

University of Virginia Center for Politics



Exploring the Bill of Rights for the 21st Century

Purpose: Essential to the study of American democracy is a careful examination of the enumerated freedoms and liberties found in the Bill of Rights. Using music, art, and a simulation role play as conduits for understanding, this lesson requires students to analyze the language of the Bill of Rights and apply it's principals to everyday life. This may be used as a stand alone lesson in a Foundations of American Democracy unit, in conjunction with a second YLI Lesson, *Amending the Constitution*, or as a gateway lesson to a unit on civil liberties.

Objectives:

1. Students will interpret and analyze a song lyric related to the *Bill of Rights*.
2. Students will investigate the ten amendments in the *Bill of Rights* and discuss the importance of these *rights* to American citizens.
3. Students will analyze several pieces of American art and explain their relationship to the *rights* and *freedoms* expressed in the *Bill of Rights*.
4. Students will create a bill of rights in a simulation role play.

Key Words:

<i>bail</i>	<i>Bill of Rights</i>	<i>cruel & unusual punishment</i>
<i>double jeopardy</i>	<i>due process of law</i>	<i>eminent domain</i>
<i>freedoms</i>	<i>probable cause</i>	<i>rights</i>
<i>search & seizure</i>	<i>self-incrimination</i>	

Materials:

1. *For What It's Worth* song lyrics
2. Student handout/overhead: *For What It's Worth: The Story of Buffalo Springfield*
3. Student handout/teacher key: *The Bill of Rights*
4. Student handout: *Making Connections*
5. Teacher key: *Making Connections*
6. Student handout: *Simulation: Crafting a Bill of Rights*
7. Student handout: *Bill of Rights Scavenger Hunt*
8. Teacher key: *Bill of Rights Scavenger Hunt*
9. *The Internet vs. the First Amendment* article
10. *First Amendment Understanding Lacking* article

Procedure:

1. Warm-up Activity: **School of Rock** – Pass out the lyrics and play the song *For What It's Worth* recorded by Buffalo Springfield (1967). You may also want to read or



- project *For What's Worth: The Story of Buffalo Springfield* to help students put the song and the band in historical context.
- Ask students to respond to the following questions:
- a. What do you think this song is about i.e. what's going on? (Hint: you may incorporate background information into your answer).
 - b. Analyze each stanza of the song, and identify the rights or freedoms that are related to each verse.
 - c. What do you think is the overall message of the songwriter?
 - d. Discuss how *For What It's Worth* relates to the Bill of Rights.
2. Analyzing the Bill of Rights: Distribute the *Bill of Rights* handout to each student. Using the PowerPoint appendix, textbook, etc. have students to accomplish the following tasks:
- a. Write down the amendment and examine the picture associated with each one.
 - b. For each amendment, ask students to discuss why it is important to American citizens. [Note: for those with multiple rights (Examples: 1st, 5th and 6th), you may want to break the amendment down and discuss each part].
 - c. Ask students to think of specific examples of how the Bill of Rights has directly impacted their lives.
3. Making Connections: The Bill of Rights in Art - Distribute the student handout *Making Connections* to each student and ask him or her to complete the activity with a partner. Directions: Analyze each piece of artwork below and connect it to one of the amendments listed in the Bill of Rights. Explain fully in two to three sentences why and how you think the artwork relates to the chosen amendment and discuss the current implications of this amendment for society.
4. Simulation: Crafting a Bill of Rights – Pass out *Crafting a Bill of Rights* handout and discuss the rules with the class. Divide the class into groups of 3-4, and give students 15-20 minutes to name and describe their country and create a written Bill of Rights. You may want to give each group poster paper and markers to record their answers. Then ask each team to briefly present their Bill of Rights to the class and provide rationale for each of the rights. At the end of the activity as students drop out of their roles, discuss the following questions with the whole class:
- What was realistic about this simulation and what was not?
 - What problems did your group face when creating the Bill of Rights? How did your group reach a consensus?
 - Looking at all of the bills of rights produced by the class, what rights or freedoms seemed common to all or most of them? What does that say about our class and our culture?
 - What generalizations can you make about the process of creating a bill of rights in a new country?
5. Wrap-Up: As a culminating activity, ask the class as a whole to respond to the following questions:
- a. What right listed in the Bill of Rights do you think is the most important to you as an individual and to American society in general? Defend your answer.



