



# A DISCUSSION GUIDE TO FIRST FREEDOMS:

A Documentary History of First Amendment  
Rights in America

*“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 U.S. CONSTITUTION

Few Americans can name more than one freedom protected by name in the First Amendment — not only a disturbing finding each year in a national survey done by the First Amendment Center, but a dangerous lack of knowledge in a participatory democracy where the extent and application of our rights and freedoms are debated daily.

*First Freedoms* and this discussion guide provide a means for all Americans to reconsider not only how our freedoms should be applied today, but also the heritage and sources from which those freedoms came to be.

The rights to freely worship, speak, write, gather peaceably and seek change from our government are the fundamental freedoms that largely define Americans in a turbulent world where dictators, despots and repressive regimes still hold sway over millions.

Those who deal in terror would tear down all that is provided for in the First Amendment, the Bill of Rights and the U.S. Constitution. To lose our freedoms in that battle would be terrible enough. To lose them out of simple ignorance would be tragedy beyond words.

**Gene Policinski**  
Vice President and Executive Director  
First Amendment Center

**A DISCUSSION GUIDE TO**  
**FIRST FREEDOMS:**  
**A Documentary History of First Amendment**  
**Rights in America**

by Laura Billings and Terry Roberts

A companion text to *First Freedoms: A Documentary History of First Amendment Rights in America*, by Charles C. Haynes, Sam Chaltain and Susan M. Glisson, published by Oxford University Press in collaboration with the First Amendment Center

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, and the rights to assemble and to petition the government. The center, with offices at Vanderbilt University in Nashville, Tenn., and in Washington, D.C., is an operating program of the Freedom Forum and is associated with the Newseum. Its affiliation with Vanderbilt University is through the Vanderbilt Institute for Public Policy Studies.

The Freedom Forum, based in Washington, D.C., is a nonpartisan foundation dedicated to free press, free speech and free spirit for all people. The foundation focuses on three priorities: the Newseum, the First Amendment and newsroom diversity. The foundation is the main funder of the operations of the Newseum, an interactive museum of news in Washington, D.C.; the First Amendment Center; and the Diversity Institute.

(c) 2008 Freedom Forum First Amendment Center

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the Freedom Forum First Amendment Center.

Billings, Laura. A Discussion Guide to *First Freedoms: A Documentary History of First Amendment Rights in America* / Laura Billings and Terry Roberts.

ISBN: 978-0-9801627-0-7

# Contents

<b>Preface</b>		ii
<b>Introduction</b>		1
First and 14th Amendments	Seminar Plan	5
<b>Section One: Freedom of Religion</b>		8
Virginia Act for Establishing Religious Freedom (1786)	Seminar Plan	9
Petition to the U.S. Congress from 97 Citizens (1837)	Seminar Plan	11
The Williamsburg Charter (1988)	Seminar Plan	13
<i>Zelman, Superintendent of Public Instruction of Ohio, et al. v. Simmons-Harris, et al.</i> (2002)	Seminar Plan	15
<b>Section Two: Freedom of Speech</b>		18
“Of Freedom of Speech; That the same is inseparable from publick Liberty.” (1720-1723)	Seminar Plan	19
U.S. House Resolution 8753: The Espionage Act, Section 3 (1917)	Seminar Plan	21
Dissenting Opinion: <i>Abrams v. United States</i> (1919)	Seminar Plan	23
University of North Carolina Speaker Ban (1966)	Seminar Plan	25
Section 42.09, Texas State Penal Code (1973)	Seminar Plan	29
<b>Section Three: Freedom of the Press</b>		32
The Sedition Act (1798)	Seminar Plan	33
Excerpt from <i>Near v. Minnesota</i> (1931)	Seminar Plan	35
<i>Heart Mountain Sentinel</i> (1942)	Seminar Plan	37
<i>New York Times v. United States</i> (1971)	Seminar Plan	39
<b>Section Four: Right to Assemble</b>		42
An Act to Regulate the Use of the Capitol Grounds (1882)	Seminar Plan	43
“The New Colossus” (1886)	Seminar Plan	45
Press Statement: Breaking Up the Bonus March (1932)	Seminar Plan	47
“I Have a Dream” (1963)	Seminar Plan	49
“Iron Jawed Angels” (2004)	Seminar Plan	51
<b>Section Five: Right to Petition</b>		54
Request of the Cherokee People of the Aquohee and Taquohee Districts (1832)	Seminar Plan	55
Standing Rule 25 (1837)	Seminar Plan	57
Appeal to Congress to Protect the Rights of Chinese (1860)	Seminar Plan	59



# A Discussion Guide to FIRST FREEDOMS: A Documentary History of First Amendment Rights in America

By Charles C. Haynes, Sam Chaltain & Susan M. Glisson

Published by Oxford University Press in association with the First Amendment Center

The five rights guaranteed by the First Amendment to the U.S. Constitution – religious liberty and freedom of speech, press, assembly and petition – are America’s “first freedoms,” not only because they are listed first in the Bill of Rights, but because they are the fundamental and inalienable rights that make it possible to follow one’s conscience, speak out for justice, and organize for change. *First Freedoms* tells the story of these five freedoms through the lens of historical documents, beginning with the 17th century Charter of Rhode Island and ending with the 21st century debate over the USA Patriot Act. The book is not a history of the First Amendment itself, but rather a history of how this cornerstone of freedom plays a central role in shaping American history.

This discussion guide was created by Laura Billings and Terry Roberts of the National Paideia Center at the University of North Carolina. The National Paideia Center, founded in 1988 by Mortimer Adler, serves as a source of information, inspiration and training for those who are dedicated to transforming whole schools into activist learning communities based on the Paideia philosophy. The National Paideia Center fosters active lifelong learning and respectful, democratic dialogue, working primarily with schools to incorporate collaborative discussion and intellectual coaching into the lives of students and adults. Through this work, the center enhances the quality of teaching and learning to improve critical thinking and communication skills.

# A Discussion Guide to FIRST FREEDOMS: A Documentary History of First Amendment Rights in America

## The Process

In order for students to fully appreciate First Amendment issues, they must learn to think critically about them. Furthermore, they must do this through the consistent practice of free speech, because the quality of their discourse is as important as its quantity. In his 1983 book titled *How to Speak, How to Listen*, Mortimer Adler wrote:

The enforcement of [the First Amendment] may guarantee that public discussion of public issues goes on unfettered, but it does not and cannot ensure that the discussion is as good as it should be, either by the people's representatives in Congress or by the people themselves when they assemble for the purpose of political discussion. This cannot be secured by any constitutional enactment or any act of government. Improvement in the quality of public discussion and political debate can be achieved only by improvement in the quality of the schooling that the people as a whole receive. (190-191)

In other words, our students desperately need to learn not only the history of First Amendment rights but they need to practice them as well — thoughtfully and deliberately.

For this reason, we have provided here 23 formal Paideia Seminar plans for “texts” that have directly to do with First Amendment rights, most of which are documents presented in *First Freedoms*. The Paideia Seminar is a collaborative, intellectual discussion facilitated through open-ended questions about a text. An effective seminar text may be a written document (like most of those in *First Freedoms*) but may also be a photograph, a work of art, a map, an architectural drawing — anything that is both rich in ideas and ambiguous enough to spark a multi-faceted discussion.

We have not limited ourselves solely to the documents contained in *First Freedoms* because we want to encourage teachers to expand their study of First Amendment rights beyond traditional texts to include other kinds of “texts” such as political cartoons and film — but always with the same spirit of open inquiry that characterizes *First Freedoms*.



Regardless of the text, Paideia Seminars are formal classroom dialogues, with a clear focus on both process as well as content. Your goal in using them should be both the social and intellectual development of your students, such that they become expert in not only the history of free speech but also its practice. Because Paideia Seminars are intended to be rigorous academic events, some educators assume that their students either cannot (for reasons of intelligence) or will not (for social reasons) participate in full fledged intellectual discourse. Yet, experience has taught us time and again that when students are challenged to express and justify their own ideas, they rise to the occasion. Even students who are otherwise disengaged in class often respond in seminar discussion when they sense the relevance of the dialogue to them as human beings.

**The seminar plans that we present here follow a consistent pattern:**

- pre-seminar content study (often involving a suggestion about a reading strategy or strategies);
- pre-seminar process work (designed to prepare students to participate fully in the dialogue);
- opening, core and closing questions (used to facilitate the discussion);
- post-seminar process reflection (designed to help students reflect on their participation in anticipation of future seminars); and
- post-seminar content assignments (intended to help students capture and articulate their thoughts about the ideas and the discussion).

The first seminar plan in this Guide takes the First Amendment and the first section of the Fourteenth Amendment as its text. This plan serves to illustrate the entire seminar cycle described above. This full seminar cycle asks your students to read, write, speak, listen and *think* about each of these texts in a way that is powerfully integrated, so that they practice these skills in concert rather than isolation. Francis Bacon wrote that “reading maketh a full man, conference a ready man, and writing an exact man”; in essence, these plans are intended to make your students “full ... ready, and ... exact” in relation to the ideas in these texts.

It is the teacher’s role to facilitate student discussion: by speaking as little as possible, by asking truly open-ended questions, and by treating student responses equitably.<sup>1</sup> Learning to lead seminars effectively involves learning to get gracefully out of the way once the discussion begins. As you become more skilled at this through practice, so will your students become more skilled in filling the social and intellectual space you provide them — and so more skilled in self-government.

---

<sup>1</sup> For more information about seminar facilitation and for opportunities to be trained as a seminar facilitator, visit the web site of the National Paideia Center at [www.paideia.org](http://www.paideia.org).

## The Ideas

The Paideia Seminar aims to foster increased understanding of complex ideas and values. Our assumption in planning seminars on First Amendment texts is that students will hear and consider a wide variety of points of view about each text and, in doing so, will develop a much more sophisticated understanding of the ideas involved. This intellectual sophistication is typically fed by ambiguous texts, or failing that, by questions that elicit the ambiguity of the textual ideas.

For example, on page 11 of this Guide, we provide a seminar plan for the Anti-Catholic Petition (Chapter 10 of *First Freedoms*, pages 70-76) submitted to the U.S. Congress in 1837. Although the text itself is straight-forward and didactic in nature, the request it contains raises a number of complex issues. The questions in the seminar plan are designed to open those ambiguities to discussion, thereby educating students to the complexities involved. As you can imagine, this discussion will be all the more valuable if a wide variety of points of view are expressed — ideally by Catholic students as well as students of other religious persuasions, especially the persuasion that spawned the petition in the first place. The greater the variety of students in your seminar circle — in perceived ability as well as social and cultural background — the richer the discussion that will ensue!

