



Name _____

Date: _____

Course: US History/Ms. Brown**Homeroom:**

7th Grade US History
Standard # – Do Now – Day #81

Aims: SWBAT explain the importance of the First Amendment in a Democracy
 SWBAT identify the rights protected by the Bill of Rights through cartoons.

DO NOW

Directions: Answer the following questions in complete and historically accurate sentences. Use your notes and knowledge of history. You **MUST** annotate your answers, which means cross off the question stem, capitalize the first letter, and cross off the question mark. There should be **NO** blank answers.

1. In what ways was the Constitution and improvement over the Articles of Confederation?

2. What is the purpose of the Bill of Rights? (6.12)

3. What is a Federalist? What is an Anti-Federalist? What do each of them believe about government? (6.12)



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I. Bill of Rights Preview

Directions: Carefully read the Parents’ Constitution. Then answer the questions below. Be prepared to share your answers.

Parents’ Constitution

We, the Parents of the United States, in order to form more perfect Families, raise obedient Children, ensure domestic Tranquility, provide for our children’s Defense, promote the general Welfare, and secure the Blessings of Liberty to Ourselves and our Children, do ordain and establish this Parents’ Constitution for the United States of America.

- I. Parents shall have the power to command complete respect from their children.
- II. Parents shall have the power to assign chores to their children.
- III. Parents shall have the power to promote family togetherness even if this power interferes with their children’s social lives.
- IV. Parents shall have the power to ask their children questions and to expect honest answers.
- V. Parents shall have the power to make all decisions about family spending, including the power to restrict children’s spending on unproductive or harmful items.
- VI. Parents shall have the power to decide how much time their children’s friends can spend with their children.

1. Do you believe that parents should have all of the powers described in the Parents’ Constitution? Why or why not?

2. List four rights that you would add to the Parents’ Constitution to make it more fair to children and protect them from the rights of their parents

3. What parallels (similarities) can you draw between how you feel about the Parents’ Constitution and concerns some people might have felt about the US Constitution when it was first ratified (approved) in 1789?



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I. Overview

The founders of the United States enacted the First Amendment to distinguish their new government from that of England, which had long censored, or limited, the press and prosecuted persons who dared to criticize the British Crown. As Supreme Court Justice Potter Stewart explained in a 1974 speech, the “primary purpose” of the First Amendment was “to create a fourth institution outside the government as an additional check on the three official branches” (the executive branch, the legislature, and the judiciary).

Thomas Jefferson felt that this was so important he wrote: “The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter [second one].”

1. What is the *primary* purpose of the First Amendment?

2. Which part of the First Amendment does Thomas Jefferson feel is so important?



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II. Cartoons: First Amendment

Right	Meaning	Cartoon/Illustration
Freedom of Religion	A person can	
Freedom of Speech	A person can	
Freedom of Press	A person can	
Right to Assemble Peacefully	People can	
Right to petition the government	A person can	



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III. Guided Practice – Scenarios

Directions: Go through each scenario with a partner. For each scenario you must complete two separate tasks:

1. Identify the part of the First Amendment that is in question. Go through each scenario and complete this for EACH scenario
2. Decide which side has a stronger case, using your knowledge of the First Amendment and your own common sense. Take notes on your conversation (especially if you and your partner disagree!) Be sure to give a justification, or reason!

Guidelines:

1. Both partners should participate in the discussion. One should serve as a primary note-taker and the other should serve as primary timekeeper.
2. Listen to each other! Use phrases like, “I agree because...”, or “I disagree because...” to make sure that your discussion is rich and detailed.

DISCLAIMER: These examples are highly exaggerated for the purpose of getting a point across. There are obviously many examples of situations that are much more controversial and not as obvious, but the purpose of these situations is to help you identify the major right guaranteed in the First Amendment of the Bill of Rights.

Scenario 1: Students at Farmington Jr. High despise their new science teacher. They stage a demonstration outside the school to protest the amount of homework she gives and each student makes a personal speech expressing his/her feelings of disdain toward this teacher. Can they do this? Explain.

Scenario 2: Students across the state of Utah are enraged when Governor Leavitt signed a law extending the school day to 10 hours a day, 6 days a week, 12 months a year. To show their anger they burn a picture of Leavitt and the Utah Capitol, along with a textbook. Is this legal? Explain.