- b. What right(s) do you think should be included in the Bill of Rights that is/are presently absent? Explain.
- c. The Bill of Rights was written in 1791. How relevant or significant do you think they are today?
- d. Identify several examples of what you can do in your everyday life as a person living in the United States that are protected by the Bill of Rights.

Appendix: **Bill of Rights PowerPoint** – a resource for teachers that includes many of the important content elements of the lesson

Extension Activities:

1. **Bill of Rights Scavenger Hunt** – Distribute copies of the *Bill of Rights Scavenger Hunt* for homework or reinforcement. A teacher's key is included.
2. **Survey Says: Analyzing Student Understanding of the First Amendment** – Pass out the article *First Amendment Understanding Lacking* and allow students a few minutes to read it. The place students in groups of 3-4, and ask them to analyze the article. They should report their findings to the class as a whole.
Teacher Notes:
 - a. If time permits, you may want students to take brief online First Amendment Knowledge test at <http://firstamendment.jideas.org/knowledge/knowledge.php>
 - b. Any excellent follow up article to Knight Foundation Survey, First Things First, can be found at <http://www.connectforkids.org/node/2798>.
3. **Article: *The Internet vs. the First Amendment***: Inform students that the New York Times article "The Internet vs. the First Amendment" is an op-ed piece and reflects the author's opinion. Monitor student understanding throughout the activity.

For What It's Worth

recorded (1967) by Buffalo Springfield

(music & lyrics by Stephen Stills, 1966)

There's something happening here
What it is ain't exactly clear
There's a man with a gun over there
Telling me I got to beware

I think it's time we stop, children, what's that sound
Everybody look what's going down

There's battle lines being drawn
Nobody's right if everybody's wrong
Young people speaking their minds
Getting so much resistance from behind

I think it's time we stop, hey, what's that sound
Everybody look what's going down

What a field-day for the heat
A thousand people in the street
Singing songs and carrying signs
Mostly say, hooray for our side

It's time we stop, hey, what's that sound
Everybody look what's going down

Paranoia strikes deep
Into your life it will creep
It starts when you're always afraid
You step out of line, the man come and take you away

We better stop, hey, what's that sound
Everybody look what's going down
Stop, hey, what's that sound
Everybody look what's going down
Stop, now, what's that sound
Everybody look what's going down
Stop, children, what's that sound
Everybody look what's going down

FOR WHAT IT'S WORTH: THE STORY OF BUFFALO SPRINGFIELD

by John Einarson with Richie Furay



Stephen Stills of the group Buffalo Springfield and later Crosby, Stills, Nash and Young, wrote the lyrics to *For What It's Worth* while observing the Sunset Strip Riots in Los Angeles during the summer of 1966. These riots were not so much focused on the Vietnam War, but resulted from police arrests that summer of members of the sixties counterculture. The song, released in 1967, later became a sort of theme song for the antiwar movement in the later sixties and early seventies.

Excerpt from the book *For What It's Worth: The Story of Buffalo Springfield*







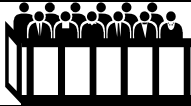



The lyrics from the Buffalo Springfield's 1967 hit *For What It's Worth* have come to symbolize the turbulent decade of the 1960s. Employed in virtually every documentary, television special, and feature film (including *Forrest Gump* and Oliver Stone's *Born On The Fourth Of July*) chronicling that era in America, *For What It's Worth* has transcended the pop charts to become an anthem, a touchstone for an entire generation. In 1967, the Buffalo Springfield captured the restless, confrontational mood of that generation railing against the establishment and went on to be revered as one of rock music's most influential groups. The Rolling Stone Encyclopedia of Rock 'N' Roll cites the band among a handful of seminal rock pioneers. A glance at rock's greatest movers and shakers of the 1970 and 80s reveals just how significant the Buffalo Springfield legacy has been: Crosby, Stills, Nash, & Young, Poco, Loggins and Messina, Souther, Hillman & Furay, Neil Young & Crazy Horse. All arose from the ashes of the Springfield (Einarson and Furay).

