

First Things First: Using the Newspaper to Teach the Freedoms of 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.

First Amendment to the United States Constitution



A Project of the 2001
Newspaper Innovators in Education
Award Winners



Foreword

This teaching activity guide was created by the 2001 winners of the Newspaper Innovators in Education Awards, sponsored by the Newspaper Association of America® Foundation and the Newseum.

Five pairs of professionals were rewarded for excellence in creating a Newspaper In Education Program that produced measurable educational results.

The winners for 2001 were:

Amanda Austin, High School Coordinator
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Portland, Oregon

Allana Joy Bourne, Program/Curriculum Specialist
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Terrence S. Mixon Sr., Principal
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Steve Peha, President
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Introduction

Several studies have demonstrated that Americans lack comprehensive knowledge of the rights guaranteed them by the First Amendment to the United States Constitution. The goal of the **First Things First: Using the Newspaper to Teach the Freedoms of the First Amendment** activity guide is to provide a tool for teachers to build public awareness and understanding about the First Amendment in schools. Incorporating newspaper activities into the curriculum achieves this goal using each of the five freedoms as the vehicle for instruction.

What are the five freedoms guaranteed in the First Amendment?

Freedom of Religion

The First Amendment prevents the American government from establishing an official religion. Citizens have the freedom to attend the church, synagogue, temple or mosque of their choice – or not attend at all. The First Amendment allows us to practice our religion the way we want to.

Freedom of Speech

The First Amendment keeps the American government from making laws that might stop us from expressing rational opinions. People have the right to criticize the government and to share their opinions with others.

Freedom of the Press

A free press means we can get information from many different sources. The government cannot control what is printed in newspapers, magazines and books, broadcast on TV or radio or offered online. Citizens can request time on television to respond to views with which they disagree; they may write letters to newspaper editors and hope those letters will be printed for others to see. They can pass out leaflets that give their opinions. They can have their own Web pages and offer their opinions to others through the many means made available by the Internet.

Freedom of Assembly

Citizens can come together in public and private gatherings. They can join groups for political, religious, social or recreational purposes. By organizing to accomplish a common goal, citizens can spread their ideas more effectively.

Right to Petition

“To petition the government for a redress of grievances” means that citizens can ask for changes in the government. They can do this by collecting signatures and sending them to their elected representatives; they can write, call or e-mail their elected representatives; they can support groups that lobby the government.

The lessons that follow allow your students to analyze events in the newspaper and form conclusions incorporating the freedoms of the First Amendment. Some of the skills developed by using these lessons are critical thinking, decision-making, summary writing, problem solving, researching, prioritizing, negotiating and organizing.

The five units are divided into Elementary, Middle and High School activities complete with goals and evaluations.

To get your students started on the study of the First Amendment, have them complete the scavenger hunt on the next page.

First Amendment Scavenger Hunt

1. List the freedoms guaranteed by the First Amendment. You may need to research them.

(The First Amendment Center on the Freedom Forum web site is a good place to start. They are also listed in the introduction to your teacher's guide.)

2. Search the entire newspaper to find examples of the freedoms guaranteed by the First Amendment.

(The specific freedom you find in the newspaper can be an entire article, an ad, a symbol, a letter, and even a picture complete with its caption that you find in any section. The important thing is that it accurately portrays or reflects one of the freedoms guaranteed in the U.S. Constitution.

3. Write down the headline from an article, or a description of an ad or picture or symbol. Be sure to include the section and page number where you located it.

First one to get all five gets a prize.

Here's a sample worksheet.

Description	Section	Page #
1.		
2.		
3.		
4.		
5.		

Freedom of Religion

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First Amendment to the United States Constitution

Elementary Activity: Freedom of Religion

Religious expressions take many forms. When a religious group is under attack, their symbols, culture, and lifestyle are often attacked well before a physical confrontation between actual people occurs. Recognition of the importance and deeper meanings associated with these symbols contributes to an awareness that these symbols are unique to a particular group and strange to us at first, but they do represent universal concepts, which we all celebrate.

Goal

To understand the United States Constitution's version of freedom of religion; to show tolerance and understanding of another's beliefs.

Activity

- Ask students to bring in a memento, which has a special meaning (example: a pebble from a riverbank given to them by a relative while on a fishing trip, or a piece of jewelry from a special relative). Ask the students to tell aloud what the memento is a remembrance of and why the item is special.
- Discuss with students several religious cultures represented within their community.
- Ask students to search for religious symbols throughout the newspaper. Look through food and clothing ads, as well as news photos.
- Create a collage by pasting these on a sheet of poster paper, leaving the center blank. At the top of the collage, they can title it "We All Share the Spirit of Remembrance." In the center of the collage, each student should place the memento that is meaningful to him/her.

Evaluation

Can the student make a direct connection/correlation between their own remembrance and what is significant to others? Can the student articulate the connection between the First Amendment and the right of the people to practice religion as they want?

Middle School Activity: Freedom of Religion

Goal

To understand the United States Constitution's version of freedom of religion; to examine basic beliefs and practices of the religions in the article.