In the section on Freedom of Religion, we have tried to evoke the reasons why some countries certify a specific religious practice and why some well-meaning and devout people would certify their own point of view in America. We have also tried to encourage discussion of the reasons why Jefferson, and so many who followed him, fought the social and cultural tendency to ratify one form of religion over another. Many rational citizens would, under certain circumstances, limit free speech or free assembly in order to maintain national security or domestic tranquility. In times of extreme threat, even the right of legal petition has come under fire in America — by rational and well-meaning people as well as fearful autocrats. It is our purpose to try to understand all of these rights (as well as the social, political and cultural ideas involved) in the round — thereby helping you and your students to understand them in the round as well. *For it is your students who will decide in the future just how well we will practice as well as protect these rights.*



Getty Images

The Paideia Seminar engages students in formal classroom dialogues.

*York, on  
hundred and eight  
their adopting the Constitution  
confidence in the Government  
The United States of America  
of the United States, all  
of the United States of America  
for every thirty thousand  
Representatives, nor by  
regulated by Congress for that  
an election of Representatives  
abridging the freedom of  
and hearstems shall not  
of war, but in a manner  
riches and dignities. Let  
and the persons or things be  
ment of ~~offense~~ ~~jury~~, except  
one offense to be put in  
cept of law, nor shall pre  
trial jury of the State and  
consent, to be compared  
ny shall be removed, and  
inflicted  
is retained by the people  
are reserved to the States  
the House of Representatives  
ident of the United*

SEMINAR PLAN:  
**First and 14th Amendments**  
(*First Freedoms*, Introduction and pages 99-105)  
U.S. Congress — 1791, 1868

**Ideas and Values: freedom of religion, freedom of speech, rights, responsibilities, minority vs. majority**

**Pre-Seminar**

*Content — Present relevant background information*

Have participants break into five groups: assign each group one of the five First Amendment “rights.” Each group should discuss why they think this particular right was included in the First Amendment and its importance in maintaining a functioning democracy. Each group should offer a brief summary of its discussion to the entire class.

In the week prior to the seminar, discuss the historical background of both the First and the 14th Amendments (review *First Freedoms* pages 99-102 on the 14th Amendment). Note that in addition to protecting the rights of newly freed slaves, the 14th Amendment affected the lives of many other minority groups, including the Chinese Americans discussed in Chapter 12 (*People v. Hall*, 1854).

On the day of the seminar, have the class read the two amendments aloud several times, discussing unfamiliar vocabulary along the way. Allow any individuals who have memorized the First Amendment to recite.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the group to set a group process goal (*refer to the text, focus on the speaker*, etc.) for this discussion. Then, ask each student to set a personal process goal for this seminar and write it on his or her copy of the text.

## Seminar

*Opening — Identify main ideas from the text*

Which of the five rights guaranteed in the First Amendment (religion, speech, press, assembly, petition) is most important to a functioning democracy? (*round-robin*) Why? (*spontaneous*)

*Core — Focus/analyze textual details*

Why do you think the rights are listed in the order that they are?

How are these five rights related? (Are they mutually dependent? Mutually exclusive? Etc.)

Constitutional scholars often note that the “due process” clause of the 14th Amendment (“Nor shall any state deprive any person of life, liberty, or property, without due process of law”) has had an important impact on First Amendment rights. Why do you think that is?

In what other ways are the First and 14th Amendments related? Explain.

*Closing — Personalize and apply the textual ideas*

Of the five rights guaranteed in the First Amendment, which is most important to you personally? Why?

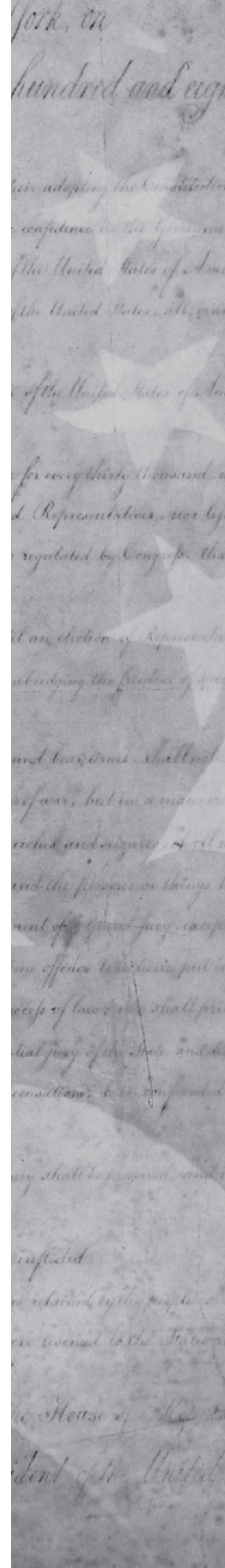
## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

Have participants choose one of the five First Amendment rights. The assignment: analyze in writing the current status of this right in American society as it is being expanded or restricted by social or legal means.





A young man lights a menorah for Hannukah.

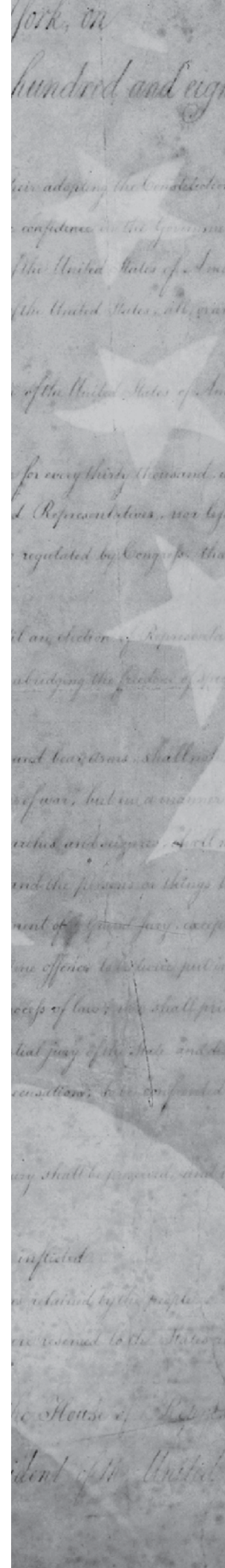
# 1

## **Congress shall make no law respecting an establishment of religion, Or prohibiting the free exercise thereof.**

**T**his clause, which comes first in the Bill of Rights as adopted in 1791, likely results from the influence of one man, Thomas Jefferson. On Jefferson’s tombstone at Monticello, there is engraved a list of three — and only three — accomplishments, noted there at his request: that Jefferson was the author of the Declaration of Independence, the founder of the University of Virginia and the author of the “Virginia Statute for Religious Freedom” (the first text explored in this section). Jefferson, the nature of whose Enlightenment deism has been hotly debated by historians since, was deeply concerned that a state religion — like the Church of England — would be established in America, leading to the kind of religious suppression (often the most vicious in human history) that had existed for centuries in Europe. By starting over in America, Jefferson hoped to create a new nation, wherein we would each be free to worship — or not — as we pleased.

Because an individual’s or group’s religious beliefs are so often intensely held — non-negotiable, as it were — they can represent a very real danger to freedom of expression of all kinds. In volatile or threatening times, many people of faith are tempted to somehow place the fate of their nation under the protection of one true God — whatever they may believe that God to be. In like manner, a political candidate who wishes to attract a partisan following is tempted to align her or himself with a certain religious faction in order to gain votes. For these reasons, one of the most endangered minorities in any democracy is the religious minority, and it was precisely that group that Jefferson and James Madison sought to protect.

It is also for these reasons that the First Amendment’s freedom of religion has had such a long and dramatic history, as demonstrated in the texts and plans contained in this section.



SEMINAR PLAN:  
**Virginia Act for Establishing Religious  
Freedom**

*(First Freedoms, pages 40-44)*

Thomas Jefferson — 1786

**Ideas and Values: civic virtue, religious expression,  
truth vs. error, natural rights**

**Pre-Seminar**

*Content — Present relevant background information*

Have participants read and mark the text at least twice prior to the day of the seminar, focusing on vocabulary during the second reading by marking unfamiliar words in the text and writing a glossary of those words on a separate sheet of paper.

As a pre-seminar reading exercise, have participants work in pairs to rewrite the opening passage in modern English, breaking it into sentences and paragraphs.

On the day of the seminar, set the historical context: Note that Jefferson drafted the “Virginia Act for Establishing Religious Freedom” in 1779, three years after he wrote the Declaration of Independence. The act was not passed by the General Assembly of the Commonwealth of Virginia until 1786. Jefferson was by then in Paris as the U.S. Ambassador to France. Jefferson’s friend and political lieutenant, James Madison, argued strongly for the passage of this act in Jefferson’s absence, over the opposition of Patrick Henry and others.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

**Seminar**

*Opening — Identify main ideas from the text*

What do you think is the most compelling sentence that you and your partner carved out of the long opening passage? (*round-robin by partner*) Explain. (*spontaneous*)

*Core — Focus/analyze textual details*

Examine the second section of the Act: Do you agree that “all men [and women should] be



free to profess, and by argument to maintain, their opinion in matters of religion”? Why or why not?

Imagine for a moment that you are a member of the Virginia state legislative body in 1786. Our seminar has been part of the free and open debate of this Act. Vote by show of hands either for or against its passage. Now, explain your vote to your legislative colleagues.

Authorship of this document was one of three achievements that Jefferson asked be inscribed on his tombstone. Why do you think he was so proud of this particular statement?

*Closing — Personalize and apply the textual ideas*

Do you believe that there exist what are, in the last section, termed “natural rights”? Why or why not? If so, what are they?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

Have students work in groups of four to write an introduction to the Act for students who will follow them in succeeding American history classes. Stress that they should explain as clearly as possible the ideas and values contained in the Act in a brief, well-organized essay.

Follow through with the writing process by having the groups review each other’s drafts and provide written feedback to be considered during final revisions. Post the introductions (along with the text of the Act) either electronically (on the class web site) or physically on a class bulletin board.

## Other Texts for Discussion

“Petition to The U.S. Congress From 97 Citizens” (*First Freedoms*, 70-76)

“The Williamsburg Charter” (*First Freedoms*, 210-213)

SEMINAR PLAN:  
**Petition to the U.S. Congress from 97 citizens**  
*(First Freedoms, pages 70-76)*  
 1837

**Ideas and Values: freedom of religion; institutional power; freedom of expression; natural rights**

**Pre-Seminar**

*Content — Present relevant background information*

Before asking participants to read the text for the first time, share with them that Protestant groups in early America were divided by many beliefs and practices, but they were united in their opposition to the Roman Catholic Church. Include just a few related details about immigration in the early 1800s. (Refer to *First Freedoms*, pages 70-76.)

