final project and it is not one of the provided options, please be sure ABA staff and the Summit Coordinator have reviewed and approved the idea by February 24.*
6. Reserve 15 – 20 minutes of class time for students to complete the pre-test. In order to complete the pre-test, students will need access to the internet. The pre-test will be given through Qualtrics, a web-based survey tool. Detailed instructions on how to access the Qualtrics survey link and administer the test will be posted on the “Teachers Only” discussion board. **Note: In order to proceed with Activity 2, the pre-test must be completed by February 5 as noted on the activity timeline.**
 - a. To alleviate “test anxiety,” assure the students that the pre-test will not be graded. The pre-tests are used to assess knowledge levels before and after the Summit. Students may also find the pre-test helpful in assessing their own progress over the weeks to come.
7. If time permits at the end of class, ask students to think about this year’s topic and what they would like to learn over the course of the Summit. Allow students to share their thoughts for five – ten minutes. Alternatively, the brainstorm exercise can also be conducted at the beginning of the next activity.

Final Projects: Tips and Resources

**** Materials may need to be posted to the internet or distributed/displayed in a common area of your school. Be sure to check your school's policy on the internet-sharing and parental permissions.**

Modern State of the First Amendment

Students should briefly present the historical background of their chosen First Amendment freedom and focus much of their news story/opinion piece on future implications.

Submit a copy of the editorial, video of the newscast, or podcast of the radio broadcast to the ABA.

Suggested resources:

<http://www.nytimes.com/learning/general/specials/weblines/481.html>

<http://newstrust.net/guides/think-like-a-journalist>

Advocacy Campaign

Encourage students to research marketing materials available on advocacy organization websites. Check with your school to see if it is possible for students to create a web page that is hosted on the school server. If possible, display materials in your school and/or post materials on school or class website.

Submit a copy of all print materials, website copy material and web address, and/or copy of the public service announcement (PSA) recording on CD/DVD and script to the ABA.

Suggested resources:

<http://www.adcouncil.org/gallery.html>

http://www.media-awareness.ca/english/corporate/media_kit/psas.cfm

Museum Exhibit on the History of the First Amendment

Create a digital exhibit by taking pictures of the exhibit. The pictures (in the form of a slideshow) can be posted on YouTube or your school's/class's website. Please keep a copy of the pictures on a CD/DVD.

Submit a copy of the slideshow and/or pictures along with a written description of the exhibit to the ABA.

Model Legislation

Students should consider their own research, the research of their peers, and existing protections for journalists, such as shield laws, as they determine which specific issue or problem to address. An action plan explaining how the legislation would be enacted should be included, though it may be brief.

Submit a copy of the proposed legislation to the ABA.

Students can find examples of bills at the websites listed below:

<http://thomas.loc.gov/>

<http://www.house.gov/house/Legproc.html>

<http://www.senate.gov>

Other Ideas

We also encourage students to exercise creative thinking, so it is possible for students to create their own final project ideas. **If any students or groups in your class would like to design their own final project and it is not one of the above options, please be sure ABA staff and the Summit Coordinator have reviewed and approved the idea by February 24.**

**** Submit the appropriate final products to the ABA by the final project deadline (May 14).**

Activity 1 Handouts

Student Guide to Online Conduct

During the National Online Youth Summit, you will be assigned to participate in discussions with other students across the country. Discussions will take place via *FuseTalk*, an online discussion board, and will be focused on specific activities. Your teacher will explain the activity, time frame, and categories in which you will work.

Below are some tips to keep in mind as you engage in online discussion:

- The purpose of the Summit discussion board is to develop thinking, exchange of ideas, and share research with students from other schools.
- The discussion board is an educational environment — be respectful of others, their points of view, and their opinions.
- Construct well thought-out statements and be sure to include facts to support your opinions.
- Paragraphs should be short: no more than 3-4 sentences per paragraph related to an idea. Use a new paragraph to express a different idea.
- Double-space lines between your paragraphs for the ease of the reader.
- Work on your posts in a word processing program to perfect your draft, correct your spelling, and check for complete sentences. Then copy and paste your post into a Message, and post it into the appropriate Topic.
- The discussion board is a civil discussion forum. Do not use all CAPS when typing — it is considered rude.
- Sign your message, using your first name, the first initial of your last name, and your school name (e.g., John D. Central High). **Do not** sign using your last name.

Students will agree to follow the below rules during the Summit:

- I will not share my *FuseTalk* password with anyone other than my teacher.
- I will adhere to all of the rules that apply to my conduct while I am in my classroom and while I am on a Summit discussion board.
- I will use the Summit discussion board for educational purposes only.
- I will participate only in assigned Categories on the discussion board as noted by my teacher.
- I will not exchange personal information with other students through the Summit discussion board.
- I will not transmit pictures of myself or other students through the Summit discussion board.
- I will not transmit through a Summit discussion board any data, text, files, links, or other materials that may be considered threatening, abusive, harassing, defamatory, vulgar, obscene, and racially, ethnically, or otherwise objectionable.
- I will not attach any files or graphics to any message I create in *FuseTalk* without approval of my teacher.
- I will be respectful towards others when I am online.
- I understand that my participation in the Summit can be terminated if I violate any of the rules mentioned above and for any reason at any time.

FuseTalk Posting Rubric

Mechanics of Posting	
4 points	Complete sentences, well organized, grammatically correct, and free of spelling errors
3 points	Complete sentences, well organized, but some (two or less per paragraph) grammar and/or spelling errors
2 points	Complete sentences, comprehensible, organization could be improved to present a more coherent argument or statement, has three or more grammar and/or spelling errors per paragraph
1 point	Poor sentence structure, inadequate organization, several grammar and/or spelling errors

Participation in Discussion	
4 points	Provides comments and new information in a regular and equitable manner. Interacts with a variety of participants (Variety of participants = _____ participants)
3 points	Provides comments and some new information in a fairly regular manner. Interacts with a few selected participants (Few participants = _____ participants)
2 points	Sporadically provides comments and some new information. Interacts with only one or two participants
1 point	Provides minimal comments and information to other participants

Content of Posting	
4 points	Revealed a solid understanding of the topic as evidenced by thoughtful responses and questions
3 points	Revealed an adequate understanding of the topic as evidenced by posts indicating superficial knowledge
2 points	Revealed a restricted understanding of the topic limited to information that could be derived from prior posts
1 point	Message was unrelated to discussion

Critical Thinking Evidenced by Posting	
4 points	Offered a critical analysis of an existing posted idea or introduced a different interpretation to an existing idea
3 points	Agreed or disagreed with existing discussion and provided limited justification/explanation
2 points	Agreed or disagreed with existing discussion but provided no justification/explanation
1 point	Provided no evidence of agreement or disagreement with existing discussion

2010 NOYS Final Project Options

Modern State of the First Amendment

You have been requested to produce an editorial piece (newspaper column, television newscast, or radio broadcast) that addresses the “Modern State of the First Amendment.” With your group, determine which of the First Amendment freedoms you would like to cover. Your news story should briefly convey to viewers what the freedom entails and its historical background. The focus of your piece should concentrate on the status of the freedom today. Be sure to interview key public figures and your peers, present data and statistics, and provide historical information to support your story.

You will be responsible for presenting your teacher and classmates with a newspaper column, video clip of your newscast, or podcast of your radio broadcast.

Advocacy Campaign

Your group is part of an advocacy organization that promotes First Amendment rights in schools as well as ways to preserve First Amendment freedoms in the future. Work with your group to develop a marketing campaign that educates students about their rights in school and describes what your organization does to promote its mission. Your marketing materials should include at least three of the following: marketing brochures, flyers detailing student rights, website, and/or 60-second public service announcement (PSA).

Your marketing campaign should convey basic information about your organization (your public policy position and contact information), your organization’s action plan for tackling a major public initiative (such as legislation you have sponsored or volunteer efforts). Be sure to support your position with reasons and facts and quotes from public figures, contemporary and/or historic.

You will be responsible for unveiling your organization’s marketing campaign to your classmates and your school on presentation day. Provide your teacher with a copy of all printed materials, the script for the 60-second PSA, and your website’s copy material.

Museum Exhibit on First Amendment-related Events

Your group is responsible for maintaining the school museum. The director of the museum requests that you: a) create a new exhibit that displays key First Amendment-related events for both your local region as well as the nation and b) consider contemporary implications for the First Amendment. Be sure to include events that are of historical, cultural, and legal significance. Artifacts, visuals, and display materials should be accompanied by a brief description.

You will be responsible for providing your teacher and classmates a brief, written description of the exhibit. On presentation day, give your classmates a tour of the exhibit. Create a virtual tour by taking pictures with a digital camera and creating a slideshow. Post the pictures and the slideshow on YouTube and/or your school’s website.

Model Legislation

Prior to being elected, you campaigned on a platform that promised changes in shield laws and protections for journalists. As a state legislator, your job is to propose legislation that strengthens or restricts the rights of journalists.

Work with your group to write legislation that includes an introduction describing the problem to be addressed, the citation of statistics or expert sources, relevant legal precedents, and a brief action plan.

You will be responsible for presenting the proposed legislation to your “constituents” (represented by your classmates) or to the appropriate committee in your state’s “legislative body” (represented by your classmates) as well as for providing your teacher with a written version.

Activity 2: What is Online Civil Discussion?

Estimated time

1 class period + 1 hour out of class time over seven days for students to review postings and respond. Part II of this activity may also be assigned as homework provided the students' online work is reviewed and some in-class time is set aside to debrief.

Overview

In this activity, students will briefly review the distinction between facts and opinions to complete their work during the Summit. These concepts likely have been discussed in your class or other classes, so this should merely be a review. As much of the research and work for the Summit is done online, students will need a firm grasp of what is considered a credible source.

Students will also brainstorm the characteristics and purpose of civil discussion. The second half of this activity focuses on encouraging students to make arguments based on rationale rather than emotion. Students will have an opportunity to practice critical thinking as well as to understand the appropriate manner and process for participation in the Summit. Discussion starter statements will be used to focus students' attention on their pre-conceived notions about the Second Amendment and to practice using commands on *FuseTalk*.

Objectives

Students will:

- Distinguish between facts and opinions;
- Evaluate the credibility of online resources;
- Discuss the characteristics of civil discussion;
- Practice online civil discussion with classmates in the classroom and with cluster schools on the discussion board; and
- Practice using the discussion board and learning *FuseTalk* commands.

Materials and Preparation

1. Fact v. Opinion Tip Sheet handout
2. Evaluating Online Resources handout
3. Conducting Civil Discussion handout
4. Results from online pre-tests (to be provided by ABA)

Activity:

Part I (20-30 minutes)

1. Distribute the handouts "Fact v. Opinion Tip Sheet" and "Evaluating Online Resources." Briefly review the documents for five to ten minutes. Brainstorm clue words that indicate whether a statement is a fact or an opinion. Discuss how statements can sometimes be a mix of both. Discuss how distinguishing fact from opinion can help students determine the credibility of online resources.
2. Next, ask students how many of them have participated in online discussions (blogs, social networking sites, chat rooms, etc.). Ask them to describe the advantages and disadvantages of these forums. Remind students that during the Summit they will be participating in an online discussion with their peers around the nation.
3. Ask students to brainstorm the characteristics of civil discussion. Encourage students to think about ways to ensure a dialogue is open, dynamic, and based on reasoning rather than on an

initial emotional reaction. Distribute the Conducting Civil Discussion handout after the class discussion.