Sources:







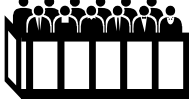



http://members.tripod.com/~Buffalo_Springfield/
<http://www.thebuffalospringfield.com/index2.html>
http://en.wikipedia.org/wiki/Buffalo_Springfield

The Bill of Rights

A bill of rights is a written document that defines the rights of citizens and establishes limitations on the government. Bills of rights were included in most of the state constitutions in the early republic as they are today. The original Constitution did not contain a Bill of rights-a fact the Anti-Federalists used as an argument against ratification of the proposed constitution. Fearing passage of a national constitution without a written bill of rights, several states sent suggestions for amendments to be added when they ratified the Constitution. James Madison took their ideas and developed twelve amendments, ten of which were passed by the states. These first ten amendments were called the Bill of Rights and added to the Constitution in 1791.

1st Amendment	
2nd Amendment	
3rd Amendment	
4th Amendment	
5th Amendment	
6th Amendment	
7th Amendment	
8th Amendment	
9th Amendment	
10th Amendment	

The Bill of Rights

1st Amendment Freedom of religion, speech, press, petition and assembly	
2nd Amendment Right to bear arms	
3rd Amendment Freedom from quartering troops in homes	
4th Amendment Freedom from unreasonable searches and seizures; search warrants issued upon probable cause	
5th Amendment Rights guaranteed to the accused: grand jury, no “double jeopardy,” self-incrimination, deprived of life, liberty or property without due process of law; eminent domain	
6th Amendment Right to: a speedy and public trial by impartial jury, be informed of charges; confront witnesses; attorney;	
7th Amendment Right to trial by jury in civil law suits	
8th Amendment No excessive bail; no cruel and unusual punishment	
9th Amendment Rights not listed in the Constitution retained by the people (ex: right to privacy)	
10th Amendment Powers reserved to the states and the people	

Making Connections: The Bill of Rights in Art

Directions: Analyze each piece of artwork below and connect it to one of the amendments listed in the Bill of Rights. For each of the pieces of art, complete the following tasks: 1) Identify the appropriate amendment(s) and provide the specific right(s) or freedom(s) that apply [ex: 1st Amendment, freedom of speech], 2) provide an explanation regarding why and how you think the artwork relates to the chosen amendment(s) and discuss the current implications of this amendment for society.

Artwork #1



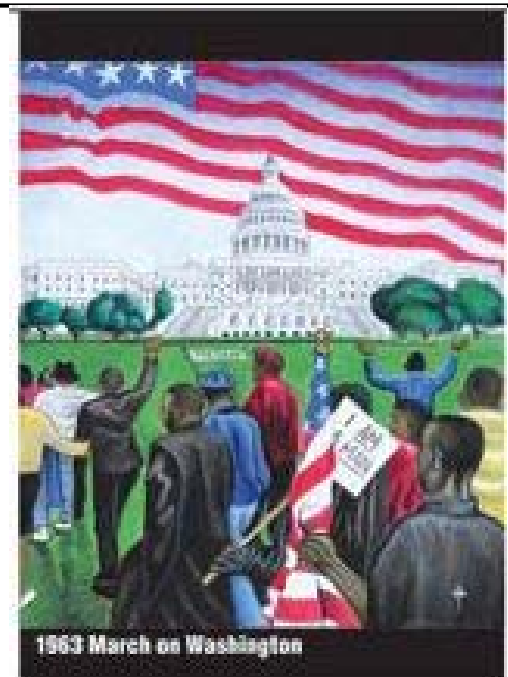
Source: <http://chronicle.uchicago.edu/031106/guns.jpg>

1) Amendment & right(s) -

2) Explanation -

1) Amendment & right(s) -

2) Explanation -



Source: <http://www.unicover.com/EE5KFAOA.HTM>

Artwork #3



Artist: Norman Rockwell, The Four Freedoms Exhibit
Source: <http://www.nrm.org/exhibits/current/four-freedoms.html>

1) Amendment & right(s) -

2) Explanation -

Artwork #4



1) Amendment & right(s) -

2) Explanation -

Artist: Norman Rockwell, The Four Freedoms Exhibit
Source: <http://www.nrm.org/exhibits/current/four-freedoms.html>