Activity

- Search the newspaper for any example of conflict that involves religious freedom. Read the article.
- Divide into as many groups as you see represented within the article, with an additional mediator group.
- Your job is to argue your group's position based on the information presented in the article.
- If you are in the mediator group, you are to assist them in reaching a common ground based on your understanding of the religious freedom guarantees of the U.S. Constitution's First Amendment. Perform mock debate.

Evaluation

Has the mediator group successfully proposed a credible solution to the problem facing the original groups? Have students represented their positions in a respectful manner?

High School Activity: Freedom of Religion

Goal

To understand the United States version of freedom of religion; examine basic beliefs and practices of the religions in the article. This activity especially illustrates the fourth and fifth concepts of the first principles.

Activity

- Search the newspaper for any example of conflict that involves religious freedom. Read the article.
- Using the concept of freedom of religion, in research format propose a solution to the conflict based on the First Amendment. Be sure to explain why these groups are in conflict in the first place and why their method of solving the conflict is flawed.

Evaluation

Has the student proposed a credible solution to the conflict based on the United States Constitution's First Amendment?

Freedom of Speech

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First Amendment to the United States Constitution

Elementary School Activity: Freedom of Speech

Freedom of speech can also refer to visual expressions of commentary in cartoons.

Goal

To understand the free speech guarantees of the U.S. Constitution's First Amendment.

Activity

- Ask the students to turn to the comics section of the newspaper.
- Ask for a vote on the five most popular comic strips.
- Divide the class into five debate teams.
- Each team must work together to present reasons that their comic strip is the best. Each team member should be encouraged to speak about a different aspect of the strip.
- Each team may create a cartoon (single frame) addressing a problem or common complaint in their school or community.

Evaluation

Has the student addressed a problem with an informed, researched and targeted critical analysis?

Middle School Activity: Freedom of Speech

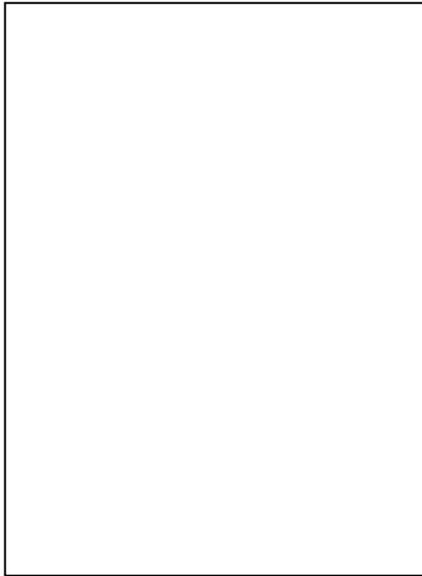
Goal

The students will be able to show how people use tone to express their opinions in accordance with the freedom of speech.

Activity

- After short lesson of tone in writing students turn to “Letters to the Editor” page of today’s newspaper.
- They read the opinions expressed by the public forum.
- They will work cooperatively to determine the tone of the opinion and the purpose for writing.
- They will speculate to see which groups of people may be in disagreement with the author’s opinion.

Paste article



What is the author’s opinion?

What is the author’s purpose?

What is the author’s tone?

Which groups of people agree with the author?

Which groups may disagree?

Do you agree with the author?
Why or Why not?

How does this exemplify the author’s freedom of speech? _____

Evaluation

Has the student respected the author’s freedom of speech despite his own opinion?

High School Activity: Freedom of Speech

Goal

The students will comprehend and actively apply their own right to freedom of speech.

Activity

- Select a letter from the editorial page of today's newspaper that presents a viewpoint with which you disagree.
- Underline the author's purpose and opinion. Then, list two or more points the author uses to support his/her opinion.
- Finally, write a rebuttal letter, which you will mail, to the editor for publication. (Check with your local newspaper to see if they accept Letters to the Editor from students before sending the letter in.)

Evaluation

Did the student understand the writer's purpose and points of argument? Did the student appreciate his right to offer a new opinion of the same subject without fear of reprisal?

Freedom of The Press

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First Amendment to the United States Constitution

Elementary School Activity: Freedom of the Press

Goal

To understand the United States Constitution's version of free press guarantees.

Activity—K-4

- Ask students what their favorite part of today's newspaper is and why.
- Ask them to create a poster about what they would miss the most if there were no newspapers and how they would feel. An example: "A day without the Daily Sun is a day without sunshine for me."

Activity—Grades 5-6

- Ask students to look through today's newspaper for the names of the following:
 - publisher
 - editor
 - managing editor
 - editorial page editor
 - an opinion columnist
 - a reporter
- Ask the students to write a letter to one of these people, asking the following question: Why is freedom of the press important to your particular job?
- Have the students exchange letters. The student should pretend to be the person to whom the letter is addressed and compose an answer to the letter.
- Ask the students to list five ways in which their lives would be affected if there were no newspapers.

Evaluation

Has the student explained what is significant about the free press to him/her in a way that explains that he/she understands the guarantee as enumerated in the Constitution?

Middle School Activity: Freedom of the Press

Goal

To understand bias and stigma by the language used in newspapers.