4. Explain to students that they will be practicing online civil discussion skills using the discussion board. Remind students to think about the characteristics of civil discussion as well as the importance of supporting opinions with a rationale.

Part II (20 – 30 minutes remaining class time + 1 hour out of class time over seven days)

*Note: Five discussion starter statements will be posted to the discussion board in your cluster group's category by ABA staff. Statements will be posted on **February 8**.*

Discussion Starter Statements

These statements will be taken directly from student responses to opinion-based questions on the pre-test. The discussion statements should allow students to explore values and beliefs. Students will be asked to express their opinion about the statement, and they must also explain why they hold that opinion. **Each statement should be followed by “Do you agree or disagree with this statement? Why or why not?”**

Sample statements include:

An overwhelming majority of Summit participants agree with this statement “To be an American means, at least in part, to accept the responsibility to guard the rights of others, even those with whom we deeply disagree.” Do you agree or disagree with this statement? Why or why not?

Sixty-seven percent of Summit participants believe that school officials should not be able to discipline students who, while off-campus, post entries on social networking sites that may be disruptive to school classes. Do you agree or disagree with this statement? Why or why not?

Fifty-two percent of Summit participants believe that the U.S. Constitution should be amended to prohibit burning or desecrating the American flag. Do you agree or disagree with this statement? Why or why not?

1. Divide the class into groups of four to five students. You may want to pre-assign students to groups to ensure that strong writers and thinkers are evenly distributed.
2. Distribute a list of the discussion starter statements on a handout for students to keep for reference. *Note: A word attachment containing the starter statements will also be posted to the Teachers Only discussion board.*
 - a. Assign each group a different starter statement.
3. Explain to the groups that they will be conducting an in-depth discussion about their starter statement online via the discussion board with their cluster group for a one-week period. The purpose of the activity is to engage students in the discussion. They should express their opinions about the starter statement and provide supporting details and facts. They may or may not come to an agreement in opinion with their cluster group by the end of the discussion.

4. Explain the overall activity to students:
 - a. Outline the steps for posting responses to *FuseTalk*.

Using *FuseTalk*: How to Post Replies

1. Log onto *FuseTalk* and click on the name of the category in which your class will work for this activity.
2. Click on the appropriate “Topic,” which is the assigned discussion starter statement.
3. To respond to their particular starter statement, select the “Reply” button. Draft responses in a word processing program, then copy and paste the response into the “Reply” message box.
4. Students will sign the message with their first name, first initial of their last name, and school name.
5. Students should print a copy of their responses to keep in their Summit portfolio.

- b. Give students the name of the *FuseTalk* Cluster School category in which your class will work for this activity. Give students the name of the *FuseTalk* Cluster School category in which your class will work for this activity.
 - c. Students will create a new topic for this activity. Students should click on “New Topic,” and type their research topic and their name in the “Topic” box: “From student first name, first initial of last name, school name – X Topic.” Please remind students no last names should be listed on the discussion board.
 - i. The group will come to a consensus in opinion about the response they would like to post on *FuseTalk*. Each group should assign one student to begin the discussion.
 - ii. The assigned student in each group will begin the discussion by writing a response (which has been drafted and agreed upon by the group) to the starter statement assigned to their group.
 - iii. Each student in the group must respond to at least two new topics posted by a school in their cluster group in addition to responding to their group’s posted topic.
 - iv. Students will be responding to the starter statement that was originally assigned to their group.
 - d. Responses do not need to be long. Students should first draft their responses in a word processing program. After checking for spelling and grammatical errors, students will then copy and paste their responses to the discussion board.
 - e. Ask students to recall the discussion on civil online discussions. Students should provide a rationale for their statements, ask open-ended questions, and be respectful of their peers’ opinions.
 - f. During the course of the week, students should also read responses to discussion starter statements assigned to other groups. Encourage students to contribute to other group discussions in addition to their own. Students will be responsible for conducting a meaningful discussion with their cluster group.
5. Indicate the deadline by which students must have all exchanges completed.
 - a. Students should visit the discussion board two to three times during a one-week period. During each visit, students will spend five to seven minutes reading postings and about eight to ten minutes writing responses. (*Note: You will want to determine how many*

times students should log in during the week as well as how many exchanges each student should complete by the end of the one-week period.)

6. At the of the one-week period, review the online discussion exchanges as well as the student portfolios. Select a few examples of good exchanges in which students used open-ended questions and rationale to support their statements.
7. At the beginning of the next activity or after the one-week period during which students have been discussing the starter statements, spend a few minutes debriefing with your students.
 - a. Review the examples with students and point out a good exchange in which participants “listened” well and replied with a thoughtful response.
 - b. Ask students to share their thoughts on the process as well as the quality of the discussions.
 - c. Explain to students this was their first opportunity to practice discussion skills on *FuseTalk* and the Summit will provide many others.

Reminder:

Be sure to monitor the Student Discussion Board regularly (at least twice) during this activity. Model civil online discussion for students, if needed, by demonstrating open-ended questioning and fact-based arguments.

Activity 2 Handouts

Fact v. Opinion Tip Sheet

Fact

A fact is something that can be verified and backed up with evidence.

A fact is often used in conjunction with research and study.

Example:

According to the 2009 *State of the First Amendment Report*, 49% of respondents relied on television as their primary news source.

Opinion

An opinion is based on a belief or view. It is not based on evidence that can be verified.

An opinion is what somebody thinks or believes about a topic.

Example:

My best friend, a blogger, claims that Yahoo News is the only place to get reliable, unbiased news, and that he would never rely on cable news television shows for major news updates.

Distinguishing between fact and opinion

Looking at the language can help you decide whether a statement is a fact or an opinion. It is important to remember that facts and opinions can be manipulated. Opinions can be presented as facts, simply by using the language of facts to present them. Clue words can indicate whether a writer is offering a judgment about something or expressing a verifiable statement.

Here are some examples of clue words we use to express:

Facts

- This review has **demonstrated** ...
- **According** to the results of the latest poll ...
- The latest findings **confirm** ...
- Researchers have recently **discovered** ...

Opinions

- The company *claims* that ...
- The research team *argues* that ...
- In Professor Donald's *view* ...
- Most experts in this field *suspect* that ...

Since writers often mix fact and opinion, it can be difficult to tell whether something is based on evidence or someone's particular viewpoint. So, it is important to read with a critical view. Just because someone says something is true, it doesn't mean it is.

Remember:

It is a **fact** if ... the statement is true and can be proved.

It is an *opinion* if ... the statement expresses a belief, judgment, or value.

Evaluating Online Resources

When you are reading materials online, it is important to be able to distinguish between facts and opinions. Written materials such as articles, web site information, biographies, and newspapers often contain both facts and opinions. Being able to separate fact from opinion will help you judge the credibility of the source as well as the validity of a writer's ideas. It will also help you choose appropriate sources when doing research.

Resources are available online through several types of web pages:

- **Informational** – provides factual information. Many of these web pages are sponsored by educational institutions or government agencies.
- **News** – provides current, timely information. Examples include online versions of national and local newspapers and broadcast news (CNN, MSNBC, and Fox News).
- **Advocacy** – information provided by an organization attempting to influence public opinion. Examples include the American Civil Liberties Union (ACLU) and the Christian Coalition.
- **Marketing** – information provided by a commercial enterprise (one that is trying to promote or sell products). Examples include Apple and cell phone makers.
- **Individual/Personal** – published by an individual who may or may not be affiliated with a larger institution.

Evaluation Criteria for Online Resources

Accuracy

Is the information reliable?
How free from error is the information?
Are sources of factual information clearly cited?

Authority

Is it clear who is responsible for the content of the site and individual articles?
What are the author's qualifications for writing on the subject?
Are the sources of information noted and can they be verified?

Objectivity

Is the information presented with a minimum of bias?
Does the resource contain original information or links to other web pages?
Is informational material clearly separated from editorials/opinion pieces and advertisements?

Currency

Is the content up-to-date? Is there an indication of when the page was last updated?
How frequently is the resource updated?

Coverage

What topics are included on the web page and to what extent are topics explored?
Is the point of view of the organization presented in a clear manner?
Are the organization's arguments well supported?

Adapted from *Evaluate Web Pages* by Jan Alexander and Marsha Ann Tate. Available online through the Widener University Wolfgram Memorial Library: http://www3.widener.edu/Academics/Libraries/Wolfgram_Memorial_Library/Evaluate_Web_Pages/659/.

Conducting Civil Discussion

When conducting civil discussion ...

Give your rationale/reasons for an opinion to:

- Help keep the discussion moving forward.
“I think Mark Twain is a bad writer *because he uses slang in his writing.*”
- Help create credibility for a position.
“I think Mark Twain is a good writer *because he captures essential truths about how people really behave.*”

Listen closely to others to avoid misunderstanding and confusion. Listen actively by:

- Asking open-ended questions to keep discussion moving forward.
“*Why do you think Mark Twain is a good or bad writer?*”

An open-ended question:

Is descriptive or narrative.
Tells a story.
Cannot be answered by a simple “yes” or “no.”
Keeps a discussion alive by exploring new ideas.

Offer respectful comments keep discussion moving.

- A thoughtful response can keep a discussion alive.
“*You make some good points, but I don’t agree that Mark Twain is a bad writer because he uses slang. I think he is a good writer because he captures the way people actually speak.*”

Remember:

When giving an opinion ...

*State your reasons for holding your opinion.
Give your rationale for your opinion.*

When responding to someone else’s opinion ...

*Ask an open-ended question.
Offer constructive comments.
Be respectful.*

When your discussion takes place online ...

*Check your writing for grammar, punctuation, and spelling.
Revisit your postings to answer comments or questions asked of you by your classmates.
Sign your postings with your first name, first initial of your last name, and school name.*

Activity 3: Timeline of Key Events

Estimated time

2 class periods, including homework

Overview

This activity provides students with an overview of First Amendment-related events in U.S. history. Students will research and present findings on select historical, legal, and cultural events related to the five freedoms outlined in the First Amendment.

Objectives

Students will:

- Gain a basic understanding of the First Amendment through study of historical, legal, and cultural events;
- Analyze the historical significance of events as well as how historical events impact present circumstances;
- Recognize the roles of popular culture, federal, state, and local governments and understand how such roles and relationships demonstrate change and continuity over time; and
- Appreciate and articulate the significance of how the First Amendment impacts our everyday actions.