Artwork #5

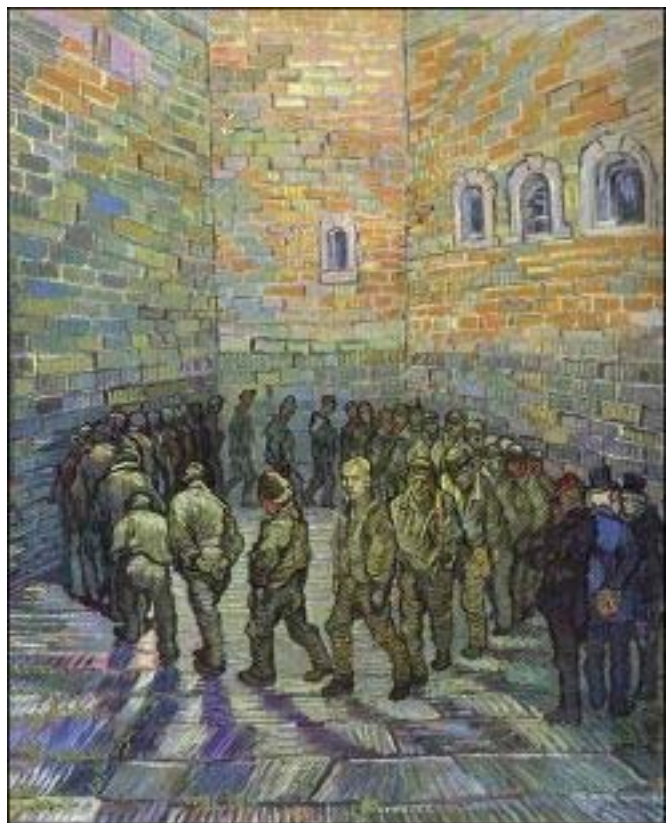


Source <http://www.ericurkewitz.com/watergate/12jurors.htm>

1) Amendment & right(s) -

2) Explanation -

Artwork #6



1) Amendment & right(s) -

2) Explanation -

Artist Van Gogh, *The Prison Courtyard*

Source: <http://www.abcgallery.com/V/vangogh/vangogh90.html>

Artwork #7



Source: http://www.courtroomartist.com/recent_trials.htm

1) Amendment & right(s) -

2) Explanation -

Making Connections: The Bill of Rights in Art

Artwork/Description	Amendment/Rights & Freedoms
#1 - photo of a gun and the American flag taken from a Chicago Chronicle article entitled <i>Lectures Analyze America's Gun Culture</i>	2 nd Amendment – right to bear arms 1 st Amendment – freedom of speech (symbolic speech)
#2 - from <i>Milestones of the Civil Rights Movement</i> collection that will appear as US Postal Service stamps artist Tracy Andrews depicts the March on Washington, August, 1963	1 st Amendment – right to peaceable assembly 1 st Amendment – right to free speech
#3 – Artist Norman Rockwell's <i>Freedom of Speech</i> illustration for <i>The Saturday Evening Post</i> , February, 1943	1 st Amendment – right to assembly 1 st Amendment – right to free speech
#4 – Artist Norman Rockwell's <i>Freedom to Worship</i> illustration for <i>The Saturday Evening Post</i> , February, 1943	1 st Amendment – freedom of religion
#5 – sketch of the jury during the 1974 Watergate trial of Nixon White House aides	6 th amendment – right to public trial by impartial jury
#6 – artist Vincent Van Gogh, <i>The Prison Courtyard</i> , 1890	5 th amendment – accused cannot be deprived of life, liberty or property without due process of law 8 th amendment – no cruel and unusual punishment
#7 – sketch of Michael Jackson arraignment, April, 2004	5 th amendment – due process 6 th amendment – speedy trial 6 th amendment – accused informed of charges 6 th amendment – right to an attorney



Simulation: Crafting a Bill of Rights

Purpose: This activity enables students to participate in a simulation to explore both the difficulties in and importance of creating a bill of rights.

Directions

You are influential leaders of a new nation formed after years of war in a struggle for independence and freedom from a foreign power. You have been chosen by the People to embark upon the difficult task of creating a new government based upon the rule of law and the principles of democracy. Your particular committee must craft a Bill of Rights to place limits on the new government and protect the rights of its citizens. During this simulation, you must accomplish the following:

- a) Name your imaginary country and provide a brief description of its geography and culture [note: the simulation is set in present day].
- b) Create a bill of rights (minimum of ten) and provide a brief rationale for each in writing.
- c) Present and defend your Bill of Rights to the Constitutional Convention (whole class)

I. Country's name and description:

II. Bill of Rights and rationale:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

Bill of Rights Scavenger Hunt

Directions: For each of the following scenarios, decide whether the action is protected by the Constitution or not. Provide the Amendment that the scenario refers to, and cite the specific text of the Amendment that supports or disputes the action.