Activity

- Ask your students to find an article related to politics in today's newspaper.
- Have students underline any words that may show author's bias and discuss implications of those words.
- Discuss the fact that some bias is going to appear in all writing. It is not a bad thing unless it seeks to unduly influence the opinion of the reader.
- Have students replace words of bias and stigma with more objective word choices using a thesaurus or dictionary.

Evaluation

Has the student understood that the author has the right to use such choices? Has the student learned to read critically to avoid the press' bias, but yet still respect it?

High School Activity: Freedom of the Press

Goal

To demonstrate understanding of freedom of the press as enshrined within the United States Constitution's First Amendment.

Activity

- Ask your students to find a story in today's newspaper about a controversial event that occurred within your community.
- Read the story.
- Identify groups of people or individuals within your community who might not want the story reported?
- As a class, discuss the free press guarantees of the First Amendment. Do you think they go too far, not far enough, or just far enough with regards to the printed word? Explain your position.
- What if the story was reported on the radio, television or the Internet—should the same freedoms be extended to the electronic and/or broadcast media? Again, explain your position.
- Write a short essay titled, "Importance of a Free Press in Today's Society."

Evaluation

Is the student able to adequately explain the free press guarantee of the First Amendment? Is the student able to explain why he/she thinks that the freedoms should be enlarged, restricted or kept as they are?

Freedom of Assembly

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First Amendment to the United States Constitution

Elementary Activity: Freedom of Assembly

Goal

To understand the U.S. Constitution's guarantee of right to assemble; to examine beliefs and practices of citizen's right to assemble.

Activity—K-4

- Look through today's newspaper for photos or cartoons of groups of people. Cut out several photos.
- Create a chart with three categories on a large poster board. Title the categories: We're Having Fun!; We're Working Hard!; We're Learning Something New!
- Paste the photos & cartoons to the poster board according to the categories above. Discuss why each of these activities is important & why we should be allowed to do them.

Activity—Grades 5-6

- Look through today's newspaper for a community schedule of events.
- Create a chart categorizing the various events according to type.
- Look through your school newspaper and bulletin board announcements and add any events listed there to your chart.
- Discuss with your classmates the various purposes of each type of meeting. Ask yourselves the following questions:
 1. Why are each of these gatherings important?
 2. If one of the categories were banned, how would your life be affected?
 3. How would you feel if gathering to discuss this topic were banned?

Evaluation

Have students shown that they can distinguish between different types of gatherings?

Middle School Activity: Right to Assembly

Goal

To assure that students understand that the right to assembly is practiced daily throughout the nation.

Activity

- Have students search the newspaper to find articles that represent the right to assembly; example, strikes, concerts, ceremonies, rallies.
- Have students read the article(s) and speculate which groups may oppose the featured groups rights.
- Discuss whether the groups in the articles have exhibited or been denied the right to assembly.
- Have students share their own experiences about how they have either exhibited or have been denied the right to assemble.
- Ask the students to create a poster inviting people to a public meeting.

Evaluation

Have students understood their own and other's right to assemble?

High School Activity: Right to Assembly

Goal

To understand the United States Constitution's guarantee of the right to assemble; to examine beliefs and practices of citizen's right to assemble. Students will demonstrate an understanding of peaceable assembly vs. riotous assembly.

Activity

- Search the newspaper for an example of a group who has assembled or is planning to assemble in a public place.
- You should determine if the assemblage falls within the rights guaranteed by the Constitution of the United States or if the assemblage exceeds the right to assemble.
- Students must write to the appropriate government official explaining why the assemblage does or does not fit the requirements of the United States Constitution.

Evaluation

Has the student articulated or demonstrated where the right to peaceably assemble begins and ends? Students should be able to cite and defend their position.

Freedom To Petition

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First Amendment to the United States Constitution

Elementary Activity: Freedom to Petition

Goal

To gain an understanding of the U.S. Constitution's guarantee of the right to petition the government for a redress of grievances.

Activity—K-4

- Look through today's newspaper for photos of hungry children who may need your help.
- Cut out the photos, frame them with colored art paper.
- Gather them in an envelope. Write your names on the outside.
- Ask your teacher to send it to your local congressman with a letter asking him/her to help stop hunger.

Activity—Grades 5-6

- Look through today's newspaper for articles concerning an ongoing problem in your community; example—pollution, public safety, issues, etc.
- Gather information from the newspaper for several weeks.
- Research the topic and create a vocabulary list of new words or terminology pertaining to the topic.
- Discuss what you think as a class might be a good solution to the problem.
- Write a letter (petition) to your local mayor or council asking them to consider your class suggestions.

Evaluation

Has the student shown that he/she understands the right to complain to the government about its policies/actions?

Middle School Activity: Right to Petition

Goal

Students will put into practice the right to petition.

Activity

- Students will find an article in today's newspaper about a governmental agency's action/decision.
- From the viewpoint of someone who disagrees with the government's decision, write a letter offering an alternative proposal and demonstrating support for your concept with a collection of signatures from like-minded people.
- Students will submit the petition to an actual government official or body.