Have participants number the paragraphs for easy reference during the discussion.

Have participants read to identify unfamiliar vocabulary. For homework prior to the seminar, ask participants to make one summary statement for each of the seven paragraphs.

On the day of the seminar, define vocabulary including:

A *petition* is a request to an authority, most commonly a government official or public entity. In the colloquial sense, a petition is a document addressed to some official and signed by numerous individuals.

Also note: *suffrage, despotism, sanguinary.*

Read the text a second time together (aloud or in pairs), asking students to mark the most interesting phrases.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

## Seminar

*Opening — Identify main ideas from the text*

In ten words or less, what is this petition asking for?

*(Have students first write and then share round-robin.) Explain. (spontaneous)*

*Core — Focus/analyze textual details*

Based on what you know (from life and from this text), what about the Catholic religion was/is perceived as “hostile political principles”? (*paragraph three*)

In paragraph five, Catholicism i.e. “the Popery” is called “a system of superstition which is the firmest foundation of civil tyranny.” What does that mean?

Based on the text, how would you describe the authors of this document?

*Closing — Personalize and apply the textual ideas*

Do *you* believe that legislative defense is necessary to control various effects of religion? Why or why not?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

Have students work in groups to write a response to this petition. Half the groups should write in support of the petition; half should write in criticism of it.

Follow through with the writing process by having the groups review each other’s drafts and provide written feedback to be considered during final revisions. Post the responses either electronically (on the class web site) or physically on a class bulletin board.

## Other Texts for Discussion

“Virginia Act for Establishing Religious Freedom” (*First Freedoms*, 40-44)

“General Order No. 12” (*First Freedoms*, 93-98)

SEMINAR PLAN:  
**The Williamsburg Charter,  
 Summary of Principles**  
*(First Freedoms, page 210-213)*  
 1988

**Ideas and Values: freedom of religion, responsibility,  
 truth vs. error, civil relations**

**Pre-Seminar**

*Content — Present relevant background information*

In preparation for this seminar, review the First Amendment with students. Closely examine and discuss the “free exercise” and no “establishment” clauses. Discuss relevant details from the introduction on pages 210-212 of *First Freedoms*.

During class, a day or so prior to the seminar, have participants read the Summary of Principles in pairs. Direct each pair to then write a summary statement for each Principle.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

**Seminar**

*Opening — Identify main ideas from the text*

What one principle in this text is most important to its meaning? (*Simply state the number in round-robin*) Why is that principle most important? (*spontaneous*)

*Core — Focus/analyze textual details*

In Principle 2, what do you think “inviolable dignity” means? What does it have to do with religion?

Reread Principle 8. *How* should we debate?

How would you describe the relationship between Principle 2 and Principle 8?

How are others of the principles related (cause and effect, mutually exclusive, etc.)?

*Closing — Personalize and apply the textual ideas*

What about this text is most important that you think everyone should keep in mind? Why?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

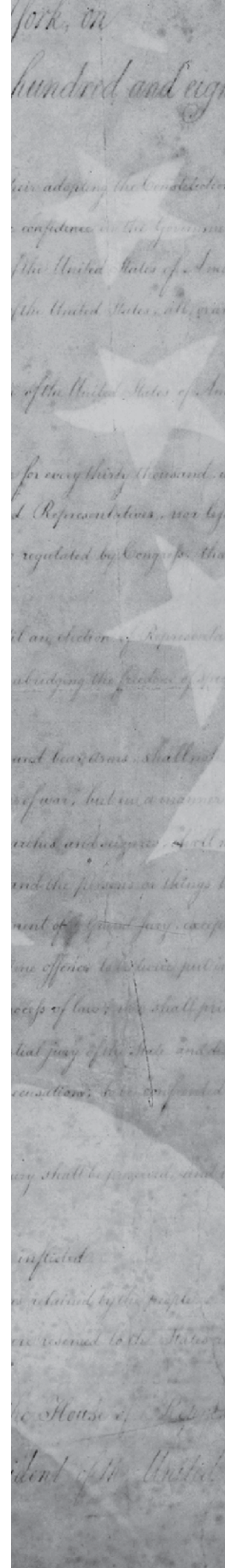
*Content — Extend application of textual and discussion ideas*

Have students work in pairs to write a “letter to the editor” of the local newspaper arguing that the paper should reprint the Summary of Principles from the Williamsburg Charter on its editorial page and invite comment from local ministers and other interested parties. Have groups revise and send their letters to a variety of local media.

## Other Texts for Discussion

“Virginia Act for Establishing Religious Freedom” (*First Freedoms*, 40-44)

“*Employment Division, Department of Human Resources of Oregon, et al. v. Smith et al.*”  
(*First Freedoms*, 214-219)



SEMINAR PLAN:  
*Zelman, Superintendent of Public Instruction  
of Ohio, et al. v. Simmons-Harris et al.*  
*(First Freedoms, pages 220-225)*  
U.S. Supreme Court — 2002

## Ideas and Values: taxes, equity, intention, distribution

### Pre-Seminar

*Content — Present relevant background information*

In the week prior to the seminar, discuss with students two pieces of background information. First, review the Judicial System and its role in balancing the Executive and Legislative branches of government. In this context, note the role of the United States Supreme Court with regards to the Constitution.

Second, review the background of this particular case as discussed in *First Freedoms*, pages 220-222. Explain in particular the intricacies of the “voucher system” as it is being proposed.

Have participants read this case for homework, focusing on the majority decision.

As a pre-seminar reading exercise, have participants work in pairs to reread the case in class, dividing the majority decision; number the paragraphs for easy reference during discussion.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

### Seminar

*Opening — Identify main ideas from the text*

What sentence in this text most clearly explains the Court’s decision?

*(round-robin by partners) Explain. (spontaneous)*

*Core — Focus/analyze textual details*

*(Display the First Amendment on the board)* Why do you think that this case is being heard as a First Amendment case?

The second paragraph reads: “The incidental advancement of a religious mission or the perceived endorsement of a religious message is reasonably attributable to the individual aide recipients, not the government, whose role ends with the disbursement of benefits.” What does this passage mean? Do you agree with it?

Based on this text, what are the advantages to an educational voucher system?

Again, based on this text, what are the dangers in allowing parents to use public funds to purchase a “religious” education?

*Closing — Personalize and apply the textual ideas*

Should your parents’ taxes be used to support religious education? Why or why not?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

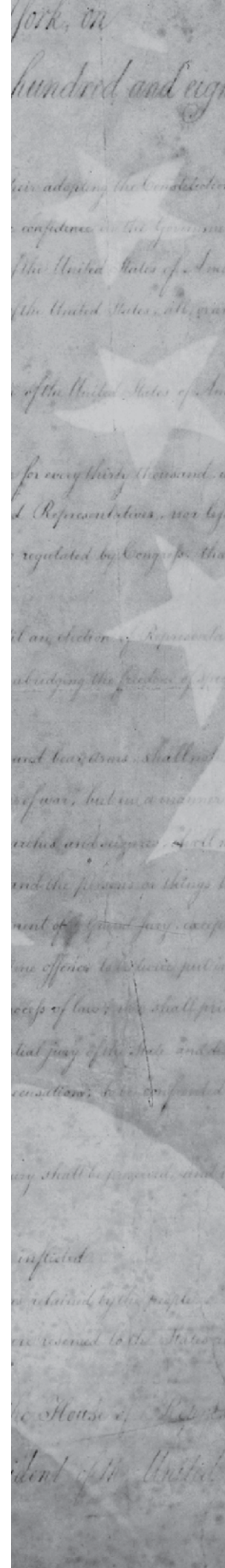
Have students take home a clean copy of the majority decision in *Zelman v. Simmons-Harris*. Assign them the task of asking their parent(s) or other interested adult to read both the *First Freedoms* introduction and the majority decision in this case. Then, they should discuss the decision in detail in order to find out what these adults (important in the students’ lives) think and feel about this issue.

## Other Texts for Discussion:

“*Employment Division, Department of Human Resources of Oregon, et al. v. Smith et al.*”

(*First Freedoms*, 214-219)

*Brown v. Board of Education*





The Associated Press/Wide World Photos

Anti-war protesters burn an American flag.



# 2

## Congress shall make no law ... abridging the freedom of speech.

*Without Freedom of Thought, there can be no such Thing as Wisdom; and no such Thing as publick Liberty, without Freedom of Speech: Which is the Right of every Man, as far as by it he does not hurt and controul the right of another; and this the only Check which it ought to suffer, the only Bounds which it ought to know.*

**T**hus, in one sentence, did Thomas Gordon and John Trenchard (writing in 18th Century England under the name of the Roman Cato) capture the profound role of free speech in a democratic society. As discussed in Chapter 3 of *First Freedoms*, “Cato’s Letters” were widely known in colonial America and had an extraordinary influence on the authors of the Constitution. And just as Gordon and Trenchard suggested the absolute importance of free speech, they also captured the need to limit freedom of expression when it became an insupportable threat to another person. And in so doing, they anticipated more than 200 years of American history, as we have struggled to mediate the rights of one individual or group with the rights of another.

From the scandal-mongering journalists of early America to the vast quantities of ungoverned material now available on the world wide web, Americans have struggled to balance their dedication to free speech with their desire to protect themselves from incendiary or lewd material. The seminar plans in this section trace the history of this struggle.

SEMINAR PLAN:  
**Cato's Letter #15**  
**“Of Freedom of Speech; That the same  
 is inseparable from publick Liberty.”<sup>2</sup>**

(*First Freedoms*, pages 29-32)

John Trenchard and Thomas Gordon — 1720-1723

**Ideas and Values: democracy, freedom, speech, thought**

**Pre-Seminar**

*Content — Present relevant background information*

Have the participants read the text at least twice in the week prior to the seminar, and during the second reading, have groups of students adopt different perspectives from which to respond to the text. Have one group respond from the point of view of the British king in 1776, one group from that of a prominent Tory businessman in the colonies, one group from that of a newspaper editor in Boston, one group from that of a colonial leader like Franklin, etc.<sup>3</sup>

On the day before the seminar, provide historical background: Cato's Letter #15 was written primarily by Thomas Gordon, a Scotsman who lived and wrote in England. In 1720, he formed a partnership with John Trenchard and together the two wrote a series of essays first published in England that argued for the creation of a more open society based on democratic principles. These essays were among the most popular political reading in the American colonies in the decades prior to the revolution and clearly shaped the political thinking of the authors of the Constitution.