1. A group of college students create a website with detailed instructions about how to create a homemade explosive.
 - a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:
2. Robert is disgruntled with the current political party in Presidential office. He decides to publicly voice his opinions in the middle of the city square with a speech outlining the faults of the party, the mistakes of the President, and the overall decline of the administration.
 - a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:
3. Jane is student in a public elementary school. Every day before lunch, her teacher instructs the class to remember to say grace before the meal.
 - a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:
4. Nancy is a writer for a well-known city newspaper. She is writing an article about one of the Congressional candidates. Having a strong personal dislike for the candidate and wanting to sensationalize her article, Nancy decides to make up a story about the candidate having an extramarital affair, which would cast him in a bad light with voters.
 - a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:
5. John works in a department store at the mall. The other day, a bag of illegal drugs was found in the parking lot of the mall. As a result, the police proceeded to open and search through all of the cars in the parking lot at that time.
 - a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:
6. Bobby's brother went to trial on charges of stealing last year. He was found not guilty. This past week, a witness came forward with concrete evidence that Bobby's brother was to blame for the theft, and the victim wants him tried again.

- a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:

7. The Webb family's farmhouse is the last piece of private property along a certain highway. The government wants to extend the highway through that piece of land and sent the family a letter detailing those plans and offering a \$60,000 for the land, a price comparable to similar pieces of property being sold at that time.
 - a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:

8. Daniel Johnson is a homeless man arrested for stealing from a large department store. The judge set bail at 1 million dollars, an unusually disproportionate amount.
 - a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:

9. The streets of Snowden were filled with violent protesters, and the National Guard was called in to help with the crowds. When some of the officers came to Alice's house and demanded that she give them food and lodging for the night, she flatly refused and locked the door in their faces.
 - a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:

10. Mr. Jones' gun was confiscated by the police at a traffic stop, even though he showed them the proper permit and license for ownership of the gun.
 - a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:

11. Jackie was arrested by the police as she was coming out of work. When she asked what charges she was being arrested under the police refused to tell her, and when she requested a lawyer, the police simply laughed at her and told her they were all too busy for her.
 - a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:

12. George is the new principal at a South Carolina high school. Although there are state governed guidelines for the school system, he has decided to implement a new set of rigorous testing standards for the students. These tests are similar to the testing standards he had at his old school in Wisconsin, a system that he believes is far superior to South Carolina's.
 - a. Is this situation Constitutional?



- b. Amendment # _____
 - c. Cite relevant text in Amendment:
13. Carl was arrested for assault five years ago. He has been sitting in jail awaiting his trial ever since then, and the court claims that the process has been lengthened due to complications with logistics concerning court dates and witness information.
- a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:
14. Since Anna was convicted of stealing, the judge thought it would be an appropriate punishment to cut off one of her hands as a reminder to never steal again.
- a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:
15. Police officers are going through the neighborhood fundraising for an outreach program. When they reach Darrell's house, they ask for a glass of water, because it's extremely hot outside. While they wait for him to bring them some water, the officers smell the pungent odor of homemade explosives. When Darrell returns they demand to come in and take a look around. Darrell refuses and the officers leave to get a search warrant. When they return, they find the explosives they smelled. They arrest him.
- a. Is this situation Constitutional?
 - b. Amendment # _____
 - c. Cite relevant text in Amendment:

Bill of Rights Scavenger Hunt

Directions: For each of the following scenarios, decide whether the action is protected by the Constitution or not. Provide the Amendment that the scenario refers to, and cite the specific text of the Amendment that supports or disputes the action.