Evaluation

Have students exercised their right to petition?

Follow-Up and Resources

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First Amendment to the United States Constitution

Follow-Up

The activities presented in this teaching unit were designed to get you started on teaching about the First Amendment in your classroom. This is only the beginning.

Ask your students to examine the rest of the Bill of Rights and to list all the rights guaranteed by it. Only five rights were selected to be listed in the First Amendment. Conduct a class discussion on each of these points:

- Why do you think the authors of this document selected these five?
- Are there other rights in the first 10 that you would have preferred to have listed in the First Amendment?
- Are there rights that were not addressed that you think should be included?

Resources

The remaining pages list a few of the many resources available to help you understand and teach about the First Amendment.

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.

—The First Amendment to the U.S. Constitution

Religion

The First Amendment prohibits government from establishing a religion and protects each person's right to practice (or not practice) any faith without government interference.

The Freedom Forum's [First Amendment Center](#) operates several [Religious Freedom Programs](#) advancing the understanding of freedom of religion in public schools and other venues.

Free Speech

The First Amendment says that people have the right to speak freely without government interference.

The Freedom Forum's First Amendment Center presents several programs addressing aspects of free speech, including Freedom Sings and First Amendment on Campus.

Free Press

The First Amendment gives the press the right to publish news, information and opinions without government interference. This also means people have the right to publish their own newspapers, newsletters, magazines, etc.

The Freedom Forum's First Amendment Center provides a program for newspaper editors and other staff through a partnership with the American Press Institute.

Assembly

The First Amendment says that people have the right to gather in public to march, protest, demonstrate, carry signs and otherwise express their views in a nonviolent way. It also means people can join and associate with groups and organizations without interference.

Petition

The First Amendment says that people have the right to appeal to government in favor of or against policies that affect them or that they feel strongly about. This freedom includes the right to gather signatures in support of a cause and to lobby legislative bodies for or against legislation.

First Amendment Web Links

Institute for First Amendment Studies

www.ifas.org/

The Freedom Forum

www.freedomforum.org

The First Amendment Cyber Tribune

w3.trib.com/FACT/

ACLU's Freedom of Speech site

www.aclu.org/issues/freespeech/hmfs.html

ACLU's step-by-step guide to using the Freedom of Information Act

www.aclu.org/library/foia.html

American Association of University Professors

www.aaup.org/statelec.htm

American Booksellers Foundation for Free Expression

www.abffe.org/

American Communication Association

www.americancomm.org/

Banned Books Month at the MIT Press Bookstore

www-mitpress.mit.edu/bookstore/banned.html

Banned Books - On-line

digital.library.upenn.edu/books/banned-books.html

Banned Books Week sponsored by the American Library Association

www.ala.org/bbooks/

Bob Chatelle's Home Page

www.ultranet.com/~kyp/

The Bonfire of Liberties

www.d-a-c.com/exhibit.html

Richard Geib's site dedicated to Salman Rushdie

www.rjgeib.com/thoughts/burning/burning.html

Boston Coalition for Freedom of Expression

www.ultranet.com/~kyp/bcfe.html

Censorship and Intellectual Freedom Page

ezinfo.ucs.indiana.edu/~quinnjf/censor.html

The Censorship Pages deals with book banning and Internet censorship

www.boosatoz.com/censorship/index.htm

Censorship Sucks keeps readers informed about censorship issues

www.jory.org//censorship.html

A Chronicle of Freedom of Expression in Canada

insight.mcmaster.ca/org/efc/pages/chronicle/chronicle.html

Computer and Academic Freedom Archive

www.eff.org/CAF/

The Constitutional Principle: Separation of Church and State

members.tripod.com/~candst/index.html

Cyber-Rights & Cyber-Liberties (UK)

www.cyber-rights.org/

Cyber-Rights Home Page a working group of Computer Professionals for Social Responsibility

www.cpsr.org/cpsr/nii/cyber-rights/cyber-rights.html

CyberSpace Law Center

cyber.lp.findlaw.com/

Democracy Works Project at AlterNet & the Institute for Alternative Journalism

www.alternet.org/an/

Electronic Frontier Canada

insight.mcmaster.ca/org/efc/efc.html

Electronic Frontier Foundation Censorship & Free Expression Archive

www.eff.org/pub/Censorship/

Electronic Frontiers New Hampshire

www.efnh.org/

EPIC: Free Speech on the Internet

epic.org/free_speech/

Freedom Channel Political speech from all perspectives

www.FreedomChannel.com/

The Flag-Burning Page!

www.esquilax.com/flag/

Free Expression Network Clearinghouse

www.freeexpression.org/

Free Speech TV

www.freespeech.org/

First Amendment news from The Freedom Forum First Amendment Center.
www.freedomforum.org

Freedom of Expression
URL <http://www.boogieonline.com/revolution/express/>

Freedom of Expression at the National Endowment for the Arts
www.csulb.edu/~jvancamp/intro.html