Materials and Preparation

1. Text of the First Amendment
2. Computers with internet access
3. Timeline of First Amendment-Related Events handout
4. Timeline of First Amendment-Related Events PowerPoint (Visit the “2010 Summit Materials” section on <http://www.abanet.org/publiced/noys> to download.)
5. Activity 3: Groups 1 – 5 handouts

Activity:

Part I (20 – 30 minutes)

Note: The purpose of the activity is to expose students to the range of historical, legal, and cultural First Amendment-related events in U.S. history. It is not intended that students will become experts about their events at the end of the exercise; rather, they will become familiar with basic facts. Activity 4: Understanding the First Amendment will ask students to take a closer and more in-depth look.

1. Begin class by asking students to take a few minutes to think about the freedoms outlined in the First Amendment. *Note: Have the text of the First Amendment visually accessible for each student to view, either on the board, on a projection screen, or as a handout.*

The First Amendment to the United States Constitution

“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.”

2. For the next 15 – 20 minutes, ask students the share their thoughts on what the First Amendment means to them as well as to provide examples as to how they exercise their First Amendment rights. Allow students ample time to brainstorm and respond.

3. Use the following questions to generate discussion (possible student answers are included):
 - What five “freedoms” does the First Amendment protect? In what ways do you exercise these rights?
 - i. Free exercise of religion [and establishment clause]
 1. You can follow your beliefs while acting within the law; share your beliefs with others; can attend your chosen house of worship; can wear religious symbols or garments outside of the home.
 - ii. Freedom of speech
 1. You can share your views with others; display political signs, bumper stickers, buttons, etc.
 2. Speech can be “symbolic,” not just spoken
 - iii. Freedom of the press
 1. You can publish political cartoons; write letters to editor; write a blog; work on a school newspaper
 - iv. Right to assemble
 1. You can hold or attend a club meeting; march in a parade; attend a political demonstration
 - v. Right to petition the Government for a redress of grievances
 1. You can circulate or sign petitions related to a government issue
 - **Who** does the First Amendment protect? Just American citizens? Just adults?
 - i. Limits to freedoms may exist; students can exercise rights differently inside and outside of a school setting
 - Who does the First Amendment protect you **from**? (The First Amendment does not list rights; instead it lists things the government cannot do.)
 - i. The federal government
 - ii. Government actors, including schools






Part II (30 minutes remaining class time + 1 additional class period and homework)

1. Distribute the Timeline of Key First Amendment-related Events handout to the class. Explain to students that the timeline is a reference, and that they will be responsible for learning about specific events.
2. Divide the class into five groups. (Ideally, each group will include 3 – 4 students.) Each group will be responsible for researching specific events from the timeline as well as presenting their findings to the class.
3. Distribute the appropriate Activity 3 handout to each group. (Group 1 will receive the Activity 3: Group 1 Handout, etc.)
4. Instruct students on how to access the NOYS website. Ask each group to download the Timeline of First Amendment-Related Events PowerPoint and click on the “View Show” command. *Note: Students must view the slides in “Slide Show” view in order to access the links in the PowerPoint.*
5. Allow students to read the activity instructions on slide 3 and answer any questions.
6. Each group will be responsible for researching each of the events on their group’s slide.
 - a. By clicking on the event’s picture, students will be taken to an online resource containing basic background information. Students are responsible for researching at least two additional sources of information to support their findings.
 - b. The questions on the group’s corresponding handout will help guide their research. Each group should answer the questions for each of their events.
 - c. The group will be responsible for sharing their timeline of events with the class.






7. Students will need one full hour to research their events. Work can either be done during another class period or as homework.
8. Indicate when the groups should finish their research and be prepared to present to the class. On the assigned day, ask each group to present their timeline of events to the class.
9. After the presentations, ask each group to select one event from their timeline that they deem most historically significant. Groups will be forced to prioritize and assess the historical significance of their timeline events. Groups will share their chosen event with peers from cluster schools. Each group will be responsible for writing a brief description about their chosen event and their research. Students should be sure to include the following information in their descriptions (assign one part of the description to each student in the small group):
 - a. The event—date, what happened, who was involved, and any other relevant information;
 - b. Explanation of the historical significance of the event;
 - c. Relevance of the event to today’s perception of the First Amendment; and
 - d. Citation for at least one source of additional information
10. Each group will choose one student to post the information online on behalf of the group; however, all students should be encouraged to read postings from other groups and to post comments and/or questions.
 - a. Give students the name of the FuseTalk Cluster School category in which your class will work for this activity.
 - b. Students will create a new topic for this activity. Students should click on “New Topic,” and type their research topic and their name in the “Topic” box: “From student first name, first initial of last name, school name – X Topic.” Please remind students no last names should be listed on the discussion board.
11. Allow students 15 – 30 minutes (or out-of-class time) to review postings and to post comments to students from their cluster of schools.

Activity 3 Handouts

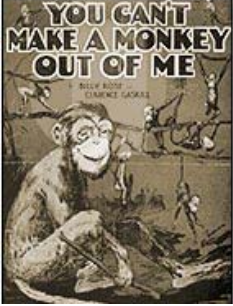



Timeline of Key First Amendment-Related Events

Year	Event
1787	<p>Publication of <i>The Federalist</i>, a series 85 articles is published by James Madison, Alexander Hamilton, and John Jay, begins. The articles, which advocate ratification of the Constitution, are originally published in three New York newspapers.</p>
1787	<p>United States adopts the Constitution. the Constitution outlines how rights are enforced as well as the structure and limits of the federal government</p> 
1791	<p>Bill of Rights is ratified, including 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.”</p> 
1798	<p>Congress passes the Alien and Sedition Acts during an undeclared naval war, in order to quell anti-government speech and journalism. In the first debate over the meaning of the First Amendment, critics of the Act believed that the First Amendment specifically prohibited the making of any law regarding speech or the press.</p> 
1835	<p>Gag rule is adopted by the House of Representatives to limit anti-slavery petitions. John Quincy Adams objects to the resolution and declares it a restriction on free speech. Adams fights against the gag rule until it was repealed in 1844.</p> 
1848	<p>Women assemble at Seneca Falls, NY, for a Declaration of Sentiments, which becomes the basis of the Women’s Suffrage Movement.</p> 




Timeline of Key First Amendment-Related Events

1864	<p>Congress authorizes the addition of the phrase “In God We Trust to U.S. coins.</p> 
1875	<p>William J. Cruikshank is indicted for several violations, including “violating the victims' right and privilege peaceably to assemble together,” when he storms a group of African Americans assembled outside a courthouse in Louisiana, resulting in an estimated 283 deaths. In <i>United States v. Cruikshank</i>, the Supreme Court rules that the First Amendment issues involved in the case are limited to the state, separate from the federal government, thus limiting the government’s role to protect individual rights within a state.</p> 
1878	<p>In <i>Reynolds v. United States</i>, the Supreme Court rules that polygamy is not protected by the First Amendment’s freedom of religion.</p>
1890	<p><i>How the Other Half Lives</i> by Jacob Riis is published. Riis photographs detail the plight of the poor living in dilapidated housing in New York City. http://xroads.virginia.edu/~ma01/Davis/photography/home/home.html</p> 
1902	<p>Theodore Schroeder, a controversial author, founded the Free Speech League.</p>
1906	<p><i>The Jungle</i> by Upton Sinclair is published, exposing the unregulated meat packing process in the United States. Federal officials began inspecting meat under the Pure Food and Drug Act of 1906.</p> 
1917	<p>National Civil Liberties Bureau (NCLB) is founded. In 1920, the organization changes its name to the American Civil Liberties Union (ACLU).</p> 
1918	<p>The Sedition Act of 1918, an amendment to the Espionage Act of 1917, makes it illegal for individuals to speak out against the war or publicly criticize the U.S. government.</p>




Timeline of Key First Amendment-Related Events

1919	<p><i>Schenck v. United States</i> upholds the Espionage Act of 1917. The U.S. Supreme Court determines that Charles Schenck, who created and distributed anti-draft materials, can not claim a right to free speech. In the unanimous opinion, Justice Oliver Holmes notes that Schenk’s actions created a “clear and present danger” to the United States during wartime.</p>
1925	<p>In <i>Gitlow v. New York</i>, the U.S. Supreme Court determined that the rights detailed in the Bill of Rights, including the First Amendment, apply to the states by virtue of the due process clause of the Fourteenth Amendment. As a result, state governments cannot restrict rights protected by the Bill of Rights.</p>
1925	<p>The Scopes Monkey Trial (<i>Scopes v. State of Tennessee</i>) highlights the clash between science and religion after a teacher is put on trial for teaching evolution. The trial is the first to be broadcast on national radio. Chicago’s WGN radio spent \$1,000 per day to broadcast the trial with cables that stretched from Chicago to Dayton, Tennessee.</p> <div style="text-align: center;">  </div> <p style="text-align: center;"> http://www.pbs.org/wgbh/amex/monkeytrial/sfeature/pop_monkey_03.html </p>
1936	<p>Dorothea Lange’s best-known picture, “Migrant Mother,” depicts the plight of migrant laborers during the Great Depression.</p> <p style="text-align: center;"> http://www.youtube.com/watch?v=pgR2Buke5MQ&feature=player_embedded </p> <div style="text-align: center;">  </div>
1943	<p>Norman Rockwell World War II poster.</p> <div style="text-align: center;">  </div>
1943	<p>In <i>West Virginia v. Barnette</i>, the Supreme Court rules that the First Amendment’s Freedom of Speech protects students from being required to salute the American flag and recite the Pledge of Allegiance in schools.</p> <div style="text-align: center;">  </div>





Timeline of Key First Amendment-Related Events

1948	In <i>McCullum v. Board of Education</i> , the Supreme Court finds that the religious provision of instruction in a public school violates the freedom of religion guaranteed by the First Amendment, as well as the establishment clause of the U.S. Constitution.
1950	<p>The “Hollywood Ten” begin to serve one-year prison terms for contempt after having refused on First and Fifth Amendment grounds to answer questions about their alleged communist affiliations before Congress.</p> <div style="text-align: center;">  </div>
1953	Arthur Miller, writes <i>The Crucible</i> , which depicts the Salem Witch Trials of the 17 th century. The play is thought to be Miller’s commentary on the communist “witch hunts” led by Senator Joseph McCarthy against alleged-communists in the United States. Miller was subpoenaed by the House Un-American Activities Committee to testify about communist sympathizers, but he refused to offer names.
1954	Congress adds the words “under God” to the Pledge of Allegiance.
1957	<p>U.S. Postal Service issues the Religious Freedom in America postage stamp.</p> <div style="text-align: center;">  </div>
1958	<i>NAACP v. Alabama</i> is decided, and the U.S. Supreme Court finds that Americans have a right to freely participate in associations, protected by the freedom to assemble in the First Amendment. The case meant that NAACP did not have to disclose its membership lists during a state investigation in Alabama.
1962	The U.S. Supreme Court rules in <i>Engle v. Vitale</i> that public prayer in public schools violates the First Amendment and the Establishment Clause of the Constitution.
1964	<i>NY Times v. Sullivan</i> establishes malice standards that must be met before newspapers may be accused of defamation or libel.
1966	Freedom of Information Act (FOIA), establishes a legal right of access to government information by citizens.
1968	<p><i>United States v. O'Brien</i> established that certain acts constituted “speech,” for example, the burning of draft cards during the Vietnam War.</p> <div style="text-align: center;">  </div>