1. A group of college students create a website with detailed instructions about how to create a homemade explosive.
 - a. Is this situation Constitutional? **Yes**
 - b. **Amendment #1 (Freedom of Speech)**
 - c. Cite relevant text in Amendment: **“Congress shall make no law...abridging the freedom of speech...”**
2. Robert is disgruntled with the current political party in Presidential office. He decides to publicly voice his opinions in the middle of the city square with a speech outlining the faults of the party, the mistakes of the President, and the overall decline of the administration.
 - a. Is this situation Constitutional? **Yes**
 - b. **Amendment #1 (Freedom of Speech)**
 - c. Cite relevant text in Amendment: **“Congress shall make no law...abridging the freedom of speech...”**
3. Jane is student in a public elementary school. Every day before lunch, her teacher instructs the class to remember to say grace before the meal.
 - a. Is this situation Constitutional? **No**
 - b. **Amendment #1 (Freedom of Religion)**
 - c. Cite relevant text in Amendment: **“Congress shall make no law respecting an establishment of religion...”**
4. Nancy is a writer for a well-known city newspaper. She is writing an article about one of the Congressional candidates. Having a strong personal dislike for the candidate and wanting to sensationalize her article, Nancy decides to make up a story about the candidate having an extramarital affair, which would cast him in a bad light with voters.
 - a. Is this situation Constitutional? **No - malice**
 - b. **Amendment #1 (Freedom of Press)**
 - c. Cite relevant text in Amendment: **“Congress shall make no law... abridging the freedom of speech, or of the press...”**
5. John works in a department store at the mall. The other day, a bag of illegal drugs was found in the parking lot of the mall. As a result, the police proceeded to open and search through all of the cars in the parking lot at that time.
 - a. Is this situation Constitutional? **No**
 - b. **Amendment #4 (Search and Seizure)**

- c. Cite relevant text in Amendment: **“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...”**
6. Bobby’s brother went to trial on charges of stealing last year. He was found not guilty. This past week, a witness came forward with concrete evidence that Bobby’s brother was to blame for the theft, and the victim wants him tried again.
 - a. Is this situation Constitutional? **No**
 - b. **Amendment #5 (Due Process)**
 - c. Cite relevant text in Amendment: **“...nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb...”**
7. The Webb family’s farmhouse is the last piece of private property along a certain highway. The government wants to extend the highway through that piece of land and sent the family a letter detailing those plans and offering a \$60,000 for the land, a price comparable to similar pieces of property being sold at that time.
 - a. Is this situation Constitutional? **Yes**
 - b. **Amendment #5 (Due Process)**
 - c. Cite relevant text in Amendment: **“...nor shall private property be taken for public use, without just compensation.”**
8. Daniel Johnson is a homeless man arrested for stealing from a large department store. The judge set bail at 1 million dollars, an unusually disproportionate amount.
 - a. Is this situation Constitutional? **No**
 - b. **Amendment #8 (No Excessive Bail)**
 - c. Cite relevant text in Amendment: **“Excessive bail shall not be required...”**
9. The streets of Snowden were filled with violent protesters, and the National Guard was called in to help with the crowds. Some of the officers came to Alice’s house and demanded that she give them food and lodging for the night.
 - a. Is this situation Constitutional? **No**
 - b. **Amendment #3 (Quartering Soldiers)**
 - c. Cite relevant text in Amendment: **“No soldier shall, in time of peace be quartered in any house, without the consent of the owner...”**
10. Mr. Jones’ gun was confiscated by the police at a traffic stop, even though he showed them the proper permit and license for ownership of the gun.
 - a. Is this situation Constitutional? **No**
 - b. **Amendment #2 (Right to Bear Arms)**
 - c. Cite relevant text in Amendment: **“...the right of the people to keep and bear arms, shall not be infringed.”**
11. Jackie was arrested by the police as she was coming out of work. When she asked what charges she was being arrested under the police refused to tell her, and when she requested a lawyer, the police simply laughed at her and told her they were all too busy for her.
 - a. Is this situation Constitutional? **No**

- b. **Amendment #6 (Right to a Speedy and Public Trial)**
 - c. Cite relevant text in Amendment: **“In all criminal prosecutions, the accused shall enjoy the right... to be informed of the nature and cause of the accusation... and to have the assistance of counsel for his defense.”**

- 12. George is the new principal at a South Carolina high school. Although there are state governed guidelines for the school system, he has decided to implement a new set of rigorous testing standards for the students. These tests are similar to the testing standards he had at his old school in Wisconsin, a system that he believes is far superior to South Carolina’s.
 - a. Is this situation Constitutional? **No**
 - b. **Amendment #10 (States’ Rights)**
 - c. Cite relevant text in Amendment: **“The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”**

- 13. Carl was arrested for assault five years. He has been sitting in jail awaiting his trial ever since then, and the court claims that the process has been lengthened due to complications with logistics concerning court dates and witness information.
 - a. Is this situation Constitutional? **No**
 - b. **Amendment #6 (Right to a Speedy and Public Trial)**
 - c. Cite relevant text in Amendment: **“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial...”**