Freedom of Information Web Site
spj.org/foia/index.htm

Freedom of Information Services
www.rcfp.org/foi.html

Freedom of the Press,
www.lib.siu.edu/cni/homepage.html

Thomas L. Tedford's excellent First Amendment Web site
www.bc.edu/free_speech/

Indecency on the Internet: Lessons from the Art World
www.csulb.edu/~jvancamp/article1.html

Justice on Campus Project: Protecting free expression at universities
joc.mit.edu/~joc/

Massachusetts Music Industry Coalition against music censorship
www.massmic.com/

MIT Student Association for Freedom of Expression (SAFE) Home Page
www.mit.edu:8001/activities/safe/home.html

The MoJo Wire: Mother Jones magazine's presence on Internet
www.motherjones.com/

Most Banned Books in the 1990s as selected by Herbert N. Foerstel
www.cs.cmu.edu/People/spok/most-banned.html

Net Watch
www.ionet.net/~mdyer/netwatch.shtml

Ontario Consultants on Religious Tolerance
www.religioustolerance.org

Liberty Point Institute
www.crisis.net

Razberry.com: Donna Laframboise's feminist anti-censorship Web
www.razberry.com/raz/

See/Hear/Speak No Evil
www.xnet.com/~paigeone/noevil/noevil.html

Sex, Censorship, and the Internet
www.eff.org:80/CAF/cafiuc.html

Spiritual Freedom Pledge
www.religioustolerance.org/spir_fre.htm

Standler's Web page concerning the heckler's veto
www.rbs2.com/heckler.htm

State access laws and Freedom of Information Contacts
spj.org/foia/foiresources/states/index.htm

Stephen Dunlap's Intellectual Freedom Web page
internet.ggu.edu/university_library/if/

Thomas Jefferson Center for the Protection of Free Expression
www.tjcenter.org/

U.S. Supreme Court and First Amendment Bibliography

The following is a selective bibliography of books relating to the United States Supreme Court and the First Amendment.

General

Cohen, Jeremy. *Congress Shall Make No Law: Oliver Wendell Holmes, The First Amendment, and Judicial Decision Making*. Ames: Iowa State University Press, 1989.

Hemmer, Joseph J., Jr. *The Supreme Court and the First Amendment*. Westport: Greenwood Publishing Group, 1986.

O'Brien, David M. *The Public's Right to Know: The Supreme Court and the First Amendment*. Westport: Greenwood Publishing Group, 1981.

Witt, Elder. *The Supreme Court and Individual Rights*, 2nd ed. Washington, D.C.: Congressional Quarterly, 1988.

Press

Campbell, Douglas S. *Free Press v. Fair Trial: Supreme Court Decisions Since 1807*. Westport, Conn.: Praeger, 1994.

Davis, Richard. *Decisions and Images: The Supreme Court and the Press*. Englewood Cliffs, N.J.: Prentice-Hall, 1994.

Devol, Kenneth S., ed. *Mass Media and the Supreme Court*. Mamaroneck: Hastings House Publishers, 1982.

Grey, David L. *The Supreme Court and the News Media*. Evanston, Ill.: Northwestern University Press, 1968.

Hachten, William A. *Supreme Court on Freedom of the Press: Decisions and Dissents*. Ames: Iowa State University Press, 1968.

Harrison, Maureen, and Steve Gilbert. *Freedom of the Press Decisions and the United States Supreme Court*. San Diego: Excellent Books, 1996.

Religion

Alley, Robert S. *The Supreme Court on Church and State*. New York: Oxford University Press, 1988.

Davis, Derek. *Original Intent: Chief Justice Rehnquist and the Course of American Church-State Relations*. Buffalo: Prometheus Books, 1991.

Eastland, Terry. *Religious Liberty in the Supreme Court: The Cases That Define The Debate Over Church and State*. Washington, D.C.: Ethics and Public Policy Center, 1993.

Foltin, Richard T. *Religious Liberty in the 1990s: The Religion Clauses Under the Rehnquist Court: A Consultation*. New York: the American Jewish Committee, 1994.

Harrison, Maureen, and Steve Gilbert. *Freedom of Religion Decisions of the United States Supreme Court*. San Diego: Excellent Books, 1996.

Ivers, Gregg. *Lowering the Wall: Religion and the Supreme Court in the 1980s*. New York: Anti-Defamation League, 1991.

Ivers, Gregg. *Redefining the First Freedom: The Supreme Court and the Consolidation of State Power*. New Brunswick, U.S.A.: Transaction Publishers, 1993.

Kurland, Philip B. *Church & State: The Supreme Court and the First Amendment*. Chicago: University of Chicago Press, 1975.

Lee, Francis G. *Wall of Controversy: Church-State Conflict in America: The Justices and Their Opinions*. Malabar, Fla.: R.E. Krieger Pub. Co., 1986.

Levy, Leonard W. *Original Intent and the Framers' Constitution*. New York: Macmillan, 1988.

Miller, Robert T. *Toward Benevolent Neutrality: Church, State and the Supreme Court*, 4th ed. Waco, Tex.: Markham Press Fund, 1992.

Morgan, Richard E. *The Supreme Court and Religion*. New York: The Free Press, 1972.