Timeline of Key First Amendment-Related Events

1969	<p>In <i>Tinker v. Des Moines</i> the Supreme Court rules that students have a right to wear black armbands to school to protest involvement in the Vietnam War. The case is considered important in protecting the First Amendment rights of students.</p> 
1971	<p>In <i>Lemon v. Kurtzman</i>, the Supreme Court establishes the <i>Lemon</i> test, which helps determine if regulations that affect religion violate the establishment clause.</p>
1972	<p>The Supreme Court in <i>Wisconsin v. Yoder</i> allows the parents of Amish children to take their children out of school after the eighth grade, in accordance with Amish religious beliefs and against state laws about compulsory education until twelfth grade.</p> 
1972	<p>Comedian George Carlin is arrested in Milwaukee for obscenity following his stand-up comedy routine, “The Seven Words You Can’t Say on TV,” which includes several obscene words. A judge later dismisses the charges, ruling that though Carlin’s words were obscene, he has the freedom to say them provided he isn’t disturbing anyone.</p> 
1982	<p>The Clash releases the song, “Know Your Rights,” which is actually a very political song rebuffing that we have rights at all. http://en.wikipedia.org/wiki/Know_Your_Rights</p>
1982	<p>Banned Books Week, held during the last week of September, is launched by the American Library Association.</p>
1984	<p>The Equal Access Act is passed, which mandates federally-funded secondary schools to provide equal access to extracurricular clubs, including those religious in nature.</p>
1986	<p><i>Bethel School District No. 403 v. Fraser</i> allows public school officials to regulate student speech that is vulgar, lewd, or offensive.</p>
1988	<p><i>Hazelwood School District v. Kuhlmeier</i> allows public school officials to further regulate speech at school-sponsored activities.</p>
1989	<p><i>Texas v. Johnson</i> protects Americans’ rights to burn American flags as part of free speech. http://www.youtube.com/watch?v=NymRecFWgAs</p>




Timeline of Key First Amendment-Related Events

1989	<p>Protesters, mostly students, assemble in China’s Tiananmen Square to protest government policies such as those that ban freedom of the press, speech, and assembly. Hundreds of students are killed during the protest, and “Tank Man,” whose identity remains unknown, becomes a cultural icon for freedom.</p> 
1990	<p>In <i>Skywalker Records, Inc. v. Navarro</i>, a U.S. district court judge rules that an earlier ruling against the band 2 Live Crew for obscene rap lyrics is unconstitutional.</p> 
1994	<p>The Supreme Court rules, in <i>City of Ladue v. Gilleo</i>, that an Ohio woman has a First Amendment right to display an anti-war sign in her front yard and window during the Gulf War.</p> 
1995	<p>In Season 3 of <i>The Simpsons</i> in the episode entitled, “Mr. Lisa Goes to Washington,” Bart Simpson, as punishment for bad behavior, is asked to repeatedly write on the school board, “Spitwads are not free speech.”</p>
1996	<p>Communications Decency Act is passed.</p>
1997	<p>The bestselling children’s book series, <i>Harry Potter</i>, sparks debate because schools and parents want to ban it for promoting witchcraft, wizardry, and the death of a child.</p>
1998	<p>In <i>Beussink v. Woodland R-IV School District</i>, Brandon Beussink argued that his First Amendment rights were violated when he was punished for critical comments about teachers made on a personal webpage. The U.S. District Court ruled in his favor on grounds that his behavior did not create a substantial disruption at school.</p>
1999	<p>The Naked Cowboy begins playing music in downtown New York City, turning heads, but completely within his rights of free expression.</p> 
2000	<p>Children’s Internet Protection Act passed. The Act requires schools and libraries to block children’s access to obscene material, child pornography, and material that can be construed as harmful to minors.</p>
2000	<p>In <i>Boy Scouts of America v. Dale</i>, the Supreme Court ruled in favor of the Boy Scouts’ argument that the First Amendment grants the organization the right to “expressive allocation,” thus allowing them to refuse employment to individuals who violate their moral code or inhibit their ability to impart their code on its members.</p>

Timeline of Key First Amendment-Related Events

2000	<p><i>Emmett v. Kent School District</i>, another case dealing with off-campus student speech, ruled that since the eighteen year old student’s webpage was not created for a class project, school officials did not have supervisory control over the content.</p>
2000	<p>Protesters in Cincinnati, supporting the indictment of the local museum of contemporary art on charges of indecency, following the installation of the controversial Robert Mapplethorpe exhibit, “The Perfect Moment.”</p> 
2001	<p>The USA Patriot Act, which gives federal officials and law enforcement expanded authority to track and intercept communications for intelligence-gathering purposes, is passed.</p>
2003	<p>Natalie Maines, lead singer of the Dixie Chicks, a popular bluegrass music group, evoked outrage when she said “Just so you know, we’re ashamed that the president of the United States is from Texas” at a concert in London, England.</p>
2003	<p>MySpace is created.</p> 
2004	<p>Facebook is founded.</p> 
2004	<p>The use of free speech zones (or First Amendment areas) has long been controversial. Critics maintain that the entire United States is a free speech zone, thus decrying the need for them. The use of free speech zones expanded after 9/11 and during the 2004 Presidential campaign. Protestors during the 2004 Democratic National Convention were limited to the free speech zone shown below.</p> 
2004	<p>During the Superbowl Half Time Show, musician Justin Timberlake removes a portion of Janet Jackson’s costume, exposing her left breast, which had been covered with a nipple shield. The event became known as Nipplegate. The FCC issued an unprecedented \$550,000 fine to CBS for violating indecency laws. Meanwhile, many Americans began to wonder if the moral standard of America was decreasing. CBS is still appealing the fine on the grounds that the show was live, unintentional, and therefore, exempt from indecency laws.</p> 
2005	<p>National Freedom of Speech Week is created by the Media Institute and the National Association of Broadcasters Education Foundation.</p>

Timeline of Key First Amendment-Related Events

2005	<p>The 2005 New York Transit Strike shuts down all of New York City’s subway trains and buses for three days. Millions of commuters are affected. The workers are striking as part of the local Transit Workers Union for fair wages, health care, and labor contracts.</p> 
2005	<p>Judith Miller, <i>NY Times</i> reporter, is jailed for refusing to reveal her source for a printed news story.</p>
2006	<p>Josh Wolf, freelance journalist and video blogger, is jailed.</p>
2007	<p>After being disciplined for creating a fake MySpace page (off-campus) for his school’s principal, Eric Layshock sues the school district for violating his First Amendment rights. <i>Layshock v. Hermitage School District</i> rules in favor of Layshock.</p>
2007	<p>Gregory Requa receives a 40-day suspension for posting a video on YouTube.com criticizing a teacher at his high school. The judge in <i>Requa v. Kent School District</i> rules that the punishment holds since it was made in response to the student’s conduct in class and not his right to make the video.</p>
2007	<p><i>Morse v. Frederick</i> dictates that school officials can censor or punish student speech seen as advocating illegal drug use.</p> 
2008	<p>In <i>United States v. Williams</i>, the Supreme Court upholds a provision of the U.S. Code prohibiting “pandering” of child pornography. The Court rules that First Amendment rights are not protected when engaging in illegal transactions.</p>
2008	<p>Artist defends New Yorker cover featuring presidential candidate Barack Obama and his wife Michelle as middle eastern terrorists as art and free expression. Popular outcry against the cover forces the New Yorker to pull it from newsstands nationwide.</p> 
2008	<p>A group of 20 D.C. Libertarians commemorate Jefferson’s birthday with a silent dance party at the Jefferson Memorial. Brooke Oberwetter, one of the dancers, is arrested by the U.S. National Park Police and charged with “interfering with an agency function” and “demonstrating without a permit.”</p> <p style="text-align: center;">http://www.youtube.com/watch?v=3QvBsybpeoA&feature=related</p>
2009	<p>A judge orders the parents of 13-year old Daniel Hauser to seek chemotherapy treatment for his cancer. The family avoided medical care on the grounds of religious beliefs. The cancer, lymphoma, is highly treatable, and the judge rules the parents are endangering Daniel by not seeking treatment.</p>
2009	<p>The Supreme Court heard oral arguments for <i>United States v. Stevens</i>, a case that will consider the constitutionality of a law that prohibits knowingly selling depictions of animal cruelty for commercial gain. The U.S. Court of Appeals found the federal statute to be unconstitutional and stated that the dog fighting videos in question were protected speech.</p>

Activity 3: Group 1 Handout

1791: Ratification of the Bill of Rights

1. Who drafted the Bill of Rights, and how was the final document different from the original draft?
2. What was the intent of the Bill of Rights, and why couldn't the states agree on whether or not they should be included in the U.S. Constitution?
3. In what ways did the Bill of Rights protect Americans?
4. Do you believe that the Bill of Rights continues to provide citizens with an adequate protection of rights today? Why or why not?

1948: *McCullum v. Board of Education*

1. What basic premise was being considered in this case?
2. What was the decision and why was it significant?

1971: *Lemon v. Kurtzman*

1. What basic premise was being considered in this case?
2. What was the decision and why was it significant?
3. What is the "Lemon Test" and how is it used?

2001: USA Patriot Act

1. What are some of the main provisions of the USA Patriot Act?
2. What were some social, political, cultural, and/or legal concerns at the time the law was passed?
3. What is status of the legislation today? Is there continuing debate surrounding the legislation? If so, what is the debate about?

2008: Commemoration of Thomas Jefferson's Birthday

1. What happened on April 13, 2008?
2. Were Brooke Oberwetter and her peers acting within their First Amendment rights? Why or why not?

Activity 3: Group 2 Handout

1798: Alien and Sedition Acts

1. What was the purpose of the Alien and Sedition Acts of 1798?
2. Why did the government claim the Sedition Act was necessary?
3. What was public reaction to the Act?

1919: *Schenck v. United States*

1. What basic premise was being considered in this case?
2. What was the case decision and why was it significant?
3. What is the “clear and present danger” test? Is it still used today?

1950: The Hollywood Ten and McCarthyism

1. Who were the “Hollywood Ten?” Why were they being investigated by the U.S. Congress?
2. What was the basis for Senator Joseph McCarthy's accusations and investigations?
3. Can you think of any contemporary examples where this type of hysteria resulted in an unfair depiction of someone or something?

1989: *Texas v. Johnson*

1. What basic premise was being considered in this case?
2. What was the case decision and why was it significant?
3. What forms of “speech” are protected by the First Amendment?

2004: Free Speech Zones

1. What is a “free speech zone,” and how have these zones been used in the past? Identify at least two examples.
2. What is the argument against the use of free speech zones?

Activity 3: Group 3 Handout

1835: Gag Rule adopted by House of Representatives.

1. What was the Gag Rule of 1835?
2. Why did John Quincy Adams oppose the Gag Rule?
3. Why is the right to petition the government important?