- 14. Since Anna was convicted of stealing, the judge thought it would be an appropriate punishment to cut off one of her hands as a reminder to never steal again.
 - a. Is this situation Constitutional? **No**
 - b. **Amendment #8 (No Cruel and Unusual Punishment)**
 - c. Cite relevant text in Amendment: **“...nor cruel and unusual punishments inflicted.”**

- 16. 15. Police officers are going through the neighborhood fundraising for an outreach program. When they reach Darrell’s house, they ask for a glass of water, because it’s extremely hot outside. While they wait for him to bring them some water, the officers smell the pungent odor of homemade explosives. When Darrell returns they demand to come in and take a look around. Darrell refuses and the officers leave to get a search warrant. When they return, they find the explosives they smelled. They arrest him.
 - a. Is this situation Constitutional? **Yes**
 - b. **Amendment #4 (Search and Seizure)**
 - c. Cite relevant text in Amendment: **“...no warrants shall issue, but upon probable cause, supported by oath or affirmation...”**



FIRST AMENDMENT UNDERSTANDING LACKING

February 7, 2005

Nearly three-fourths of high school students do not know about the First Amendment—the part of the Constitution that makes it OK to sing a song protesting a war or write an article criticizing school policies.

A new survey of more than 100,000 students found that three-fourths of students incorrectly believed that burning the U.S. flag was illegal and nearly half wrongly thought the U.S. government had the authority to censor the Internet for indecent materials.

The Supreme Court in 1989 ruled that burning the flag as a means of political protest was protected as free speech under the First Amendment-- 45 words written 200 years ago in the U.S. Constitution. The First Amendment also protects individuals' rights to post material on the Internet, even if it is offensive to others.

"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 amendment reads.

The study

The study, funded by the John S. and James L. Knight Foundation, which also provides funding to Online NewsHour Extra, based its conclusions from a survey of more than 100,000 students, nearly 8,000 teachers and more than 500 principals and administrators at 544 high schools across the country.

"These results (of the study) are not only disturbing, they are dangerous," said the Knight Foundation's president, Hodding Carter III. "Ignorance about the basics of this free society is a danger to our nation's future."

In a nation without similar rights, people can be fined and even imprisoned for posting articles on the Internet deemed subversive. In China, for example, people can be thrown in jail for daring to post news online about forbidden topics such as repression in Tibet, according to Reporters Without Borders, an international journalism rights group.

The importance of education

The survey illustrated that high school students were not learning enough about First Amendment issues and importance of a free press in their classes.

For instance, 36 percent of students said newspapers should receive government approval before publishing stories and another 32 percent thought the press had "too much freedom to do what it wants."

At the same time, a large majority of students said musicians should be allowed to sing songs even with offensive lyrics and that people should be free to express unpopular opinions.

Daniel, a 17-year-old high school student from New York City, said the press should not require government approval. He stressed that the news media needed to be absolutely certain in the accuracy of their reporting, but added that it was not the government's job to tell the press what news was "correct" and what they could publish.



When asked why some students thought the press should be restricted while musicians should be free to sing whatever they wanted, Daniel pointed out: “Music is more of a recreation, not a news source. And people have their own music preferences to avoid what offends them. But, with newspapers, they tell people what’s going on.”

Daniel said he learned about the importance of a free press through Global Kids Newz Crew, an online program by and for students at NewsHour Extra.

The survey blamed the lack of awareness on incomplete social studies classes and a lack of high school journalism programs.

More than half of the high schools surveyed described their student media opportunities as low, but 85 percent of school administrators said they would expand media programs if they had the financial resources.

--By Elizabeth Harper, Online NewsHour © 2005 MacNeil/Lehrer Productions

http://www.pbs.org/newshour/extra/features/jan-june05/first_2-07.html

Questions to Consider:

1. Based upon your experience, decide whether you agree or disagree with the following statements from the article and provide a brief explanation for your answer:
 - a. *Nearly three-fourths of high school students do not know about the First Amendment.*
 - b. *Newspapers should receive government approval before publishing stories.*
 - c. *The press had “too much freedom to do what it wants.”*
 - d. *Musicians should be allowed to sing songs even with offensive lyrics.*
 - e. *People should be free to express unpopular opinions.*
2. Why do you think the First Amendment spurs so much controversy?
3. What issues related to the Bill of Rights will be the most controversial in the future?