As was the common practice of the day, these essays were published under a fictitious name (“Cato”) because of their political content; the name is a reference to the Roman Cato the Younger, who was a staunch defender of the people's rights and chose to die by suicide rather than submit to tyranny.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

<sup>2</sup> The text of Thomas Gordon and John Trenchard's original essay can be found at [www.constitution.org](http://www.constitution.org).

<sup>3</sup> You can even distribute a simple graphic organizer that asks the students in each group to first think about the needs and desires of their adopted point of view and then respond to specific passages in the text from the point of view of that individual or group. Students should bring their completed graphic organizer to the seminar with them to inform the discussion.

## Seminar

*Opening — Identify main ideas from the text*

If you were the editor of “The New York Weekly Journal” (who chose to reprint this essay from its British source), which line from this letter would you choose as a headline? (*round-robin*) Why? (*spontaneous*)

*Core — Focus/analyze textual details*

Cato’s very first line states that “without freedom of thought, there can be no such thing as wisdom.” What do you think he means by this? Why do you think he starts his letter with this statement?

Cato defines “the administration of government [as] nothing else but the attendance of the trustees of the people upon the interests and affairs of the people.” What do you think this sentence means? How does it inform his emphasis on free speech?

Of all Cato’s arguments and examples in support of freedom of speech, which one do you find most convincing? Why?

Based on the text, do you think freedom of speech is a personal right or a political necessity? Why?

*Closing — Personalize and apply the textual ideas*

In our contemporary world, are there any limitations that should be placed on an individual or group’s freedom of speech? If so, what are those limitations? If not, why not?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

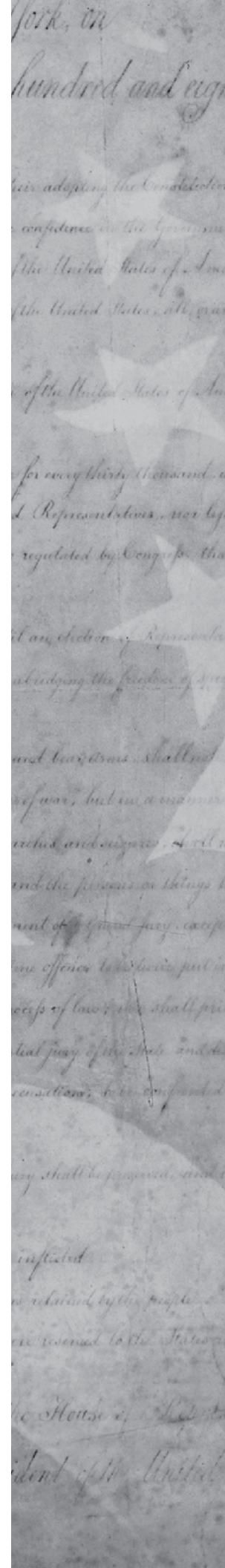
*Content — Extend application of textual and discussion ideas*

Write a modern “letter from Cato” in which you explain in the clearest language possible the importance of freedom of speech in a 21st century democracy. Stress either individual rights OR the political significance of this fundamental freedom and make it clear in the opening paragraphs of your letter which of the two you are discussing. Submit the final draft of your letter to a local or school newspaper.

## Other Texts for Discussion:

“Virginia Declaration of Rights” (*First Freedoms*, 33-39)

The Declaration of Independence



SEMINAR PLAN:  
**U.S. House Resolution 8753:  
 The Espionage Act, Section 3**  
*(First Freedoms, pages 118-124)*  
 Sixty-Fifth Congress of the United States — 1917

## Ideas and Values: freedom, patriotism, speech, war

### Pre-Seminar

*Content — Present relevant background information*

The text for this seminar is Section 3 of the Espionage Act, also known as the U.S. Sedition Act of 1918 (as described on page 118 of *First Freedoms*).

During the week prior to the seminar, have the participants read the text at least twice.

During the second reading, have them work in pairs to highlight all the verbs in the text, using one color to code those verbs (“print, write, publish,” etc.) that are outlawed by the Act.

The day before the seminar, go over the historical background of the text, as summarized on pages 118-21 of *First Freedoms*. Emphasize America’s involvement in World War I and the climate of fear and anxiety that accompanied the war.

On the day of the seminar, have a student read the text aloud (preferably by a student who has prepared to do so) one last time and discuss any unfamiliar vocabulary.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

### Seminar

*Opening — Identify main ideas from the text*

What single word that is a part of this section of the Sedition Act do you think suggests its spirit? (*round-robin*) Why? (*spontaneous*)

*Core — Focus/analyze textual details*

This Act makes it illegal to “utter, print, write or publish any disloyal, profane, scurrilous, or abusive language about” the government, the Constitution, or the military. Based on the text,

how do you think the Department of Justice would define “disloyal, profane, scurrilous, or abusive”? Why?

Why do you think the authors of the Sedition Act were tempted to make it illegal to “willfully display the flag of any foreign enemy” during a time of war? Do you agree with this prohibition? Why or why not?

Section 3 of the Sedition Act also mandates that “any employee or official of the United States Government who ... utters any unpatriotic or disloyal language” will be “at once dismissed from the service.” Why do you think the authors of the act included this section? Is it dangerous in any way?

*Closing — Personalize and apply the textual ideas*

Imagine for a moment that you were alive during World War I. If you heard one of your teachers “utter [a] disloyal, profane, scurrilous, or abusive” statement about the government or the war, would you report the teacher to the authorities? Why or why not?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

During the past few years, the administration of President George W. Bush has taken an aggressive stance toward government officials who “leak” information to the press and journalists who use that information in reporting to the public. During the “War on Terror,” there have been increasing efforts by the U. S. government to investigate individual Americans and exclude journalists from the inner workings of the government.

Have students work in groups of two or three to compose letters to the editors of local newspapers in which they say as clearly as possible just how far they believe the U. S. government should be able to exclude the press (and therefore the American people) from governmental processes.

## Other Texts for Discussion:

“Virginia Declaration of Rights” (*First Freedoms*, 33-39)

*Abrams v. United States* (see *First Freedoms*, 120-121)

“USA Patriot Act” (*First Freedoms*, 226-233)

SEMINAR PLAN:  
**Dissenting Opinion:**  
*Abrams v. United States*  
 (First Freedoms, 118-121)

Justice Oliver Wendell Holmes, Jr. — 1919

**Ideas and Values: freedom, intent, speech, war**

**Pre-Seminar**

*Content — Present relevant background information*

The text for this seminar is Justice Oliver Wendell Holmes' dissenting opinion in *Abrams v. United States* (with Justice Louis Brandeis concurring). This is a long and complex text that will require careful preparation on the part of the students. Note that the first four paragraphs of Justice Holmes' opinion offer a succinct summary of the case under discussion.

There are 16 paragraphs in Holmes' opinion. In the week prior to the seminar, have the participants read the entire text once and then divide them into 16 groups of two to three students each. Assign each group a paragraph to study in detail, summarize, and present to the class (including in their presentation definitions of any troublesome vocabulary). Several days prior to the seminar, have the groups present their summaries in order while the rest of the class takes notes on their copies of the text.

On the day of the seminar, summarize the historical background from *First Freedoms* (118-121), stressing that Justice Holmes had changed his mind since his "clear and present danger" ruling in an earlier case.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

**Seminar**

*Opening — Identify main ideas from the text*

Which of the 16 paragraphs in Holmes' opinion holds the key to understanding his point of view? (vote by show of hands) Why? (spontaneous)

*Core — Focus/analyze textual details*

In Paragraph 7, Holmes writes that “a deed is not done with intent to produce a consequence unless that consequence is the aim of the deed.” Based on the text, what do you think he means? Explain.

Holmes bases his dissent on the argument that Abrams and the others had no “intent” of “crippling or hindering” the United States in the prosecution of the war. Based on Holmes’ summary of the leaflets in question, do you agree or disagree? Why?

Paragraph 11 of Holmes’ argument stands out because it consists of only one simple sentence: “Congress certainly cannot forbid all effort to change the mind of the country.” Based on the rest of the text, why do you think Holmes emphasizes this statement? Do you agree?

Holmes writes that the United States Constitution “is an experiment, as all life is an experiment.” What do you think he means? Do you agree?

*Closing — Personalize and apply the textual ideas*

Holmes ends his argument by writing in part that “we should be eternally vigilant against attempts to check the expression of opinions that we loathe.” Can you think of any opinions (either specifically or by type) that you loathe? Should we outlaw them? Why or why not?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

Using the background information provided by Chapter 17 of *First Freedoms* and the entire text of the Supreme Court Ruling in *Abrams v. United States*, have the class create a “Readers’ Theater” presentation that dramatizes the arguments before the Court as well as the deliberations that went on behind the scenes, in which the justices debated the case.<sup>4</sup> Have the class present the resulting drama both during the school day to other American History or Law classes as well as in the evening to parents and other interested community members. Invite members of the local bar association to attend the evening performance and participate in a discussion of the First Amendment after the play.

## Other Texts for Discussion:

“U.S. House Resolution 8753” (*First Freedoms*, pages 118-124)

USA Patriot Act (see *First Freedoms*, 226-233)

“U.S. Senate Resolution 301” (*First Freedoms* 164-168)

4 In a “Readers’ Theater” production, the performers typically sit or stand and read their parts rather than memorizing and reciting them in a more dramatic context. The value in this instance is in having students research and write the script and then rehearse it both intellectually as well as dramatically, thereby understanding the ideas involved in much greater depth.

SEMINAR PLAN:  
**University of North Carolina Speaker Ban**  
 Photographs by Jock Lauterer — 1966

**Ideas and Values: assembly,  
 communism vs. democracy, speech**

**Pre-Seminar**

*Content — Present relevant background information*

The texts for this seminar are two photographs taken by Jock Lauterer on March 2, 1966. They portray professed Communist Frank Wilkinson addressing 1,200 University of North Carolina students from a sidewalk on Franklin Street, just adjacent to the University of North Carolina campus.

During the days just prior to the seminar, share photocopies of these photographs with students and provide them with historical background. On June 25, 1963, the North Carolina State Legislature passed House Bill 1395 titled “An Act to Regulate Visiting Speakers at State Supported Colleges and Universities.” This bill, which was vehemently opposed by university president William Friday and other friends of the University, prohibited from speaking at any public college or university any “known member” of the Communist Party or anyone who had refused to testify about Communist activities.

Despite obvious First Amendment questions, conservative North Carolina politicians, including Governor Dan Moore, fought off all efforts to repeal the bill, causing students at the University of North Carolina at Chapel Hill to become increasingly restless.