1925: The Scopes Monkey Trial (*Scopes v. State of Tennessee*)

1. What was the Tennessee Butler Act of 1925?
2. What basic premise was being considered in this case?
3. What was the case decision and why was it significant?

1953: Arthur Miller writes *The Crucible*.

1. Why did Arthur Miller write *The Crucible*?
2. What role did Miller play in the McCarthy investigations of the 1950s?
3. How did Miller exercise his First Amendment rights?

1998: *Beussink v. Woodland R-IV School District*

1. What basic premise was being considered in this case?
2. What was the case decision and why was it significant?

2007: *Morse v. Frederick*

1. What basic premise was being considered in this case?
2. How did the Supreme Court rule?
3. How does the Supreme Court's ruling in *Morse v. Frederick* affect students' speech rights at school and away from school?

Activity 3: Group 4 Handout

1878: *Reynolds v. United States*

1. What law was George Reynolds accused of breaking?
2. Why did Reynolds argue that the law was unconstitutional?
3. What was the case decision and why was it significant?

1936: *Dorothea Lange and the Great Depression*

1. What was Dorothea Lange's purpose in taking these photographs?
2. How did Lange exercise her First Amendment rights to bring awareness to the American people?

1964: *New York Times v. Sullivan*

1. What basic premise was being considered in this case?
2. What is slander? What is libel?
3. What was the case decision and why was it significant?

1989: *Skyywalker Records, Inc. v. Navarro*

1. How does the Supreme Court define obscenity?
2. Do you think obscenity (visual or verbal) should be protected under the First Amendment?

2000: *Boy Scouts of America v. Dale*

1. Why was James Dale's adult membership from the Boy Scouts of America revoked?
2. What was the Boy Scouts of America's argument for its actions?
3. What was the case decision and why was it significant?

Activity 3: Group 5 Handout

1906: *The Jungle* by Upton Sinclair is published.

1. Why did Upton Sinclair write *The Jungle*?
2. How did Sinclair exercise his First Amendment freedoms to bring about reform?
3. What is a “muckraker,” and how did they influence the field of journalism?

1943: *West Virginia v. Barnette*

1. What basic premise was being considered in this case?
2. How did the Court rule in this case, and what was the Court’s reasoning for its decision?

1969: *Tinker v. Des Moines*

1. Why were John and Mary Beth Tinker suspended?
2. What was the case decision and why was it significant?
3. How has the Tinker case impacted the way the Supreme Court decides cases related to the First Amendment rights of students?

1989: Tiananmen Square protests

1. What happened in June 1989 in Beijing, China?
2. Why did students protest, and what did they hope to achieve from the demonstrations?
3. What was press coverage like during the protests? After? Did press coverage differ based on your nationality?

2008: *United States v. Williams*

1. What basic premise was being considered in this case?
2. What was the case decision and why was it significant?

Activity 4: Understanding the First Amendment

Estimated time

1 class period + homework

Overview

Students learn more about the history of the First Amendment. In learning about the historical context of the First Amendment, students will understand how the Five Freedoms have evolved over time.

Objectives

Students will:

- Understand the historical context of the First Amendment;
- Learn more about each of the Five Freedoms; and
- Understand how the First Amendment impacts their decisions today.

Materials and Preparation

1. Quotes on Liberty handout
2. Free Exercise of Religion, Then and Now handout
3. Freedom of the Press, Then and Now handout
4. Freedom of Speech, Then and Now handout
5. Right to Assemble/Right to Petition the Government, Then and Now handout
6. Computers with internet access

Activity:

Homework

1. Ask the class to recall the discussion on the First Amendment in Activity 3, which focused on many different legal, cultural, social, and historical events related to the Five Freedoms. Explain to students this activity will focus on the history of the First Amendment as well as provide a more in-depth analysis of each of the Five Freedoms.
2. Assign items #1 – 5 from the “Materials and Preparation” section above as homework readings. Tell students they should be prepared to answer the discussion questions noted on each of the handouts during the next class.

Part I (1 class period):

1. Begin class by discussing the Quotes on Liberty handout for 5 – 10 minutes. Guide the class discussion by encouraging students to consider the following:
 - a. The ideas represented in the First Amendment:
 - i. Were not “new” when the amendment was first written.
 - ii. Were shared by more individuals than just the Framers of the Constitution.
 - iii. Continue to maintain importance today as seen in the Universal Declaration on Human Rights,
2. Divide the class into four groups. Each group will be assigned one freedom. *Note: One group will be assigned two freedoms.*
3. Each group will be responsible for completing the discussion questions related to their assigned freedom. Students will work with their groups to answer the discussion questions listed on each of the handouts. *Note: Students may conduct additional research via the internet, if they would*

like; however, additional research is not necessary as the homework readings and information learned during Activity 3 provide ample background to answer the discussion questions.

4. Allow students to work for 20 minutes on developing answers to the discussion questions noted on each handout. Encourage students to view the discussion questions as conversation starters and ask them to keep note of any comments or questions that come up during their group discussion.
5. For the last 15 – 20 minutes of class, ask students to think about what they think the First Amendment means from historical perspective. Recall the Quotes on Liberty handout. Discuss each of the handouts in the order listed in “Materials and Preparation” above.
 - a. Most of the discussion questions on the handouts do not have a “right” or “wrong” answer. The activity is designed to foster discussion among students about how the relevance of the First Amendment changes over time.
 - b. Spend a few minutes discussing each handout.
 - c. Begin discussion of each handout by asking a group to volunteer to share their thoughts on the questions. Encourage other groups in the class to comment or question the first group’s rationale.
 - d. Work through each handout by encouraging students to share their thoughts and provide support for their statements.

Activity 4 Handouts

Quotes on Liberty

Magna Carta, 1297

[29] No freeman is to be taken or imprisoned or disseised of his free tenement or of his liberties or free customs, or outlawed or exiled or in any way ruined, nor will we go against such a man or send against him save by lawful judgment of his peers or by the law of the land. To no-one will we sell or deny of delay right or justice.

Mayflower Compact, 1620

Having undertaken, for the Glory of God and advancement of the Christian Faith and Honour of our King and Country, a Voyage to plant the First Colony in the Northern Parts of Virginia, do by these presents solemnly and mutually in the presence of God and one of another, Covenant and Combine ourselves together into a Civil Body Politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute and frame such just and equal Laws, Ordinances, Acts, Constitutions and Offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience.

Areopagitica, John Milton, 1644

Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.

English Bill of Rights, 1689

And thereupon the said Lords Spiritual and Temporal and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties declare:

That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;

The Spirit of Laws (Book XII), Charles de Montesquieu, 1748

12. Speech is so subject to interpretation; there is so great a difference between indiscretion and malice; and frequently so little is there of the latter in the freedom of expression, that the law can hardly subject people to a capital punishment for words unless it expressly declares what words they are.

Words do not constitute an overt act; they remain only in idea. When considered by themselves, they have generally no determinate signification; for this depends on the tone in which they are uttered. It often happens that in repeating the same words they have not the same meaning; this depends on their connection with other things, and sometimes more is signified by silence than by any expression whatever. Since there can be nothing so equivocal and ambiguous as all this, how is it possible to convert it into a crime of high treason? Wherever this law is established, there is an end not only of liberty, but even of its very shadow.

Quotes on Liberty

Freedom of the Press Act, Sweden, 1766

All persons shall likewise be entitled, unless otherwise provided in the present Act, to make statements and communicate information on any subject whatsoever, for the purpose of publication in print, to the author or to any person who shall be considered the originator of material in such a publication, to the responsible publisher or editorial office, if any, of any publication, or to an enterprise which professionally purveys news or other information to periodical publications.

Virginia Declaration of Rights, 1776

XII That the freedom of the press is one of the greatest bulwarks of liberty and can never be restrained but by despotic governments.

XVI That religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed by reason and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.

Pennsylvania Declaration of Rights, 1776

... the people have a right to assemble together, to consult for their common good.

Virginia Act for Establishing Religious Freedom, 1786

The Religion ... of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right.

... It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him.

Universal Declaration of Human Rights, 1948

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

Free Exercise of Religion, *Then and Now*

Then

Reynolds v. United States, 1878, was a Supreme Court of the United States case that held that religious duty was not a suitable defense to a criminal indictment. George Reynolds was a member of The Church of Jesus Christ of Latter-day Saints, charged with bigamy after marrying Amelia Jane Schofield while still married to Mary Ann Tuddenham in Utah Territory.

Before the Supreme Court, Reynolds argued that his conviction for bigamy should be overturned on six issues. These included that his grand jury had not been legal, that challenges of certain jurors were improperly overruled, testimony by Amelia Jane Schofield was not permissible as it was under another indictment, and most importantly that it was his religious duty to marry multiple times.

The Supreme Court recognized that under the First Amendment, the Congress cannot pass a law that prohibits the free exercise of religion. However it argued that the law prohibiting bigamy did not fall under this. The fact that a person could only be married to one person had existed since the times of King James I of England in English law, upon which United States law was based.

Although the constitution did not define religion, the Court investigated the history of religious freedom in the United States. In the ruling, the court quoted a letter from Thomas Jefferson in which he stated that there was a distinction between religious belief and action that flowed from religious belief. The former *"lies solely between man and his God,"* therefore *"the legislative powers of the government reach actions only, and not opinions."* The court argued that if polygamy was allowed, someone might eventually argue that human sacrifice was a necessary part of their religion, and *"to permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself."* The Court believed the true spirit of the First Amendment was that Congress could not legislate against opinion, but could legislate against action.

Now

Though the First Amendment protects the freedom of religion, there is continued conflict over the creation and application of laws that work against protecting religious liberty.

Consider these issues:

- Religious Persecution
http://www.aclu.org/religion-belief_womens-rights/headscarfs-fashion-or-faith
- Reciting the Pledge of Allegiance in school -
<http://www.firstamendmentcenter.org/news.aspx?id=22347>
- Displaying the Ten Commandments in public places
http://www.adl.org/religious_freedom/resource_kit/ten_commandments.asp

Discussion Questions

1. What does the phrase "separation of church and state" mean to you?
2. Why is freedom of religion important?
3. Choose one of the three issues noted above.
 - a. What is the issue's relationship to the church and state separation clause and freedom of religion?
 - b. What is the stance of those who support the issue?
 - c. What is the stance of those against the issue?

Freedom of the Press, Then and Now

Then

A key moment in determining the role of free press came in 1735, long before the existence of the Constitution and the Bill of Rights. In April 1735, John Peter Zenger was charged with seditious libel by the Governor of New York, William Cosby. Zenger, who was born in Germany and immigrated to America as a child, owned the second newspaper in New York City, *The New York Weekly Journal*. Zenger printed articles in the newspaper that were critical of Cosby. Cosby, who was angered by the criticism, had Zenger arrested on a charge of seditious libel. The judge in the case basically gave the jurors an order to deal a guilty verdict to Zenger based on his charge of printing false, scandalous and malicious articles about the Governor. At the end of the trial on August 5, 1735, the twelve New York jurors returned a verdict of "not guilty" on the charge of publishing "seditious libels," even though judges who were hand-picked by the governor were presiding. Hamilton had successfully argued that Zenger's articles were not libelous because even if they were slanderous in use, all statements were based on fact.