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Scenario 3: The state of Utah, being predominantly Latter Day Saints (a religion) decided to pass a law that requires all students across the state to attend a Mormon Church meeting once a week. If students neglect to attend this meeting they will be suspended from school and will not graduate from high school. Can the government pass laws like this? Explain.

Scenario 4: Students at Farmington Jr. High uncover a secret plot between the principal at their school and the mayor in which the mayor is bribing the principle to pass certain students whose parents are promising their vote. If little Johnny passes Jr. High. Students report their findings to the Davis County Clipper and a shocking article is printed detailing all the evidence of the secret plot, which resulted in the firing of the principal and the removal of the mayor from office. Was it illegal for the students and the news paper to write such an article?



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INDEPENDENT PRACTICE

Directions: Read the scenario below and answer the questions in complete sentences and with details. Use your knowledge from class and the article.

GERALDO RIVERA- Embedded Reporter

The reporter brushed the grains of Iraqi desert sand out of his moustache before telling his cameraperson to point the camera toward the ground. Kneeling, he drew a two-foot square map of the country in the sand with his finger. He explained where he was in relation to the major Iraqi cities. Continuing to use the map for more than three minutes, he then showed his live TV audience where the army unit he was with would be going next.

The Defense Department first allowed embedded reporters – journalists living with and reporting from military units – in the 2003 Iraq War. The presence of embedded reporters gave Americans the most close-up vision of a war zone they'd ever had. The practice also led to some clashes between the press and government that would not have been possible had it not been for information age technology.

When the Founding Fathers were debating the First Amendment, they might not have imagined the information age we now live in. Today, people

receive news from newspapers, twenty-four-hour news networks, Internet news services, and blogs. But in the end, the medium is not as important as the individual's right to write and publish.

The Supreme Court has noted some prior restraints (stopping news) in wartime could be necessary. In the landmark case, *Near vs. Minnesota (1931)*, the Court noted, "No one would question but that a government might prevent...the publication of the sailing dates of transports or the number and location of troops."

Some claim this is exactly the information Geraldo Rivera revealed when he drew his now infamous map in the sand. Another network reported on Rivera's April 2003 Fox News report: "In a live broadcast from the Iraqi desert...Rivera outlined a map of Iraq, and showed the relative location of Baghdad and his location with the Army's 101st Airborne unit. He then continued with his diagram to illustrate where the 101st would be going next."

- 1. What did the reporter, Rivera, do wrong?

- 2. In your opinion, was he simply using his Freedom of the Press or should there be restrictions on what is reported in the news?



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Read the outcome of the scenario and then answer the questions that follow

GERALDO RIVERA- Embedded Reporter (Outcome)

Embedded reporters had signed an agreement not to disclose their locations on the air. Therefore, the Pentagon demanded that Rivera be expelled from Iraq. A Pentagon spokesperson said he was being ejected because, "He gave real-time information about a unit's location, their mission and their pending activity, which would clearly aid the enemy."

In response to the controversy, Rivera issued an official statement, "...I did, indeed, break one of the rules related to embedment. I am sorry that happened and I assure you, it was inadvertent [accidental]. Nobody was hurt by what I said...no mission was compromised, but I should have been more careful..."

The Pentagon agreed to allow him to return, "as long as it is clear to him and to Fox News what was wrong the first time and that it not happen again."

The practice of allowing embedded reporters to travel with military units remains controversial. On the whole reporters did not disturb operations. Additionally, a 2004 Defense Department study concluded that reporting done by embedded reporters was "of reasonably high quality." The report's author called embedding reports "the best solution to date at balancing the needs of ... the press, the military, and the public."

As technology makes information access easier and faster, and press innovations such as embedded reporters continue to push the envelope, citizens will need to determine how best to balance the First Amendment's prohibition against government censorship with the government's need to keep certain information from being made public.