To challenge the Speaker Ban, as it came to be called, student body president Paul Dickson (a Vietnam veteran) invited two Communist speakers to visit the campus. They were prevented from speaking on campus by administration, and so on March 2, 1966, the first of the two, Frank Wilkinson, spoke from just on the other side of the rock wall that marked the boundary of campus. Dickson is standing beside Wilkinson in both photos, and the sign on the wall reads “Dan Moore’s Chapel Hill Wall.”<sup>5</sup>

On the day of the seminar, have students bring their photocopies of the photos to class.

---

<sup>5</sup> For the full story of the Speaker Ban see pages 109-41 of William Link’s biography of the university president, *William Friday* (Chapel Hill & London: U of North Carolina Press, 1995).





Jock Lauterer/North Carolina Collection, University of North Carolina Library at Chapel Hill

Frank Wilkinson addresses UNC student crowd from just outside the university.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then ask each student to set a personal process goal for this seminar.

## Seminar

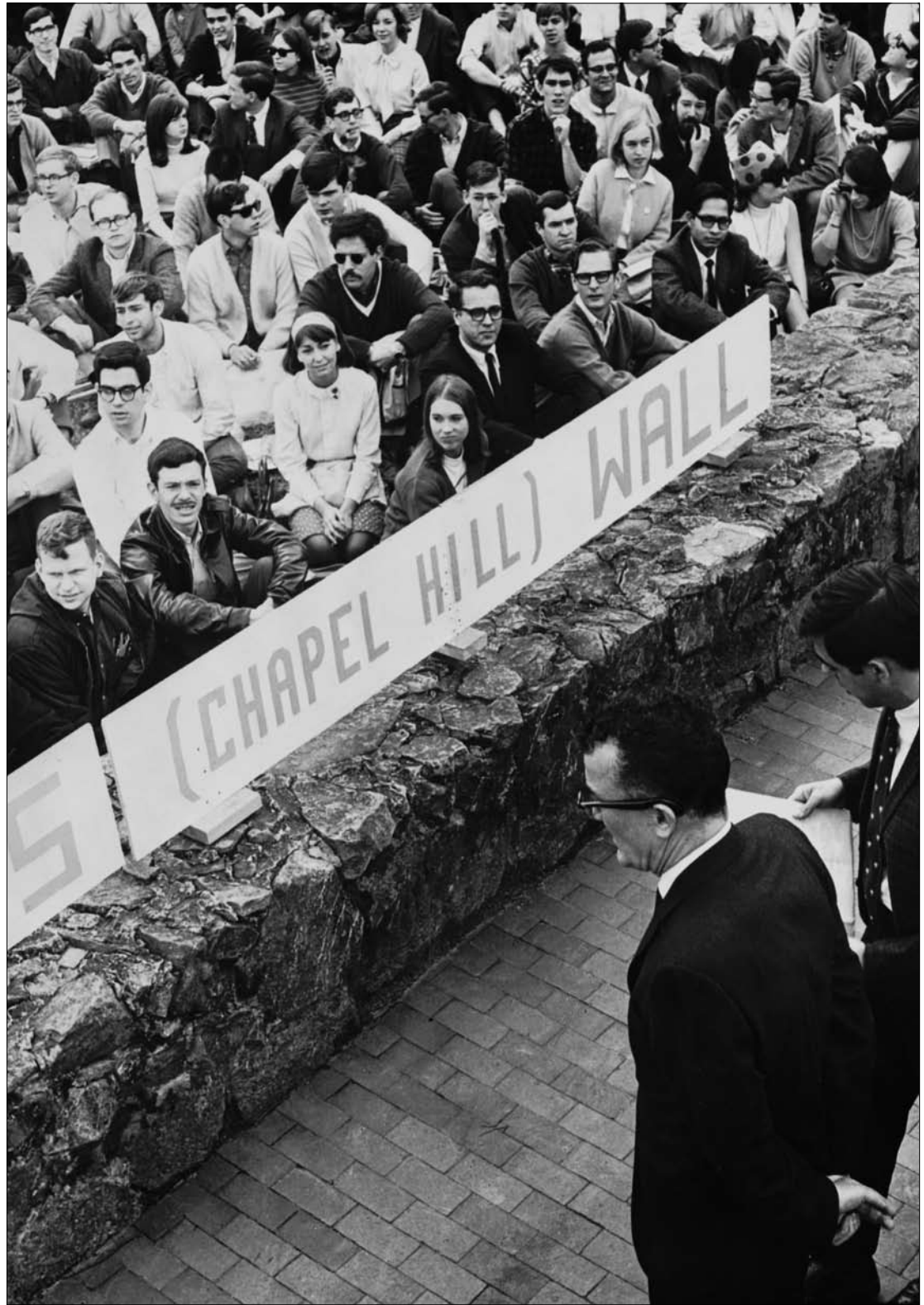
*Opening — Identify main ideas from the text*

Which of the two photos do you think most dramatically depicts the events of that day? (vote by show of hands) Why? (spontaneous)

*Core — Focus/analyze textual details*

The students who arranged Wilkinson's appearance did so in part to illustrate the absurdity of the Speaker Ban. Based on these photographs, do you think they succeeded? Why or why not?

York, in  
hundred and eight  
their adopting the Constitution  
confidence in the Congress  
the United States of  
the United States, all  
of the United States of  
for every thirty thousand  
Representatives, may be  
regulated by Congress, that  
and election of Represen  
abridging the freedom of  
and business, shall not  
of war, but in a manner  
and the persons or things  
ment of Congress, except  
in offence to which public  
except of laws, shall pre  
that part of the State and  
conditions, to be found  
ing shall be prepared, and  
infringed  
is retained by the people  
are reserved to the States  
the House of Represen  
ident of the United



Jock Lauterer/North Carolina Collection, University of North Carolina Library at Chapel Hill

Student Body President Paul Dickson introduces professed Communist Frank Wilkinson to a campus crowd March 2, 1966. The rock wall marks the boundary of the campus.

Based on the photographs, do you think the speech changed the listeners' minds? Why or why not?

Wilkinson got the loudest round of applause during his speech when he said he hoped to restore academic freedom to the university. Why do you think that got the most intense response from his audience?

*Closing — Personalize and apply the textual ideas*

Are there groups that you believe should be banned from speaking on your school campus? If so, who are they and why? If not, why not?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

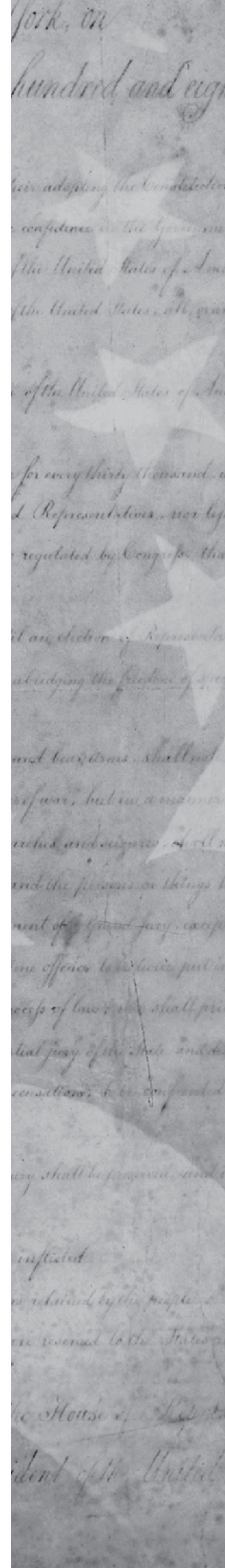
There are many photographs that illustrate the history of the First Amendment in America. Divide the seminar participants up into five groups and give them one week to find at least one photograph (from the library, Internet, etc.) that illustrates the history of one First Amendment right assigned to the group. Have them display their photos during an evening presentation to which both students and their parents are invited.

## Other Texts for Discussion:

“*Manifesto and Program, Committee of the Leftwing Section Socialist Party*”

(*First Freedoms*, 125-129)

“U.S. Senate Resolution 301” (*First Freedoms*, 164-168)



SEMINAR PLAN:  
**U.S. Section 42.09,**  
**Texas State Penal Code**  
*(First Freedoms, pages 200-203)*  
 Texas Legislature — 1973

## Ideas and Values: freedom, patriotism, speech, symbol

### Pre-Seminar

*Content — Present relevant background information*

The text for this seminar is Section 42.09 of the Texas State Penal Code (1973) as recorded on page 203 of *First Freedoms*.

Have students read the text carefully prior to the seminar. On the day before the seminar, summarize the background concerning Gregory Lee Johnson and the famous Supreme Court “flag burning case” as discussed in *First Freedoms* (200-202). Discuss the nature of a *symbol* and brainstorm various types of symbols and what they stand for.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

### Seminar

*Opening — Identify main ideas from the text*

Of the three “objects” protected by this law (monument, place of worship or burial, flag), which do you think is most important? (*vote by show of hands*) Why? (*spontaneous*)

*Core — Focus/analyze textual details*

The statute suggests that these three objects are protected because they are “venerated.” Based on the text, what do you think “venerated” means? Do you agree that the word applies to these things?

According to the statute, “desecrate means deface, damage, or otherwise physically mistreat in a way that the actor knows will seriously offend one or more persons likely to observe or discover his action.” Why do you think the statute is worded this way?

Do you agree with this definition of “desecrate”? Why or why not?

*Closing — Personalize and apply the textual ideas*

In your opinion, should there be objects that are protected by law from “desecration”? If so, what are they? Why?

**Post-Seminar***Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

To quote *First Freedoms* (page 202), “Since the 1990 flag cases, the American public has continued to debate the decisions, and Congress has continued to consider passing an amendment protecting the flag. If adopted, it would become the first amendment to the First Amendment in history.”

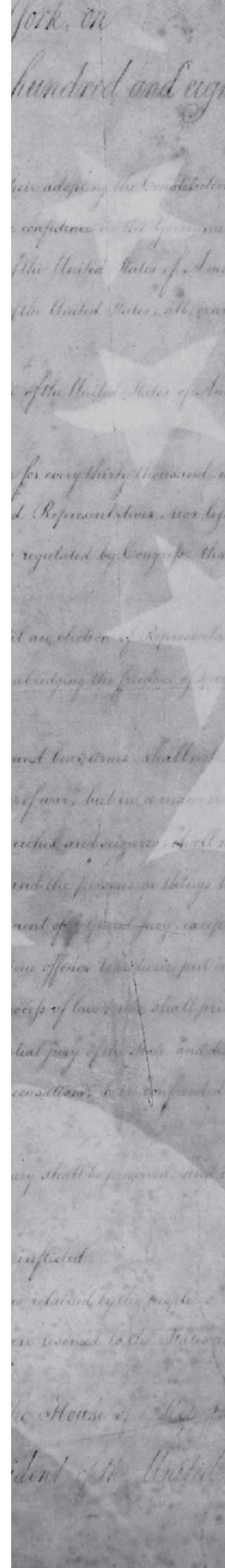
Form the seminar participants into groups of five to consider this prompt. Imagine that you and your group make up the staff of the senior senator from your state. Work together to draft a memo to your senator advising him or her to sponsor a Constitutional amendment protecting the flag (or other venerated objects) from desecration. If you as a group decide that such an amendment violates the First Amendment as it now stands, then advise your senator to oppose any such amendment.