Rice, Charles E. *The Supreme Court and Public Prayer: The Need for Restraint*. New York: Fordham University Press, 1964.

Sullivan, Winnifred F. *Paying the Words Extra: Religious Discourse in the Supreme Court of the United States*. Cambridge, Mass: Harvard University Press, 1994.

Warshaw, Thayer S. *Religion, Education and the Supreme Court*. Nashville: Abingdon, 1979.

Speech

Harrison, Maureen, and Steve Gilbert. *Freedom of Speech Decisions of the United States Supreme Court*. San Diego: Excellent Books, 1996.

Hixson, Richard F. *Pornography & the Justices: The Supreme Court and the Intractable Obscenity Problem*. Carbondale: Southern Illinois University Press, 1996.

Hopkins, W. Wat. *Mr. Justice Brennan and Freedom of Expression*. Westport: Greenwood Publishing Group, Inc., 1991.

Kurland, Philip B. *Free Speech & Association: The Supreme Court and the First Amendment*. Chicago: University of Chicago Press, 1976.

Polenberg, Richard. *Fighting Faiths: The Abrams Case, the Supreme Court and Free Speech*. New York: Viking Penguin, 1989.

Nationwide Initiative to Promote the First Amendment in Schools Survey reveals teachers and administrators wary of giving students too much freedom

ALEXANDRIA, VA – March 15, 2001 - The Association for Supervision and Curriculum Development (ASCD) and the First Amendment Center announced today the launch of “First Amendment Schools,” a nationwide initiative designed to transform how public schools model and teach students the rights and responsibilities of the First Amendment and citizenship in a democracy.

The announcement coincides with the release of a new survey that reveals educators are willing to support the First Amendment in principle, but are wary of applying it in schools.

“Educators need to be convinced that students can exercise their First Amendment rights with responsibility,” said Dr. Gene Carter, executive director of ASCD. “They want students to learn about freedom but are concerned about how students practice freedom – especially in the school setting. This may be due to unfamiliarity among educators about how the First Amendment works and uncertainty about how to teach freedom with responsibility in today’s permissive society.”

Ken Paulson, executive director of the First Amendment Center, described the new initiative as a “multi-year, national program” with four key objectives:

1. Create consensus guidelines for applying the five freedoms of the First Amendment in public schools.
2. Develop schools in every region of the nation where First Amendment principles are understood and applied throughout the school culture.
3. Encourage curriculum reforms that reinvigorate and deepen teaching about the First Amendment in civic education.
4. Educate school leaders, teachers, school board attorneys and other stakeholders in public schools in the meaning and significance of First Amendment principles and ideals.

“The guiding principles of the First Amendment stand at the heart of our democracy and at the foundation of citizenship in a diverse society. If we are to sustain this extraordinary experiment in liberty, we must resist our fear of freedom – especially among the young – and work to ensure that our schools become laboratories for democracy,” said Paulson.

Concern and uncertainty about how to address First Amendment issues is confirmed by the survey of 900 teachers and 902 administrators conducted by the First Amendment Center and ASCD Jan. 16-31, 2001. Among the findings:

- Although teachers and administrators are better able than the public to recall the five freedoms of the First Amendment, one in five is unable to recall any of the freedoms.
- Most educators (71%) would not allow students to report on controversial issues in school newspapers without approval of school officials.

- A majority of teachers and administrators don't think that students should be allowed to distribute religious or political materials at school.
- Educators (92%) would not allow students to wear T-shirts with a message that some might find offensive.
- Most educators (90%) favored the installation of blocking software on school computers to prevent student access to potentially inappropriate or offensive web sites.
- Most teachers (69%) and many administrators (39%) are "not at all familiar" with the U.S. Department of Education guidelines on student religious expression distributed to every public school in Jan. 2000.

Despite their concerns about specific types of student expression, educators overwhelmingly support student involvement in making decisions about school rules, a practice that would provide an important opportunity for the application of First Amendment principles in schools.

"Given the important interest educators have in discipline and safety, it isn't surprising many teachers and administrators are reluctant to risk a robust application of First Amendment freedoms by students during the school day," said Charles Haynes, senior scholar at the First Amendment Center.

"The findings to this survey pose two key challenges to schools and communities. First, there is an urgent need to reform education about the First Amendment for school officials as well as for students. And second, models must be created to demonstrate that democratic schools framed by First Amendment principles are not risky ventures; they are places of civic responsibility and enhanced learning," Haynes said.

For further information about the First Amendment Schools project, call Mike Wildasin at ASCD (703-575-5475) or Sam Chaltain at the First Amendment Center (703-284-2808).

Founded in 1943, ASCD, an international, non-profit association, is one of the largest professional development organizations for educator leaders. It provides world-class education information services, offers cutting-edge professional development for effective teaching and learning, and supports activities to provide educational equity for all students. ASCD's 165,000 members reside in more than 140 countries and include principals, teachers, superintendents, professors of education, and other educators.