Since that time, the role and right of a free press has been tested many times. Throughout history, government and political officials have acted to limit the power of the press despite the provision outlined in the First Amendment.

Now

With the opportunity for even greater communication via the Internet in the form of blogs, social networking sites, and online news sources, the limits of the press continued to be challenged.

Consider these issues:

- Restricting Press
<http://www.msnbc.msn.com/id/21134540/vp/34045254#34045254>
- Blogging
<http://www.firstamendmentcenter.org/commentary.aspx?id=18623>
- Shield Laws
<http://www.spj.org/shieldlaw.asp>

Discussion Questions

1. Why is freedom of press important?
2. Should freedom of the press be restricted or limited during times of war? Why or why not?
3. Choose one of the three issues noted above.
 - a. What is the issue's relationship to the freedom of the press?
 - b. What is the stance of those who support the issue?
 - c. What is the stance of those against the issue?

Freedom of Speech, Then and Now

Then

Schenck v. United States, 1919, concluded that a defendant did not have a First Amendment right to free speech against the draft during World War I. Charles Schenck was the Secretary of the Socialist Party and was responsible for printing, distributing, and mailing 15,000 leaflets to men eligible for the draft that advocated opposition to the draft. These leaflets contained statements such as: "Do not submit to intimidation;" "Assert your rights;" and "If you do not assert and support your rights, you are helping to deny or disparage rights which it is the solemn duty of all citizens and residents of the United States to retain."

The Court, in a unanimous opinion written by Justice Oliver Wendell Holmes, Jr., held that Schenck's criminal conviction was constitutional. The First Amendment did not protect speech encouraging insubordination, since, "when a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and that no Court could regard them as protected by any constitutional right." In other words, the court held, the circumstances of wartime permit greater restrictions on free speech than would be allowable during peacetime.

In the opinion's most famous passage, Justice Holmes sets out the "clear and present danger" test:

The question in every case is whether the words used are used 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.

... The most stringent protection of free speech would not protect a man falsely shouting fire in a theater and causing a panic. [...] The question in every case is whether the words used are used 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.

Now

The First Amendment has been interpreted to protect not only spoken words, but other forms of communication including symbolic speech.

Consider these issues:

- School Newspapers
<https://www.splc.org/newsflash.asp?id=2003&year=>
- Flag Burning
<http://online.wsj.com/article/SB124657642816289111.html#>

Discussion Questions

1. Why is freedom of speech important?
2. What would happen if symbolic speech were not to receive First Amendment protection?
3. Choose one of the two issues noted above.
 - a. What is the issue's relationship to the freedom of speech?
 - b. What is the stance of those who support the issue?
 - c. What is the stance of those against the issue?

Right to Assemble/Right to Petition the Government, Then and Now

Then

Edwards v. South Carolina, 1963, ruled that South Carolina violated students' First Amendment rights of peaceable assembly, speech, and petition when the police dispersed a peaceful protest against segregation.

In March 1961, nearly 200 high school and college civil rights protestors organized a march to the South Carolina State House. The marchers carried signs reading "Down with Segregation" and sang religious and patriotic songs. The students were peaceful, remained on public property, and did not disrupt traffic. When asked to leave by police, the students continued to sing songs, but were arrested and charged with breach of the peace.

The Supreme Court ruled that South Carolina had violated the marchers' First Amendment rights. In the majority opinion for the Supreme Court, Justice Potter Stewart wrote that the students' actions "reflect an exercise of these basic constitutional rights [to speech, assembly, and petition] in their most pristine and classic form."

Now

The right to assemble and the right to petition the government play a key role in allowing citizens to freely and peacefully voice opinions about the laws and policies that govern our nation.

Consider these issues:

- Anti-War Protests
<http://networdblog.blogspot.com/2009/08/freedom-of-aseembly.html>
- SLAPP litigation
<http://www.spj.org/antislapp.asp#2>

Discussion Questions

1. What does it mean to "assemble?" What is a "petition?"
2. Though the right to assemble and the right to petition the government are two of the lesser known freedoms, why do you think the Founders believed these rights to be important enough to be included in the First Amendment?
3. Choose one of the two issues noted above.
 - a. What is the issue's relationship to the right to assemble and the right to petition the government?
 - b. What is the stance of those who support the issue?
 - c. What is the stance of those against the issue?

Activity 5: Advocacy Groups and the Future of the First Amendment

Estimated time

2 class periods + homework and one hour out of class time to work on the discussion board

Overview

This activity offers students an opportunity to explore how special interest groups can influence national policy debates. Students will define the term “special interest group” as well as research the history, mission statements, and issue platforms of special interest groups in the United States. Students will listen to telephone interviews with three First Amendment experts. The interviews will serve as a conversation-starter on the role of interest groups in the legislative process as well as in promoting the First Amendment and its freedoms. Students will then have an opportunity to submit questions to the experts.

Objectives

Students will:

- Define the term “special interest group;”
- Discuss the role and impact of special interest groups in policymaking; and
- Listen to interviews with three leading experts in the field.

Materials and Preparation

1. Computers with internet access
2. Telephone interviews, interview transcripts, and expert biographies (available for download on the NOYS website, <http://www.abanet.org/publiced/noys>, by March 5)
 - a. Dr. Charles C. Haynes, Senior Scholar, First Amendment Center
 - b. Veronica Burchard, Director of Curriculum Development, Bill of Rights Institute
 - c. Dan Gillmor, Director of the Knight Center for Digital Media Entrepreneurship and Co-Founder of the Citizen Media Law Project

Activity:

Part I (1 class period + homework)

1. Spend the first 10 – 15 minutes of class discussing special interest groups. Begin class by asking students “what are special interest groups?” Help students define the term and prompt discussion by asking the following questions:
 - a. Who do special interest groups represent?
 - b. How are special interest groups important?
 - c. What are some advantages to having special interest groups?
 - d. What are some disadvantages to having special interest groups?
 - e. How does an individual citizen play a role?

Special Interest Group

An organized collection of people with shared policy goals. Unlike political parties, these groups do not seek to control or operate the government, but to influence it usually in one area of public policy.

Also know as: advocacy groups, lobby groups, or pressure groups.

Examples: Groups representing union workers, retired persons, teachers, doctors, specific policy issues, or ethnic or religious communities.

2. Spend the next 15 – 20 minutes of class allowing students to research special interest groups that focus on the First Amendment or any of the five freedoms. Ask students to conduct a quick online search for as many groups as they can find. As students find special interest groups, they should note the following information:
 - a. Organization name
 - b. Mission statement
 - c. Issues of greatest concern to the organization
 - d. A brief, one to two sentence description of the organization's history
 - e. Demographics of supporters, if time permits
 - f. Sources of funding, if time permits

3. For the remaining time in class, ask a few students to volunteer and to share their discoveries with the class. As students share information about some of the special interest groups they found, ask them to consider the following questions:
 - a. How does the organization contribute to the public agenda? Does the organization shape or influence public policy?
 - b. Does the organization have an influence on political parties? The public in general? Students and/or teachers? National curriculum? The legislative process?
 - c. Are there consistent links between the organization's funding sources and its mission? What about links between the demographics of the organization's supporters and its mission?
 - d. Should any limitations be placed on the activities of special interest groups?

Homework

1. For the second part of this activity, students will discuss the telephone interviews with their cluster school group on the discussion board.

2. Divide the class into three groups. Assign one of the three telephone interviews to each group. Each group will be responsible for conducting research about their assigned expert.

3. Students will be responsible for listening to their assigned expert's telephone interview for homework. After listening to their assigned interview, students will conduct online research within their groups to learn more about their assigned expert as well as about the organization the expert represents. Ask students to use the following questions as a guide:
 - i. What is the mission of the organization? Who are its core supporters?
 - ii. What is the expert's perspective on the First Amendment? Does the expert have an expertise in a specific area?
 - iii. What is the organization's perspective on the future of the First Amendment as it relates to their expertise?
 - iv. What is the expert's argument? How does the expert support his argument?
 - v. Do you agree or disagree with expert's argument? Why or why not?
 - vi. How does the organization influence public policy?
 - vii. Do the expert and the organization adequately represent the views of the organization's core supporters? Why or why not?

Part II (1 class period + one hour over a one-week period to work on the discussion board)

1. Explain the overall activity to students:
 - a. Students will begin class by discussing the telephone interviews by Dr. Charles C. Haynes, Veronica Burchard, and Dan Gillmor which were assigned for homework in their groups. Discussions should last no more than 10 – 15 minutes.
 - b. Once students finish their group discussion, they should be prepared to share their discoveries and thoughts about the interviews on *FuseTalk* with their cluster school

group. The *FuseTalk* discussion will focus on the question “**What is the expert’s argument? Do you agree or disagree with the expert’s argument? Why or Why not?**”

2. Give students the name of the *FuseTalk* Cluster School category in which your class will work for this activity.
 - a. Explain the basic process to students:
 - i. The group will come to a consensus in opinion about their response to the focus question noted in #1b. Each group should assign one student to begin the discussion on *FuseTalk*.
 - ii. The assigned student in each group will begin the discussion by writing a response (which has been drafted and agreed upon by the group) to the focus question. The student will create a new topic for this activity. Students should click on “New Topic,” and type their research topic and their name in the “Topic” box: “From student first name, first initial of last name, school name – X Topic.” Please remind students no last names should be listed on the discussion board.
 - iii. Each person in the group should contribute two to three comments or questions to ensure a robust conversation about the interviews.
 - iv. Encourage students to raise questions about what they heard in the interviews. Students may or may not agree with the expert’s philosophy, so encourage them to share their views.
 - b. Responses do not need to be long. As with other Summit activities, students should first draft their responses in a word processing program. After checking for spelling and grammatical errors, students will then copy and paste their responses to the discussion board.
 - c. Remind students to provide a rationale for their statements, ask open-ended questions, and be respectful of their peers’ opinions.
3. Indicate the deadline by which students must have all exchanges completed.
 - a. Ideally, students should visit the discussion board two to three times during a one-week period. During each visit, students will spend five to seven minutes reading postings and eight to ten minutes writing responses.
4. After students have completed their in-class and cluster group discussions, hold a debriefing for 10 minutes with the entire class.
 - a. Review the discussion board exchanges and select a few examples of good exchanges in which students used open-ended questions and rationale to support their statements.
 - b. Additionally, ask students to share what they believed to be some of the most interesting comments from the discussion. To prompt discussion, ask students to share their answers to the questions in #3b.
5. During the last 5 – 10 minutes of class, work together as a group to create a list of 7 – 10 questions to ask the experts. Students may want clarification on what they heard in the interviews or they may have questions based on their discussions on *FuseTalk*. Ideally, students should come up with 3 – 4 questions for each expert.
 - a. Teachers will post their class’s questions to the Teachers Only discussion board. ABA staff will compile the questions and submit 10 questions to each expert.
 - b. Questions must be posted to *FuseTalk* **no later than March 26** in order to ensure experts have ample time to respond.
 - c. Answers will be posted the Student discussion board by **April 16**. Teachers will be notified via the Teachers Only discussion board once answers are posted.