**Other Texts for Discussion:**

“U.S. House Resolution 8753” (*First Freedoms*, pages 118-124)

USA Patriot Act (see *First Freedoms*, 226-233)

The flag of the United States of America





National Archives and Records Administration

Bill Hosokawa, editor of the *Heart Mountain Sentinel*, checks copy as the paper is prepared for printing.

# 3

## Congress shall make no law ... abridging the freedom ... of the press.

*“Let it be impressed upon your minds, let it be instilled into your children, that the liberty of the press is the palladium of all the civil, political, and religious rights.”*

— JUNIUS

*An English political author, known only by the signature Junius, wrote various letters to the London Public Advertiser from January 1769 to January 1772.*

Since September 11, 2001, and the declaration of the War on Terror by President George W. Bush, there have been two phenomena that are directly related to First Amendment rights. The best known is the “Patriot Act” (see *First Freedoms*, pages 226-32), along with its controversial restriction of civil liberties. The second is the increasing attention paid by the Federal Government to limiting the flow of information that is available to the American people in general and the press in particular. The idea that the U. S. government should have the right to carry on its business in secret is one that continues to arise whenever there is a real or imagined threat to national security (see especially “National Security and Freedom of the Press” on pages 195-99 of *First Freedoms*).

What becomes clear to us as teachers and students is that by protecting Freedom of the Press, the First Amendment virtually guarantees that a certain amount of worthless and even harmful material will find its way into print, but that this is the price we pay for maintaining the press as a public watchdog on the state. As James Madison wrote in defending the Freedom of the Press as guaranteed in various state constitutions, “It is better to leave a few of its noxious branches to their luxuriant growth than by pruning them away, to injure the vigour of those yielding the proper fruits.”

SEMINAR PLAN:  
**The Sedition Act**  
*(First Freedoms, pages 50-55)*  
 Fifth Congress of the United States — 1798

## Ideas and Values: free press, government, libel, sedition

### Pre-Seminar

*Content — Present relevant background information*

During the week prior to the seminar, have all participants read the text at least twice. Several days prior, have the students work in pairs to divide the entire Act into modern sentences. For homework just prior to the seminar, number the students off one through four and have all the ones prepare a summary of Section 1 to bring to the seminar, all the twos a summary of Section 2, and so on. Assign one group the task of presenting a summary of the introductory essay on pages 50-53 of *First Freedoms*.

On the day of the seminar, discuss unfamiliar vocabulary (at some length as necessary), including *conspiracy*, *sedition* and *libel*.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

### Seminar

*Opening — Identify main ideas from the text*

Based on what you know of the historical context, which sentence (or part of a sentence) in the Act do you think was most controversial in 1798? (*round-robin*) Why? (*spontaneous*)

*Core — Focus/analyze textual details*

The authors of this ruling titled it “The Sedition Act.” Based on the text, how do you think they would define the word *sedition*?

Section 2 of the Sedition Act reads “that if any person shall write, print, utter, or publish, or shall cause ... or ... assist ... writing, printing, uttering or publishing any writing or writings against the government of the United States... with intent to defame the said government,” then that person is liable for punishment and a fine. Why would a government want to enact such a ruling?

Why do you think that Jefferson and others considered the Sedition Act so dangerous?



Section 3 allows “any person ... prosecuted under this act ... to give in evidence in his defense, the truth of the matter contained in publication charged as a libel.” What rights does this passage allow a defendant?

The Sedition Act was intended to suppress Republican newspapers that were critical of the Federalist Party and President Adams, and yet there were actually more Republican newspapers at the end of Adams’ presidency than when the Act was passed. Why do you think it had the opposite effect than the one intended?

*Closing — Personalize and apply the textual ideas*

In your opinion, should the government be able to restrict what the press writes about? Why or why not?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

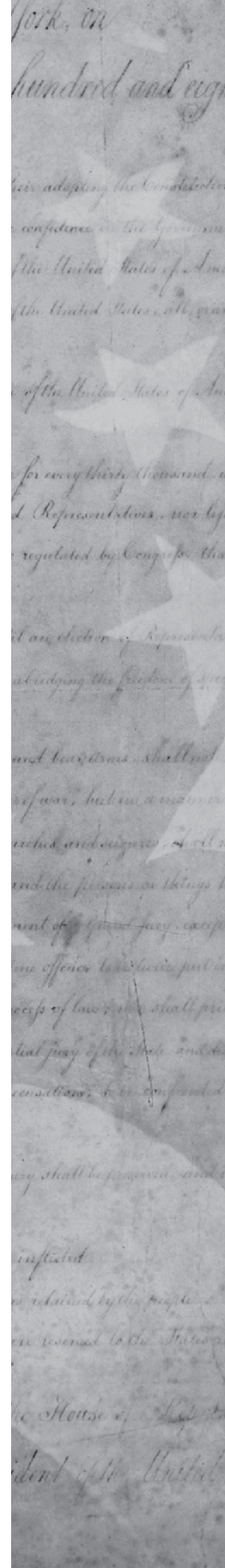
*Content — Extend application of textual and discussion ideas*

Some contemporary commentators have suggested that in time of war or other immediate threat, the government should be able to limit the right of the press to criticize the government because it empowers our country’s enemies. Ask the students to work in pairs to write an editorial that addresses this specific issue (using current events if they lend themselves to this purpose).

## Other Texts for Discussion:

“Virginia Declaration of Rights” (*First Freedoms*, 33-39)

“The *Saturday Press*, November 19, 1927” (*First Freedoms*, 140-145)



## SEMINAR PLAN:

## Excerpt from *Near v. Minnesota*<sup>6</sup> (Introduced in *First Freedoms*, pages 140-145) Supreme Court of the United States — 1931

### Ideas and Values: free press, libel, liberty, truth

#### Pre-Seminar

*Content* — Present relevant background information

During the week prior to the seminar, have the students read the text (the last 11 paragraphs of the decision rendered by Chief Justice Charles Evans Hughes) closely.

A few days prior to the seminar, have students read and discuss the introductory essay on the *Saturday Press* on pages 140-145 of *First Freedoms*. On the day before the seminar, have students go through the following exercise titled “Opinion Corners”:

1. Post signs in the four corners of the classroom: *Strongly Agree*, *Mildly Agree*, *Strongly Disagree* and *Mildly Disagree*.
2. Write on the board the following statement: “I believe that a free press is a good thing regardless of what is published.”
3. Have students move to the corner bearing their response to this statement.
4. Give students three to five minutes to discuss in their corners why they chose that response. They must select a spokesperson for each group.
5. Spokespersons summarize the group’s responses in turn.

On the evening before the seminar, have the students reread the text one last time and determine how the author would respond to the statement that you used in the Opinion Corners.

On the day of the seminar, go over any unfamiliar vocabulary, such as *prior restraint*. Also post the text of Section 1 of the 14th Amendment on the board for ready reference during the seminar.

*Process* — Prepare participants to participate in seminar discussion

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

<sup>6</sup> The text for this seminar is the last 11 paragraphs (including block quotes from earlier decisions) of the U.S. Supreme Court decision in *Near v. Minnesota*, written by Chief Justice Charles Evans Hughes. It begins with the paragraph that opens “The fact, that, for approximately one hundred and fifty years,” etc.

## Seminar

*Opening — Identify main ideas from the text*

In 1931, the Supreme Court reached this decision by a narrow 5-4 vote and only after months of deliberation. If you had been a member of the Court familiar with the case, which way would you have voted? (*vote by show of hands*) Why? (*spontaneous*)

*Core — Focus/analyze textual details*

In Paragraph 2 of this excerpt, Hughes writes that by 1931 “the administration of government has become more complex, the opportunities for malfeasance and corruption have multiplied ... [so that] the primary need of a vigilant and courageous press” has grown. Do you agree that as government becomes more complex, the need for a “vigilant and courageous press” becomes greater? Why?

Why would Hughes refer to the need for a “*courageous press*”?

In Paragraph 3, Hughes writes that a publisher “does not lose his right by exercising it.” What does Hughes mean by this phrase? Refer to the surrounding text.

In the final paragraph of this decision, Hughes declares that the Court finds the Minnesota law “to be an infringement of the liberty of the press guaranteed by the 14th Amendment.” Why does he refer to the 14th rather than the First Amendment? (*refer to the amendment itself on the board*)

*Closing — Personalize and apply the textual ideas*

Jay Near and Howard Guilford, the original defendants in this case, were virulent anti-Semites among other things. Should what is generally referred to as “hate speech” be restricted in the press? If so, why? If not, why not?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

Break the class up into nine groups and assign each of the groups a member of the Supreme Court (c. 1931) to research. Tell them as part of the assignment how each of the justices voted in this particular case and prompt each group to explain (if they can) why they think their particular justice voted as he did. Have each group present a brief biographical sketch of their justice to the class along with their speculations on his motivations. Then discuss with the entire class this question: *What are the strengths and weaknesses in a system that depends on individuals like these to make important decisions that affect us all?*

## Other Texts for Discussion:

“The 14th Amendment to the U.S. Constitution” (*First Freedoms*, 99-105)

“Front Page, *New York Times*, June 13, 1971” (*First Freedoms*, 195-199)

SEMINAR PLAN:  
***Heart Mountain Sentinel***  
 (*First Freedoms*, pages 158-163)  
 Bill Hosokawa — 1942

**Ideas and Values: community, free press,  
 government, race, war**

**Pre-Seminar**

*Content — Present relevant background information*

The text for this seminar is Volume 1, No. 1 of the *Heart Mountain Sentinel*, published on October 24, 1942, as it is reproduced on page 163 of *First Freedoms*.

In the week prior to the seminar, have students read the entire front page closely as well as the Introductory Essay on pages 158-161 of *First Freedoms*.

A few days prior to the seminar, divide the students into pairs and assign each pair one of the 14 articles (including the Editorial and Vital Statistics) on the front page to examine in detail. Give the groups this question to consider: what do you learn about life in the Heart Mountain camp from your article?