April 28, 1999

The Internet vs. the First Amendment

By LAURENCE H. TRIBE

CAMBRIDGE, Mass.—As we try to make sense of the school massacre in Littleton, Colo., we suddenly find ourselves swept up in a national debate about whether the Internet, with its dazzling array of interactive mayhem and violence, is partly to blame.

Should the Internet be available to anyone, of any age, with a computer and a telephone connection? Many who have long wanted to muzzle the Internet are making symbols of Eric Harris and Dylan Klebold, who used the Internet to play violent computer games and promote their racist views.

How much protection should Internet “speech” receive under the First Amendment? And, under the Fourth Amendment’s search and seizure provisions, may the Government browse Web sites without a warrant in order to nip mass murder plots in the bud? While nearly every possible view has its champions, most of the opinions expressed reflect more confusion than clarity.

The point to remember is that basic constitutional principles do not arise and disappear as each new technology comes on the scene. We have come to this conclusion rather slowly. Early in the 20th century, the Supreme Court expressed doubt that free-speech principles had any application at all to motion pictures, and in 1981, Justice Byron White introduced his analysis of a law regulating outdoor billboard advertising by saying, “We deal here with the law of billboards.”

Only in recent years has the Court recognized that new technology doesn’t affect basic constitutional principles. The Court has found that technological details, however, can be relevant to certain applications of the law, especially because, in principle, speech may not be restricted any more than necessary.

For instance, the Supreme Court struck down provisions in 1997 of the Communications Decency Act because they blocked pornographic materials from being transmitted over the Internet, when technology already existed that allowed parents to selectively censor such materials.

Even though the Internet allows nearly anyone to obtain or transmit information instantaneously to and from anywhere on the planet, it does not deserve more—or less—free-speech protection than older media.

A Web page simulating, or even glorifying, violence and hatred is not outside the First Amendment’s protection any more than are disgusting board games, magazines or political tracts. The same First Amendment that safeguards the right of Nazis to march through Skokie protects the right of an adult to put virtual machine guns aimed at lifelike human targets on his or her computer screen.

At the same time, Internet speech doesn’t have more constitutional protection than speech disseminated in a more old-fashioned and limited manner. In particular, direct threats or other messages that by their very utterance cause harm receive no more protection on the Internet than anyplace else. Releasing a computer virus through E-mail deserves no greater immunity than crying “Fire” in a crowded theater.

What about someone who posts a Web page with detailed, step-by-step instructions on how to assemble an explosive device from readily available materials? Such instructional materials are not quite like yelling “Fire” in a theater; they do not cause harm in a purely

reflexive or automatic manner. Instead, they change the mix of ideas and information in the heads of the speaker's audience.

Speech disseminating such instructions on the Internet, however reprehensible, is thus entitled to a degree of First Amendment protection. But it is not entitled to the same level of protection to which speech advocating ideas is entitled because it is rarely part of any dialogue about what is true or what ought to be done. Distributing such materials doesn't try to persuade anyone to take a course of action, but instead provides the means for committing a crime.

Thus, the United States Courts of Appeals have held that distributing pamphlets on how to evade taxes, make illegal drugs or kill someone can amount to aiding and abetting a crime and may be punished as such, depending, of course, on the particular facts.

The First Amendment, therefore, should shoulder none of the guilt in the Littleton killings. In truth, the First Amendment leaves considerable room for government to exert control, and the advent of the Internet neither broadens nor narrows government's options.

Nor, for that matter, is the Fourth Amendment protection against unreasonable searches and seizures among the culprits here. Those who launch murderous plots by posting their deranged plans on a Web site are exposing their schemes in a public space, one that government agencies may freely browse without a warrant despite the fanciful argument that all talk on the World Wide Web is as private as E-mail messages might be. At the same time, it would be a grave mistake to assume that either government surveillance or control can play an important role in preventing violent crimes. Doing more to keep lethal weapons out of youthful hands—something the Second Amendment, under any reading, does not prevent—and trying to diagnose all forms of rage before they erupt into violence, are likely to be far more effective than anything government could do either by spying on the Internet's users or by suppressing their speech.

Copyright 2000 The New York Times Company

Questions to Consider:

1. Has the Internet changed the concept of "freedom of speech"?
2. What is the relationship between the first amendment and the shooting in Littleton?
3. In what ways are the first and the fourth amendment related to one another?
4. Should there be restrictions on the idea of freedom of speech for certain groups? Why or why not?
5. How do you think the founding fathers would respond to the dilemmas proposed by the concept of freedom of speech?