The First Amendment Center works to preserve and protect First Amendment freedoms through information and education. The center serves as a forum for the study and exploration of free expression issues, including freedom of speech, of the press and of religion, the right to assemble and to petition the government. The center, with offices at Vanderbilt University in Nashville, Tenn., and in New York City and Arlington, Va., is an independent affiliate of The Freedom Forum and the Newseum, The Freedom Forum's interactive museum of news. The Freedom Forum is a nonpartisan, international foundation dedicated to free press, free speech and free spirit for all people.

Senate Faith Initiative Backer To Drop Disputed Provisions

By Dana Milbank

Washington Post Staff Writer

Thursday, August 2, 2001; Page A02

The Senate sponsor of President Bush's effort to expand government funding of religious charities said yesterday that he would drop the legislation's most controversial provisions, boosting the proposal's prospects of becoming law.

Rick Santorum (R-Pa.), the legislation's main proponent in the Senate, said he would drop provisions passed by the House to make it easier for religious charities to avoid state and local anti-discrimination laws. A version of the legislation passed the House narrowly last month after Democrats and moderate Republicans objected to the provisions.

"Let's remove the issue and move on," Santorum said at a meeting with reporters yesterday. "I don't want to give anybody any excuse to bring up these concerns." Santorum said he was willing to restore language used in a similar 1996 law, which made clear that the federal statute was not meant to preempt state and local law.

Aides to Sen. Joseph I. Lieberman (Conn.), a key Democrat on the subject, said Santorum's pledge echoed private remarks made by Santorum and Bush at a meeting of the three men at the White House last week. At that meeting, Bush also indicated he would be willing to increase funding for the legislation, known as the "faith-based initiative." Bush had originally offered a proposal that would cost \$84 billion over 10 years, allowing charitable deductions for those who don't itemize their taxes, but the House reduced that to \$6.3 billion.

"It solves part of the problem," Dan Gerstein, Lieberman's spokesman, said of Santorum's action yesterday. Lieberman, who will write a version of the legislation with Democrats and aim to negotiate later with Republicans, may seek to strip any mention of discrimination law from the bill so it neither expands nor diminishes existing protections.

The issue gained prominence with the discovery of a Salvation Army internal report stating that the charity had received a "firm commitment" from the White House to protect religious charities from state and local laws regarding sexual orientation discrimination and domestic partner benefits.

The White House acknowledged it was considering such a request but then dropped consideration of a regulation to meet the goal. Democrats and some Republicans maintained that changes to the House version of the legislation would accomplish the same thing, and Senate Democrats vowed to remove the provisions.

Bush advisers declined to say whether the president would accept Santorum's gesture, which may disappoint some religious organizations. "President Bush is pleased that Senator Santorum and Senator Lieberman share his commitment to helping Americans in need," spokeswoman Anne Womack said. "We look forward to further discussions."

Creationism Fight Looms

The Board of Education has to decide whether to teach the biblical version in science classes

By Treena Shapiro

Board of Education members are expecting a hot debate at their meeting tomorrow over what should be taught in the schools about the origin of the human race.

The issue at hand is whether to admit alternatives to Darwin's theory of evolution into the science curriculum in the public schools.

The Regular Education committee on Thursday approved opening up the science curriculum to other theories, prompting heated discussion over whether public school science teachers will have to teach the biblical theory of creationism as part of the state science performance standards.

Kauai board member Sherwood Hara said he has been informed by board secretaries that many people have signed up to testify at the meeting. One secretary suggested, "Why don't you bring your sleeping bags?" he said.

Most members contacted yesterday supported teaching various religious versions of origin, but not as part of the science curriculum.

Member Denise Matsumoto said yesterday that she also opposes mixing religion and science, but she wants to introduce other theories so that students will know that evolution was just one of multiple theories, not a fact.

"The way (evolution) was presented (in the standards), it was just so matter-of-fact," she said.

Faith-based beliefs have a better place in social studies, drama and the arts, Matsumoto said. In the science classes, she suggested teaching theories about the development of fossils, as well as the old earth theory and the new earth theory, both of which are creationist models of evolution.

Board member Karen Knudsen, a member of the committee who approved the change to the performance standards, said the "healthy discussion" that followed has led her to reconsider her position.

"I think that there is clearly room for discussion of origin, but in another subject area," she said.

To open the door to multiple theories would not mean just adding creationism, but various other religious theories of origin as well, thereby taking class time away from "hard science."

Board members Michael Nakamura and Lex Brodie both said they were opposed to introducing religion into the state school system.

Marilyn Harris, who was not present at the committee meeting, said she believes the original wording of the performance standards should be maintained. "To me this is not a religious question. To me this is a question of scientific proof. Science is something you can prove or disprove, but (creationism) is not something you can prove or disprove, so this is not science.

"If somebody wants to put it into another curriculum, that's another story altogether," she said. "It could be philosophy, it could be comparative religions, it could be history. There's all kinds of areas you could put them into, but science isn't one of them."

Schools Superintendent Paul LeMahieu said students should be taught to recognize and respect multiple beliefs and explanations regarding the formation of the universe and life on Earth. "I would expect them to be taken up in their appropriate place," he said.