On the day of the seminar, have a student (who has prepared in advance) read the Editorial aloud after explaining to students that several of your questions will come from the Editorial proper.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

**Seminar**

*Opening — Identify main ideas from the text*

What do you think is the single most important detail about life in the Heart Mountain Camp that is revealed by the front page of the newspaper? (*round-robin*) Why? (*spontaneous*)

*Core — Focus/analyze textual details*

In his Editorial, Bill Hosokawa writes that “the need for a newspaper in which the residents of this community might find expression has been urgent,” but he doesn’t say explicitly why that is. Based on the paper itself, why do you think “the need for ... expression [is] urgent”?

The *Heart Mountain Sentinel* was published simultaneously in Japanese (see page 162) and English (page 163). What does this detail suggest about the challenge facing Hosokawa and his staff?

Hosokawa consistently refers to the Heart Mountain Camp as a “community.” Why do you think he uses that word?

Based on the evidence you see here, is it possible to publish a “free press” behind barbed wire or prison bars? Why or why not?

*Closing — Personalize and apply the textual ideas*

How would you have felt if you were a young Japanese-American (approximately the age you are now) and you were imprisoned with your family in 1942? Would you have welcomed the publication of a newspaper like the *Heart Mountain Sentinel*? Why or why not?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

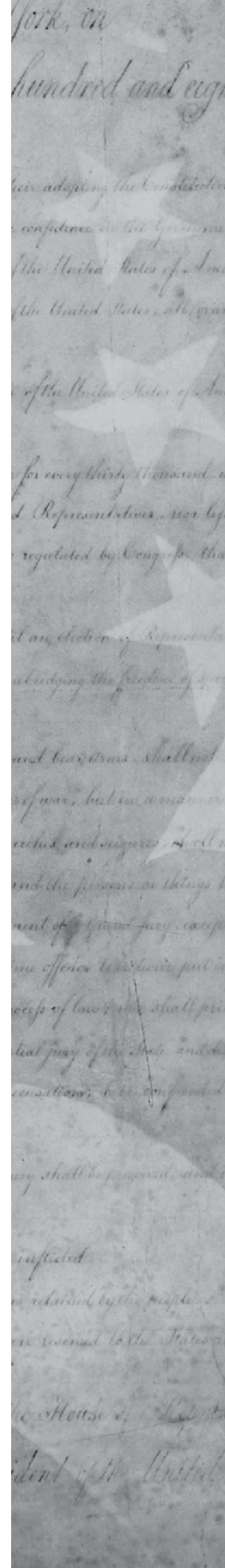
*Content — Extend application of textual and discussion ideas*

As a class, create and publish a memorial issue of a newspaper that is a tribute to the *Heart Mountain Sentinel* and that contains articles on what it was like for young Japanese-Americans your age in the internment camps. There are many photographs available on line as well as surviving members of the Japanese-American community who were interned as children. Both of these represent possible resources for student research in compiling this issue of the newspaper.

## Other Texts for Discussion:

“U.S. House Resolution 8753” (*First Freedoms*, 118-124)

Executive Order 9066 (see *First Freedoms* introduction to this text, 158-159)



## SEMINAR PLAN:

**New York Times v. United States**(see *First Freedoms*, pages 195-199)

Hugo L. Black with William O. Douglas concurring — 1971

**Ideas and Values: democracy, free press,  
government, national security****Pre-Seminar***Content — Present relevant background information*

The text for this seminar is Justice Hugo L. Black’s opinion in the “Pentagon Papers Case,” formally known as *New York Times v. United States*. Black was one of six justices who voted in “regular concurrence” with the majority opinion, which allowed the *Times* and *The Washington Post* to print excerpts from the Pentagon Papers despite the government’s attempt to block publication. (William O. Douglas concurred with Black and wrote an opinion of his own.)

In the week prior to the seminar, have the students read the text at least twice: during the first reading, have them number the 12 paragraphs (for ready reference), and after the second reading, ask that they discuss Black’s opinion with a parent or other interested adult.

On the day before the seminar, discuss the historical background of the case as recorded in *First Freedoms*, pages 195-198, and go over any unfamiliar vocabulary: *prior restraint*, *enjoined*, etc.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

**Seminar***Opening — Identify main ideas from the text*

Justice Black ends his first paragraph by stating in no uncertain terms that to allow the government to prevent publication of the “Pentagon Papers” material would “make a shambles of the First Amendment.” What is the most important argument that he gives to prove his point?

*Core — Focus/analyze textual details*

Justice Black makes a point of showing that the Bill of Rights (including the First Amendment) came after the original Constitution and was added to it. Why do you think he does this?

In Paragraph 10, Justice Black describes the government’s argument that the “Executive Branch, the Congress, and the Judiciary can make laws enjoining publication ... in the name of ‘national security.’” What is Black’s reply?

How does Justice Black define “security”? (*see Paragraph 11*) Do you agree or disagree? Why?

*Closing — Personalize and apply the textual ideas*

Three of the nine justices on the U.S. Supreme Court, including the Chief Justice, voted to allow the government to “enjoin publication” of the Pentagon Papers for reasons of “national security.” If you had been a Justice and heard these arguments, how would you have voted? Why?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

Have participants respond to a brief summary of the arguments presented by the lawyers for *The New York Times* and the Solicitor General of the United States by writing a Supreme Court opinion of their own. Suggest that they model their opinions on those of Black, Douglas and the other justices.

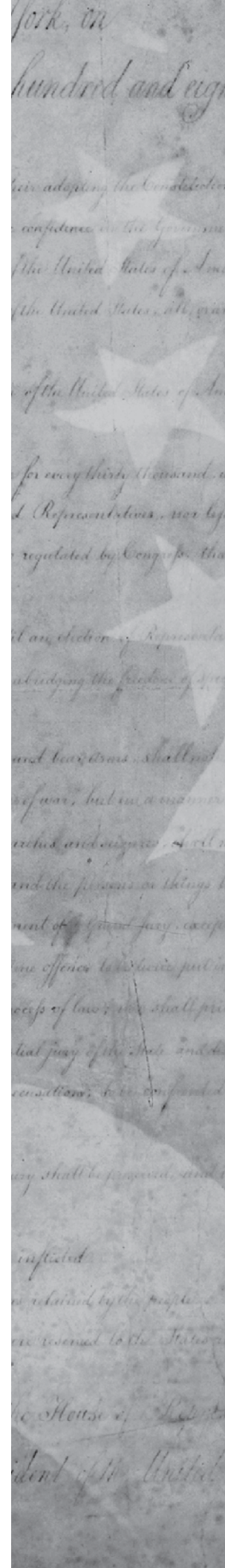
## Other Texts for Discussion:

“Senate Revisions to the House-Passed Amendments to the Constitution”

(*First Freedoms*, pages 45-49)

“The Sedition Act” (*First Freedoms*, pages 50-55)

“The *Saturday Press*, November 19, 1927” (*First Freedoms*, pages 140-145)





The Associated Press

Demonstrators participate in the March on Washington, August 28, 1963.



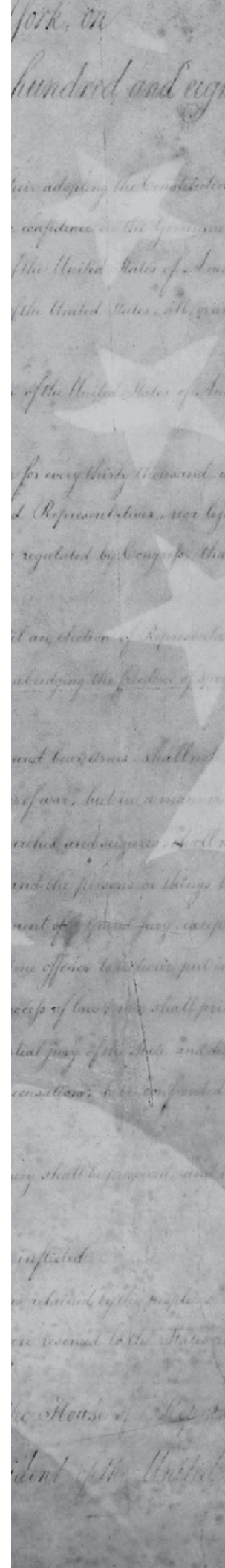
# 4

## The right of the people peacefully to assemble.

Undoubtedly, one of the most powerful images in modern American history is that of the Reverend Martin Luther King Jr. on August 28, 1963 standing before more than 200,000 civil rights protesters from all across America, assembled in front of the Lincoln Memorial in Washington, D.C. (see page 181 of *First Freedoms*). Although King's "I Have a Dream" speech presented to the multitude on that day is by far the best known icon of the American right to assemble, there have been a number of marches on Washington just as there have been any number of local protest parades and rallies in towns across America.

As with the freedom of petition, the freedom of assembly is significant because it brings together in one place a large number of "voices" all speaking as one. This is especially important in a democratic society where every vote counts toward a majority and 200,000 cheering activists (like 200,000 signatures on a petition) can become a critical mass for social change.

It is also important to note that although mass protests have been a part of American history since the beginning, Martin Luther King Jr. and other 20th century advocates of non-violent social protest have made special use of the right to assemble in order to force radical social change without bloodshed, stressing once again the political flexibility of a true democracy.



SEMINAR PLAN:  
**An Act to Regulate the Use  
 of the Capitol Grounds**  
*(First Freedoms, pages 106-112)*

Forty-seventh Congress of the United States — 1882

**Ideas and Values: freedom,  
 government, property, assembly**

**Pre-Seminar**

*Content — Present relevant background information*

Have participants read through the text at least twice in the week prior to the seminar. Before the second reading, break the class up into 12 groups of students and assign the introductory paragraph and each of the 11 sections to a group. Have each group prepare a one-sentence summary of its section for the day of the seminar.

On the day of the seminar, note the historical background briefly and go over any unfamiliar vocabulary. Then read the entire Act aloud by having each student group in turn read its section followed by its summary.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

**Seminar**

*Opening — Identify main ideas from the text*

Which of the 11 sections in this Act do you think might violate the First Amendment to the Constitution? (*vote by show of hands*) Why? (*spontaneous*)

*Core — Focus/analyze textual details*

Section 5 reads that “it is forbidden to discharge any fire-arm, fire-work, or explosive, set fire to any combustible.” Why do you think the original authors of this Act included this provision?

Section 5 goes on to read that “it is forbidden to ... make any harangue or oration, or utter loud, threatening, or abusive language.” Do you believe there should be *places* (like the Capitol Grounds) where the Freedom of Speech is limited? Why or why not?