Activity 6: Student First Amendment Rights

Estimated time

1 class period + homework

Overview

In this activity, students will begin to look at First Amendment rights in a broader context; both historically and internationally. Students will be encouraged to compare and contrast their own First Amendment rights within their schools to the experiences of American students throughout history and to modern comparisons across the world.

Students will first create an index outlining their various First Amendment rights as they are applied within the school-setting. Students will then watch a video interview with one of the adult children from the *Tinker* case discussing the development of student First Amendment rights as well as various videos that present student protests in Iran.

Objectives

Students will:

- Learn about their current First Amendment rights as they apply within the school setting;
- Learn about how students in other nations exercise similar rights; and
- Gain an understanding of the degree to which those rights exist across nations.

Materials and Preparation

1. Computer with internet access
2. Your school's student handbook, student constitution, or any other documents that guide student behavior.
3. Student First Amendment Rights Index handout
4. Student First Amendment Rights Across the Globe handout

Activity:

1. Divide the class into small groups of 3 – 4 students. Have students work together in their groups to complete the Student First Amendment Rights Index handout.
2. Discuss with students the *Tinker* case, referring back to Activity 3 and 4 as appropriate.
 - a. What were the students in *Tinker* protesting? Why?
 - b. Can you think of reasons why the students would decide to protest the way they did? Why would they protest at school?
3. Discuss the recent student unrest in Iran related to the 2009 Iranian presidential election. *Note: During this discussion, ask students to recall the Universal Declaration of Human Rights (UDHR) from Activity 4. Explain briefly that in most countries people do have first amendment-like rights under the UDHR, and that Iran in particular, was one of the first adopters. Many, but not all, countries (using the UN drafts or U.S. Constitution or others as models) have adopted national constitutions that allow for first amendment-like rights at least for show if not for practice.*
 - a. What happened this previous year in Iran?
 - b. Why were people protesting?
 - c. What role do you think students had in the protests?
4. Next, ask students to watch the video of an interview (Part I – the first five minutes or so) with Mary Beth Tinker: <http://www.firstamendmentfuture.org/tinker.php>.

5. Now ask students to visit the following sites, watch the available videos, and read the accompanying articles related to the Iran protests in 2009:
 - a. http://news.bbc.co.uk/2/hi/middle_east/8400244.stm (multiple videos and an article)
 - b. <http://www.youtube.com/watch?v=OUbwHXwooMw> (one video)
 - c. <http://latimesblogs.latimes.com/babylonbeyond/2009/12/iran-liveblogging-.html> (multiple videos and an article)

6. Ask students to rejoin their small groups. Ask each group to complete the Student First Amendment Rights Across the Globe handout.

7. Spend the last 10 minutes debriefing with students. Help students to understand that the degree to which student rights and the five freedoms of the First Amendment exist in the United States may not be the same across nations. *Note: The debriefing should be short and simple as students will more fully share their thoughts on FuseTalk with their cluster school group.*
 - a. Do you agree with Mary Beth Tinker’s assessment of current student First Amendment rights and the degree to which democracy is taught (or lack there of)?
 - b. Do you think you have more or less rights as compared to students across the world? Why?

8. At the end of class, explain to students they will share their discoveries and thoughts about the student First Amendment rights on *FuseTalk* with their cluster school group. Students should focus their discussion on their responses to #7b.
 - a. Give students the name of the *FuseTalk* Cluster School category in which your class will work for this activity.
 - b. Explain the basic process to students:
 - i. The group will come to a consensus in opinion about their response to the focus question noted in #7b. Each group should assign one student to begin the discussion on *FuseTalk*.
 - ii. The assigned student in each group will begin the discussion by writing a response (which has been drafted and agreed upon by the group) to the focus question. Students will create a new topic for this activity. Students should click on “New Topic,” and type their research topic and their name in the “Topic” box: “From student first name, first initial of last name, school name – X Topic.”
Please remind students no last names should be listed on the discussion board.
 - d. Each person in the group should contribute two to three comments or questions to ensure a robust conversation about student rights in the United States and around the world.
 - e. Encourage students to raise questions and share their thoughts what they discussed in class today.
 - c. Responses do not need to be long. As with other Summit activities, students should first draft their responses in a word processing program. After checking for spelling and grammatical errors, students will then copy and paste their responses to the discussion board.
 - d. Remind students to provide a rationale for their statements, ask open-ended questions, and be respectful of their peers’ opinions.

Activity 6 Handouts

Student First Amendment Rights Index

Working in your group, use your student handbook (or other guiding documents from your school) and the information you learned during Activities 3 and 4, to answer the following questions:

1. Can students in your school start a prayer group that meets every morning before school to pray outside the gymnasium? Why or why not?
2. Does your school have a dress code? What does it say? Imagine a student's religious beliefs require him to wear something that conflicts with the dress code; what do you think this student could do?
3. If your school has a student newspaper (if it does not, if your school was to start a newspaper), do you think the student editors can publish articles on any topics they choose? Why or why not?
4. A student group at your school disagrees with the war in Iraq. Do you think they could plan a protest that would occur on school campus? Why or why not? How could they organize the protest so as not to violate school rules?

Student First Amendment Rights Across the Globe

Working with your group, answer the following questions:

1. Are there ways in which the *Tinker* student protests were similar to the student protests in Iran?
2. In what ways were the *Tinker* student protests different from the student protests in Iran?
3. Brainstorm some reasons why the student protests in Iran occurred outside of the schools.
4. Do you think you would be able to wear an armband to school like the students in *Tinker*? Why or why not?
5. Do you think you would be able to engage in a student protest like the students in Iran? Why or why not?
6. How do you think your First Amendment rights compare to:
 - a. The students in *Tinker*?
 - b. The students in Iran?

Activity 7: The First Amendment in Action

Estimated time

1 class period, homework, and one hour out of class time to work on the discussion board

Overview

In this activity, students will begin to learn more about how First Amendment rights are exercised on a daily basis and in their local communities. As a class, students will first brainstorm ways in which they exercise their First Amendment rights before turning their attention to issues happening in their local community. *Note: Encourage students to focus locally, but allow them to look at issues in their state or their particular part of the country.* Students will be responsible for both researching a topic of their choice and writing an editorial about the topic. Students will seek facts through research, organize and present their findings, and share opinions about what they have learned with peers in their cluster school group.

Objectives

Students will:

- Conduct online research to learn about how First Amendment rights are exercised in their local communities;
- Find and evaluate credible online sources to support their research;
- Organize and present findings in the form of an editorial; and
- Learn about varying First Amendment experiences from peers in their cluster school group.

Materials and Preparation

1. Computers with internet access
2. Exercise Your First Amendment Rights handout

Activity:

Part I (Group activity for 20 – 30 minutes)

1. For the first 10 minutes of class, ask students to brainstorm ways in which they have exercised a right protected by the First Amendment. Ask them:
 - a. Which freedoms did they use most frequently?
 - b. Were there any they did not apply at all?
 - c. Which rights do they take most for granted?
2. Next, explain to students that this activity will focus on ways in which community members exercise their First Amendment rights. Students will research current events in local newspapers and via online sources. Students will then write editorials to their local or school newspaper sharing their opinions with classmates and with peers from cluster schools.
3. Distribute the Exercise Your First Amendment Rights handout. Explain to students that they will be responsible for writing an editorial about a First Amendment-related topic of interest to them. Students will select a topic, research their topic, and write a 300-350 word editorial about the topic. Students will share editorials with their classmates. As a class, students will vote on the three editorials which represent the most important topics of interest to them. The selected editorials will be posted to the discussion board, and students will read and respond to postings from other students.

Homework

1. Explain the homework assignment to students:
 - a. Students will research their topic, support their findings, and organize their research into a **300 - 350 word editorial**. *Note: It may be necessary to review the purpose and*

structure of an editorial with students. Share with them an editorial from a local paper to demonstrate the appropriate structure.

- b. Explain how the basic structure of an editorial looks:
 - i. Begin with a hook to engage readers and capture their readers.
 - ii. Take a stand by making a position statement that identifies the topic and your opinion.
 - iii. Explain the issue.
 - iv. Acknowledge the opposition's argument.
 - v. Be persuasive by providing facts, statistics, and quotations to back up your argument and your opinion.
 - vi. End with a call to action and reemphasize your position.
 - c. Indicate the deadline by which students must complete their editorials.
2. *Note: As an extension to this activity, encourage students to submit their editorials to their local or school newspaper.*

Part II (Group activity for 20 minutes + one hour of out of class time)

1. After students have completed their editorials, hold a debriefing with the entire class. Ask students to share their editorials with the class. Ask students to:
 - a. Share any important discoveries they made through their research.
 - b. Identify points of law that appear to be clear and those that need further clarification.
 - c. Identify areas they believe require further research.
2. Indicate to students they will be voting on the top three editorials of interest to them as a class. The three chosen editorials will be posted to *FuseTalk*.
 - a. Give students the name of the *FuseTalk* category in which your class will work for this activity.
 - i. Each of the three chosen students will create a new topic for this activity. Students should click on "New Topic," and type the title of their editorial and their school name "Topic" box: "From school name – X Topic." Please remind students no last names should be listed on the discussion board.
 - ii. *Note: It is important for students to follow these directions and post to the correct category so that cluster schools can find postings by your students.*
 - b. Establish a timeframe during which students should read and respond to editorials posted by their peers.
 - iii. Tell students where to find posted editorials from their cluster school group.
 - iv. In addition to responding to comments made about their class's chosen editorials, students should also (a) ask at least one open-ended question in a respectful manner and (b) make one constructive comment directed to at least two different editorials posted by a peer from a cluster school.
 - v. You may wish to brainstorm for 10 – 15 minutes to help students understand the concept of open-ended questioning. Remind students that editorials can sometimes raise more questions rather than provide clear revelations.
 - vi. Monitor your class' online discussions to ensure students grasp the concept of open-ended questioning. The discussion board is a learning environment, so feel free to respond to postings from your students or students from a cluster school.
 - c. Indicate the deadline by which students must have their *FuseTalk* exchanges completed.
3. Ideally, students should visit the discussion board two to three times during a one-week period. During each visit, students will spend five to seven minutes reading postings and eight to ten minutes writing responses.

- a. Encourage students to complete at least two to three exchanges with peers from their cluster school group.
- b. Remind students to practice civil online discussion by providing a rationale for their statements, asking open-ended questions, and being respectful of their peers' comments.
- c. Remember, the Summit is a collaborative project, and your class' participation impacts the ability of schools in your cluster to actively participate.