He said it is unfortunate that so many people think the goal for some of these theories is scientific validation. "What's most valuable about faith-based explanations is that they explain things in a way that science cannot possibly. The real strength is that it's not science."

Evolution is taught in science classes because it is the singular, presupposing scientific theory of our time, but it is not taught as fact, LeMahieu added.

Board Chairman Herbert Watanabe said he has received at least 30 e-mails opposing the introduction of creationism into the science curriculum. "It will be a very hot discussion. Whether or not it will go through will be another matter," he said.

The board will meet at 3:30 p.m. in the Queen Liliuokalani Building boardroom. It will vote on recommendations for board actions, including performance standards, at 7 p.m.

Displays Entangle Ten Commandments, First Amendment

By John Gehring

Bill Musselman can't see why anyone would object to posting the Ten Commandments in schools.

"I see it as a historical document," said Mr. Musselman, the superintendent of the 5,500-student Harlan County, Ky., schools. "If you took the words 'Ten Commandments' off the top and called it 'the 10 good things to live by,' maybe no one would complain about it."

Jeff Vessels, on the other hand, says the practice clearly violates the establishment clause of the First Amendment. He's the executive of the American Civil Liberties Union's Kentucky chapter, and his organization is suing the Harlan County district along with two counties that post the commandments in their courthouses.

"They are hanging one set of religious beliefs," Mr. Vessels said. "According to the courts, this is government promoting a particular religion."

The Harlan County school system is one of a number of districts that have been struggling over the issue in recent months.

In Harrisburg, Ill., a divided school board voted 4-3 last month to continue displaying the Ten Commandments in schools despite legal threats by the ACLU.

And the school board of the Val Verde Unified School District in Riverside County, Calif., recently reversed an earlier decision to post the commandments in district offices, conceding it could not afford to fight a lawsuit.

"We are in the business of educating children," said Robert Givens, the Val Verde school board president. "We didn't want to take any expenses out of our general fund for a lawsuit."

Meanwhile, state lawmakers in Florida, Kentucky, Oklahoma, and Mississippi have considered legislation this year that would allow the posting of the commandments in schools and public buildings.

'Undeniably' Sacred Text

Kentucky has been battling over the Ten Commandments since at least 1978, when the state legislature enacted a law requiring that they be posted in school classrooms. The displays would have had to note that their intention was only to illustrate the history of American law. Even with that caveat, the U.S. Supreme Court struck down the law in 1980 by a 5-4 vote in *Stone v. Graham*.

"The pre-eminent purpose for posting the Ten Commandments on schoolroom walls is plainly religious in nature," the court said in its majority opinion. "The Ten Commandments are undeniably a sacred text in the Jewish and Christian faiths, and no legislative recitation of a supposed secular purpose can blind us to that fact."

The shooting spree at Columbine High School in Jefferson County, Colo., last spring, which resulted in the deaths of 14 students and one teacher, revived interest in posting the Ten Commandments in many schools. Proponents saw it as a way to raise student awareness of basic moral values they believe are eroding.

In June, the U.S. House of Representatives passed an amendment to a juvenile-justice bill that would have allowed the posting of the Ten Commandments in public places. But the bill was held up in conference committee, and its future is in doubt.

State Rep. Bo Ausmus, a freshman Republican from Middlesboro, Ky., has proposed a bill in the Kentucky legislature that would allow voters in each school district to decide whether the commandments should be displayed in classrooms. Local school councils would be required to consider, but not approve, requests to display creeds or beliefs from other religions. The bill is expected to be considered by the legislature when it convenes in January.

Historical Context

In Harrisburg, Ill., the school board voted in October to post the Ten Commandments in principals' offices, along with the Bill of Rights and the Magna Carta. The board reaffirmed that decision in a vote Nov. 16.

Board President Roger Angelly said his decision to support the action was one of the hardest he had ever made.

"I have never dealt with an issue where I can see the points on both sides so clearly," he said. "We all realize that posting the Ten Commandments won't change everything, but it is a step in the right direction."

Bob Ozment, a board member who voted against posting the commandments, says he sees more agreement than division when it comes to the motivations behind having the Ten Commandments posted.

"We are all concerned about morality," Mr. Ozment said. "It is just the different ways you choose to approach it. I think we will find a middle ground somewhere. We want a better situation for our kids, a better atmosphere."

School board members in Harrisburg, a southeastern Illinois community of about 9,000, are now in the process of conferring with lawyers in hopes of finding a way to keep the commandments posted without violating the U.S. Constitution. The ACLU has threatened to file a lawsuit.

"I hope this doesn't have to go to court to be resolved," Mr. Angelly said. "We do not have the money in our system to fight this alone."

The Rutherford Institute, a conservative legal organization based in Charlottesville, Va., has supported the 2,300-student school system and could provide legal counsel if there is litigation.

"We don't support the posting of the Ten Commandments alone. That is clearly unconstitutional," said Steven H. Aden, the senior chief litigation counsel for the institute. "However, we feel if you place the Ten Commandments in the context of other historical documents you have a secular purpose. It is religion-neutral."