1. Do you think the actions taken against Rivera were fair Explain.

2. Do you believe Rivera's right to Freedom of Press was violated?

3. Would you change Rivera's consequence? If not, why not? If so, how would you change it?



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**The First Amendment
HOMEWORK**

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1. List the five basic freedoms protected by the First Amendment. Put a check next to each of those freedoms that you exercise in your daily life. Then select one of your checked freedoms and briefly explain why it is important to you. (NOTE: brief → introduction sentence + 1 example + 1 explanation of the example = 3 Sentences)

-
-
-
-
-

2. Create a simple drawing with labels that represent Thomas Jefferson’s view of the relationship between religion (church) and government (state)

3. Not all of the founders agreed with Jefferson’s view on the separation of church and state. Do you agree with Jefferson or his opponents? Explain.



BRAINIAC CHALLENGE (Spicy Question)

In the case of *Texas v. Johnson*, the Supreme Court held that freedom of speech means more than just words. Cite an example of symbolic speech. Do you agree that the First Amendment should protect this kind of symbolic speech? Why or why not?



The Bill of Rights – First Amendment Rights

James Madison combined five basic freedoms into the First Amendment. These are the freedoms of religion, speech, the press, and assembly. Many people consider these basic freedoms to be the most important part of the Bill of Rights.

These First Amendments rights would have been meaningless, however, without some way to protect them. When a person believes the government has violated these rights, he or she may challenge the government's action in court. This is same for all other rights protected in the Constitution.

The Right to Worship Freely The First Amendment has two **guarantees**¹ of religious freedom. The first says “Congress shall make no law respecting an establishment of religion.” This means that Congress cannot make any one faith the official religion of the United States. Nor can it make laws that favor one religion over another. As Thomas Jefferson wrote to a friend, the Amendment “builds a wall of separation between church and state.”

The second religious guarantee in the First Amendment says, “Congress shall make no law...prohibiting the exercise” of religion. This means that people can hold any religious beliefs, without fear of punishment. However, they cannot necessarily do anything they want in the name of religious freedom. For instance, the Supreme Court has held that parents are not free to deny their children medical treatment because of their religious beliefs.

The Right to Free Speech and Press The first Amendment protects freedom of speech and freedom of the press.

Freedom of the Press is important because of the vital roles that the press plays in a democratic society. Newspapers, magazines, books and television act as watchdogs on the government. They also allow for the free flow of ideas, which citizens needs to stay informed and to make up their own minds about important issues. Without a free press, self government would be impossible.

Freedom of the press also brings responsibilities, such as taking care not to spread false accusations or publish information that is helpful to an enemy in war-time. The Supreme Court has allowed limits on some kinds of speech, such as speech that endangers public safety. As one justice said, “The strongest protection of free speech would not protect a man who falsely shouted ‘fire!’ in a crowded theatre and causing a panic.”

The Supreme Court has held that speech means more than just words. Free expression includes symbolic speech, or actions people take to express themselves.

Protection of symbolic speech was an issue in *Texas v. Johnson* (1989). This case involved a man who had been convicted in Texas for burning an American flag as a form of protest. When he appealed his case to the Supreme Court, the justices overturned the conviction. No form of expression can be banned, just because “society finds the idea itself offensive or disagreeable”.



The beliefs of minority religious groups, like the Hare Krishna pictured here, are protected by the Bill of Rights

¹ Guarantee: to make something sure or certain



This Earth Day demonstration on the mall in Washington, DC illustrates the right of assembly protected under the First Amendment

The Right to Assemble and Petition The final two rights protected in the First Amendment are the right to peaceably assemble (meet together with others) and to petition (appeal to) the government. The right to assembly means that citizens can use public property for meetings and demonstrations. Parades, protest marches, and political rallies are all forms of peaceful assembly protected by the First Amendment.

While the First Amendment protects peaceful meetings, it does not give people

the right to close streets or buildings or protest violently. Police can arrest a speaker who encourages listeners to riot or to break the law.



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**The First Amendment
EXIT TICKET**

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Scenario:

A writer in the New York Times writes an article that severely criticizes President Bush and his policy in Iraq. The article even refers to certain military strategies uses. President Bush orders the arrest of this writer, claiming that the war in Iraq is highly sensitive and any criticism hurts our war effort, and thus the lives of our soldiers.

1. What amendment does this scenario deal with?

2. Which side do you think is justified. **EXPLAIN!**