Tips: Editorial Project

1. As students begin their research, remind them to recall the discussion on evaluating credible resources and distinguishing fact from opinions.
2. Tell students they will be conducting online discussion with peers in different grade levels with different ability levels. Students should remember to be respectful of peers from their own class as well as from cluster schools.
3. Remind students to use the "Reply" command from within the message to which they choose to respond.
4. When students post responses to the discussion board, they should sign with their first names, first initial of their last name, and school name.
5. Students should print their editorial as well as any exchanges they complete for their NOYS portfolio.
6. Monitor the online discussions periodically to ensure students are practicing open-ended questioning and are being respectful of others opinions.

Activity 7 Handout

Exercise Your First Amendment Rights

How to Write an Editorial

- **Begin with a hook.**
Engage readers and capture their attention with an anecdote or a catchy statement that reflects your views.
- **Take a stand.**
Include a position statement that identifies the issue you are writing about as well as your opinion about the topic.
- **Explain the issue.**
Provide readers with background information about the issue.
- **Acknowledge the opposition.**
Other viewpoints exist, so before making your argument, acknowledge what the other side believes.
- **Be persuasive.**
Provide facts, statistics, and quotations to back up your argument and your opinion.
- **Request action!**
End with a call to action and reemphasize your position on the issue.

Possible Topics of Interest

The First Amendment is in the news every day and is very much a part of our daily lives. While the topics related to the First Amendment are endless, here are a few to get your creative juices flowing:

- Your Constitutional Rights in School
 - Dress code policies
 - Participating in a “moment of silence”
 - Control over school newspapers
 - Celebrating religious holidays
- Technology
 - Blogs – news sources or entertainment
 - Posts to social networking sites, such as MySpace or Facebook
 - Electronic surveillance
- International Issues
 - Darfur
 - Iran protests
 - Human rights in China

First Amendment News Sources

News stories related to the First Amendment can be found everywhere! Check your local and state newspapers.

Online sources include:

First Amendment Center: <http://www.firstamendmentcenter.org/newssummary.aspx>

Five Freedoms:

Post-Exchange: <http://www.freedomproject.us/post-exchange/>

Timely News by the McCormick Freedom Project:

<http://www.freedomproject.us/TakeAction/TimelyNews/default.aspx>

Activity 8: Final Projects

Estimated time

1 – 2 class periods for presentations and to share final projects with cluster schools. Research and presentation preparation occurs out of class over the course of the Summit.

Overview

Students will work during the course of the Summit to study the issues, conduct research, and prepare final projects. Students will present final projects to their class and with cluster schools.

Objectives

Students will:

- Synthesize research and learning about the First Amendment and implications in the future;
- Create final projects that are grounded in facts; and
- Present final projects that exemplify and demonstrate critical thinking.

Materials and Preparation

1. Final project options will be introduced in Activity 1. (See *Final Project Options* handout in *Activity 1: Orientation & Pre-Test* for additional information.)
2. For this activity, materials will depend on the projects students have chosen. Materials might include:
 - a. Computers with internet access
 - b. Projection screen
 - c. Posters and art materials
 - d. Camcorders and/or digital cameras

Activity:

1. Students will research and prepare for final project presentations during the course of the Summit.
2. To ensure students and groups complete projects in a timely manner, consider creating “check-in” dates at various points during the Summit.
3. Remind students that they should not include their full names or their school name in any of their final project materials.
4. On the assigned due date, ask students to present their final projects. At the end of each presentation, conduct a brief question and answer session to engage the entire class and review students’ understanding of the Summit topic.
5. Submit electronic versions of the final projects to the ABA as early as you can. Final projects will be posted to the discussion board and to the NOYS website to allow students to share what they have learned. (See *Activity 9: Post-Test and Evaluation* for details.)
6. Submit final projects to the ABA by **May 14, 2010**. (See *Final Projects: Tips and Resources* in the **Activity 1** section for details on which materials should be submitted.)

Important:

Once final projects are submitted to the ABA they may be posted online and used in future NOYS outreach efforts. It is important that students do not identify themselves or their schools in their final project materials.

Activity 9: Post-Test & Evaluation

Estimated time

1 class period

Overview

Students will complete a post-test similar to the pre-test completed in Activity 1. The post-test will assess students' knowledge about the First Amendment at the end of the Summit. Students will also have an opportunity to evaluate the Summit as well as to submit comments about the overall learning experience, the process, and the topic.

Objectives

Students will:

- Assess their learning over the course of the Summit by completing a post-test;
- Evaluate the Summit and their experience; and
- Share final projects with peers from other schools.

Materials and Preparation

1. Computers with internet access
2. Post-test (To be completed online via Qualtrics, an online survey tool. Detailed instructions on how to access the post-test will be posted on the Teachers Only Discussion Board.)

Activity:

Part I (20-30 minutes)

1. During the first part of this activity, students will complete the post-test online via Qualtrics. Give students 20-30 minutes to complete the test. *Note: The post-test will include the exact same questions and statements as the pre-test. A few additional questions will be included to give students a chance to evaluate the Summit process and activities.*
2. Detailed instructions on how to access Qualtrics and administer the test will be posted on the Teachers Only discussion board.
3. As with the pre-test, assure students that post-tests are not graded and are used only to assess their knowledge level about the topic at the end of the Summit.

Part II (20-30 minutes)

1. Students will have an opportunity to take a look at final projects submitted by their peers from other schools. Allow students some time to review the submitted final projects and post comments to the discussion board. (Detailed instructions on how and where to access final projects will be posted to the Teachers Only discussion board in mid-April.)
2. Student responses should be posted no later than **April 30**.

Glossary of Terms

Asynchronous: Discussions conducted via the NOYS discussion board do not occur precisely at a specific time. Rather, NOYS participants contribute to the discussion over periods of hours, days, or weeks, at different times.

FuseTalk: A private web-based discussion board available only to registered participants on the ABA NOYS website. Participants can login by visiting the NOYS website at <http://www.abanet.org/publiced/noys>.

NOYS discussion board: This term refers to *FuseTalk*, a web-based discussion board. See explanation above.

NOYS website: Login for the discussion board and additional resource materials, such as the Curriculum Guide and Orientation Guides, are available on this public website hosted by the ABA. The NOYS website can be found at <http://www.abanet.org/publiced/noys/>.

Synchronous: Classroom discussions are dynamic, and occur during a specific period at a specific time.

Teachers Only Discussion Board: This discussion board is available only to teachers and is a helpful forum for participants to share ideas about teaching methods, philosophies, resources, and issues that arise in the classroom throughout the project.

Resource Listing

Below is a list of selected resources about the First Amendment and other related topics.

Books, Magazines, and Articles

Abrams, Lloyd. *Speaking Freely: Trials of the First Amendment*. New York: Viking, 2005.

Gillmor, Dan. *We the Media: Grassroots Journalism by the People, for the People*. California: O'Reilly Media, 2006.

Haynes, Charles C. and Oliver Thomas. *Finding Common Ground: A Guide to Religious Liberty in Public Schools*. Nashville, TN: 2001.

Haynes, Charles C., Sam Chaltain, and Susan M. Glisson. *First Freedoms: A Documentary History of First Amendment Rights in America*. New York: Oxford University Press, Inc., 2006.

Hudson, David L., David Schultz, and John R. Vile, eds. *Encyclopedia of the First Amendment*. Washington, DC: CQ Press, 2009.

Policinski, Gene. "Technology is transforming what we mean by free expression." First Amendment Center Online, December 28, 2008.
<http://www.firstamendmentcenter.org/commentary.aspx?id=21052>

Posner, Richard A. *Not a Suicide Pact: The Constitution in a Time of National Emergency (Inalienable Rights)*. New York: Oxford University Press Inc., 2006.

Stone, Geoffrey R. *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism*. New York: W. W. Norton & Co., 2004.

Historical Documents

- *The English Bill of Rights*. This document influenced the United States Bill of Rights. While the intention of the English document was to protect citizens through their representatives in Parliament, some basic tenets were adopted by the United States Bill of Rights such as the right to petition and freedom of speech.
- William Blackstone's *Commentaries on the Laws of England*. This commentary on early English laws is often cited by scholars and jurists looking to determine the original meaning of documents important to the development of English and American legal theory.
- *The Federalist Papers*. This series of articles written by Alexander Hamilton, John Jay, and James Madison advocated the ratification of the Constitution. These essays serve as one of the best tools for interpreting the original intent of the Founding Fathers.

Documentaries

Shouting Fire: Stories from the Edge of Free Speech. Documentary. Directed by Liz Garbus. Home Box Office, Inc., 2009.

Websites

American Civil Liberties Union: <http://www.aclu.org>

American Library Association: <http://www.ala.org/ala/issuesadvocacy/index.cfm>

American Society of News Editor's High School Journalism Initiative:
<http://www.highschooljournalism.org>

Americans United for Separation of Church and State: <http://www.au.org>

Bill of Rights Institute: <http://www.billofrightsintstitute.org>

Citizen Media Law Project: <http://www.citmedialaw.org/>

ConSource: <http://www.consource.org>

Electronic Frontier Foundation: <http://www.eff.org/>

The Five Freedoms Project: <http://www.fivefreedoms.org/>

First Amendment Center: <http://www.firstamendmentcenter.org/default.aspx>

The Freedom Forum: <http://www.freedomforum.org/>

Illinois First Amendment Center: <http://www.illinoisfirstamendmentcenter.com/>

J-Ideas: <http://www.jideas.org/>

kidSPEAK!: <http://www.kidspeakonline.org>

McCormick Freedom Project: <http://www.freedomproject.us/>

Post-Exchange (news source): <http://www.freedomproject.us/post-exchange/>

PEN American Center: <http://www.pen.org/>

Preview of United States Supreme Court Cases: <http://www.abanet.org/publiced/preview/home.html>

Reporters without Borders: <http://www.rsf.org/>

Student Press Law Center: <http://www.splc.org/>

Teach the First Amendment: <http://www.teachfirstamendment.org/>

Thomas Jefferson Center for the Protection of Free Express: <http://www.tjcenter.org/>

Contact Information

During the course of the Summit, the Teachers Only discussion board will provide you with regular updates and reminders. On occasion, it may also be necessary to send e-mails outside of *FuseTalk*. Rina Shah and Wendy Holtman will be the primary contacts during the Summit.

Questions regarding the following should be directed to Rina and Wendy:

- Teacher orientation
- Curriculum
- All student-related activities, including online discussions, cluster schools, etc.
- Scheduling glitches, such as school closings due to inclement weather
- Final projects and evaluations
- General inquiries, concerns, or comments

Contacts

Rina Shah – primary contact
ABA Division for Public Education
Program Manager
E-mail: shahr@staff.abanet.org
Phone: 312/988-5720

Wendy Holtman
Summit Coordinator
E-mail: wendy.holtman@gmail.com
Phone: 516/818.8026

American Bar Association
Division for Public Education
321 N. Clark Street, MS 20.2
Chicago, IL 60654
Phone: 312/988-5735

Appendix A: Teacher Orientation Guide

Appendix B: Student Orientation Guide

Appendix C: FuseTalk Guide