Section 6 reads that “it is forbidden to parade, stand, or move in processions or assemblages, or display any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement.” Why do you think the original authors of the Act forbade public assembly? Do you agree? Why or why not?

*Closing — Personalize and apply the textual ideas*

In 1894, Senators Peffer and Allen filed a resolution to challenge this Act as unconstitutional. Would you have voted with them to challenge the Act or against them in support of the Act? Why?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

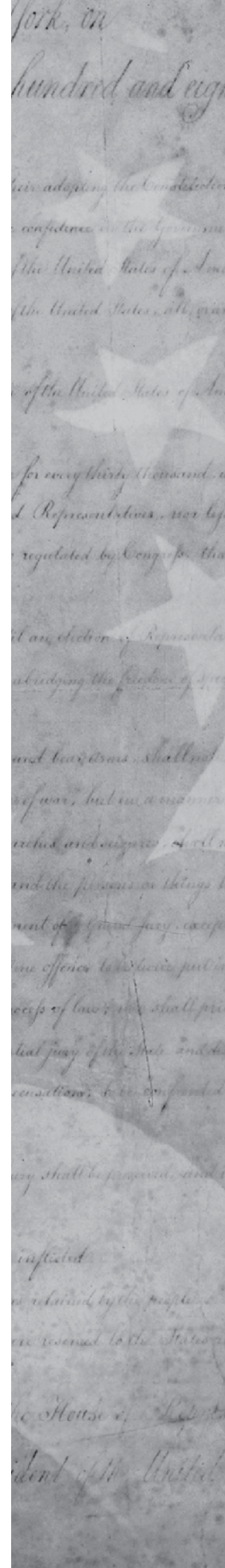
Explain to students that not only did Peffer and Allen lose the Senate vote in 1892, the Capitol Grounds Act was not overturned until 1972! Give students the following assignment. Imagine that you are on the staff of a prominent senator in 1972. The senator has asked you to prepare a brief report on whether or not the Capitol Grounds Act violates the First Amendment. Your senator will vote according to your recommendation. You only have 200 words so you must be brief. Prepare your report for the senator.

## Other Texts for Discussion:

“Of Freedom of Speech; That the same is inseparable from publick Liberty.”

(see *First Freedoms*, 29-32)

“Official Program for the March on Washington” (*First Freedoms*, 180-184)



SEMINAR PLAN:  
 “The New Colossus”  
 Emma Lazarus — 1883

**Ideas and Values: assembly, dream,  
 freedom, liberty, symbol**

**Pre-Seminar**

*Content — Present relevant background information*

Have students read the sonnet several times in the week prior to the seminar. Break the class into groups to investigate and report back on several different aspects of the poem:

- The nature of the original Colossus at Rhodes
- The size, structure, location of the Statue of Liberty
- The history of the statue (gift from the French, etc.)
- The structure of a sonnet as applied to this sonnet
- Vocabulary such as *brazen*, *exile*, *pomp*, etc.

On the day before the seminar, have each group present their background to the entire class, as the class takes notes on a graphic organizer.

On the day of the seminar, clarify that U.S. fundraisers held a contest to determine the inscription on the Statue of Liberty and Emma Lazarus (a young Jewish woman) won with “The New Colossus.” Have a volunteer who has prepared read the sonnet aloud. The sonnet is available at [www.libertystatepark.com](http://www.libertystatepark.com).

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

**Seminar**

*Opening — Identify main ideas from the text*

What is another title for this poem that more clearly expresses its meaning? (*round-robin*)

Explain your title. (*spontaneous*)

*Core — Focus/analyze textual details*

Why do you think the French sculptor and the American poet chose to make “the new colossus” a woman?

According to the poem, what is the “golden door”? Why do you think it is “golden”?

Many people view the United States as the one place in the world where they may “assemble” from other, more oppressive countries. Do you think the First Amendment right of assembly should extend to those from beyond our borders? Why or why not?

What sorts of people does this poem — and by extension the statue — invite into the United States? Do you agree with this invitation? Why or why not?

*Closing — Personalize and apply the textual ideas*

If the school board were to construct a statue outside your school that expressed your community’s attitude toward others, what *would* the statue have inscribed on its base? What *should* it have inscribed?

**Post-Seminar***Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

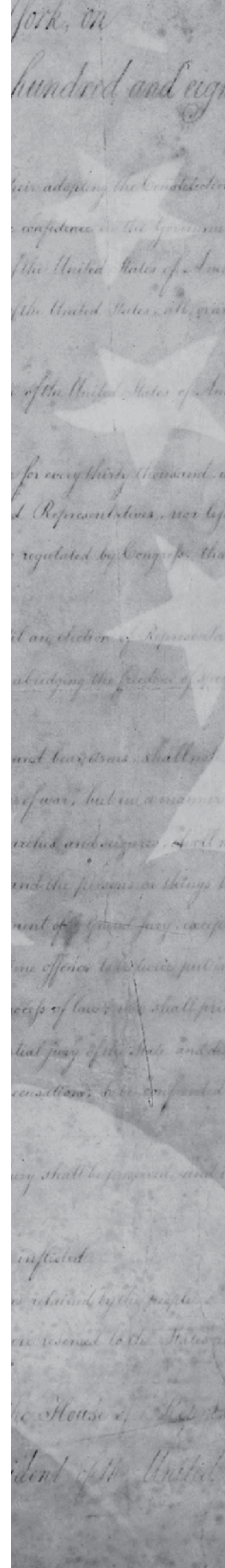
*Content — Extend application of textual and discussion ideas*

Divide the participants into groups of three to five members each. Assign half the groups the task of designing and sketching the statue that should stand at the entrance to the campus of your school and half the groups the task of designing and writing the poem that should be inscribed on its base. Ask the groups to explore explicitly whether or not their school campus invites the “assembly” of the people.

**Other Texts for Discussion:**

“*People v. Hall*” (*First Freedoms*, 82-92)

“Seven-Year-Old Rosie, an Experienced Oyster-Shucker, Bluffton, S.C., 1913”  
(*First Freedoms*, 113-117)



SEMINAR PLAN:  
**Press Statement:**  
**Breaking Up the Bonus March**  
*(First Freedoms, pages 146-151)*  
 President Herbert Hoover — 1932

**Ideas and Values: petition, assembly,  
 economics, government, force**

**Pre-Seminar**

*Content — Present relevant background information*

In the week prior to the seminar, have participants read the text carefully several times. After the first reading, have students number the paragraphs for easy reference during the discussion.

Several days prior to the seminar, go over the historical background as discussed in *First Freedoms*, pages 146-149. Then divide the class up into groups of three to five students and assign the various groups different perspectives as follows:

- The chief of police for the District of Columbia
- The head of the local Communist Party
- A veteran in the Bonus March camp
- The wife of a veteran in the Bonus March camp
- A newspaper reporter who is also a veteran
- A newspaper reporter who is not a veteran
- A Congressman who has been advocating for the veterans
- other groups as class size and discussion dictate

Have students reread Hoover's Press Statement to look for specific statements or information that would be of special interest to their perspective. Have them record that information on a simple graphic organizer, along with the comments someone from their perspective would likely have.<sup>7</sup>

On the day of the seminar, have a student who has prepared in advance read the Press

---

<sup>7</sup> For more detail about this particular strategy and for other similar strategies, see Doug Buehl's 2001 *Classroom Strategies for Interactive Learning* from the International Reading Association or J. McNeil's 1984 *Reading Comprehension: New Directions for Classroom Practice* from Scott, Foresman.

Statement aloud (perhaps with full dramatic flavor).

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

## Seminar

*Opening — Identify main ideas from the text*

Which of the seven paragraphs in Hoover's Press Statement do you find most interesting? (round-robin) Why? (spontaneous)

*Core — Focus/analyze textual details*

In the fifth paragraph, Hoover remarks that "for many weeks [the bonus marchers] have been given every opportunity of free assembly, free speech, and free petition to Congress." What reasons does he give for expelling them at this point?

In the same paragraph, Hoover argues that among the Bonus Marchers there are "many (who) are communists and persons with criminal records." Why do you think he adds this statement? Do you think the government has the right to treat either of these two groups differently from other citizens?

In the next paragraph, Hoover argues that "the veterans amongst these numbers are no doubt unaware of the character of their companions and are being led into violence" by them. Is this a logical conclusion on the President's part? Why or why not?

*Closing — Personalize and apply the textual ideas*

If you had been one of the soldiers who was about to be ordered to attack veterans from your own army, would you have done so? Why or why not?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

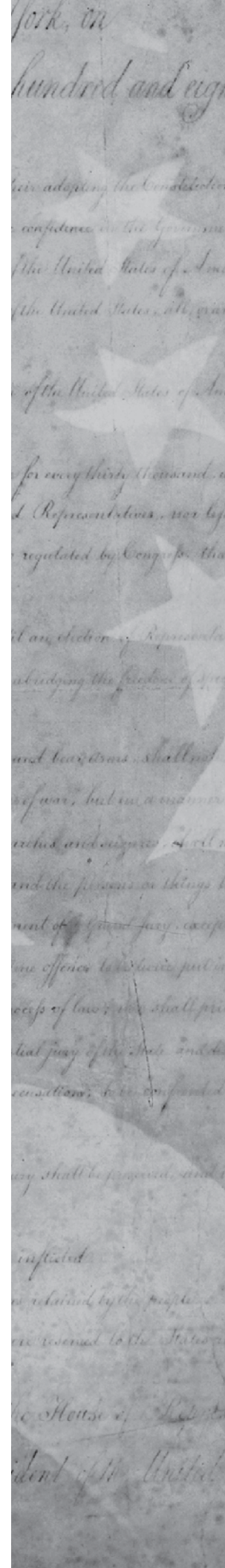
*Content — Extend application of textual and discussion ideas*

Have the students return to the "perspectives" groups in which they read Hoover's Press Statement prior to the seminar. Have these groups write the questions that they would have asked Hoover if he had made this statement as part of a formal press conference. Stage a mock press conference in which either a teacher or knowledgeable student plays the role of Hoover, and the students play the part of journalists, asking questions and taking notes.

## Other Texts for Discussion:

"An Act to Regulate the Use of Capitol Grounds" (*First Freedoms*, 106-112)

"U.S. Senate Resolution 301" (*First Freedoms*, 164-168)



**SEMINAR PLAN:**  
**“I Have a Dream”<sup>8</sup>**  
 (see *First Freedoms*, pages 180-184)  
 Martin Luther King, Jr. — 1963

**Ideas and Values: assembly, citizenship,  
 dream, equality, race**

**Pre-Seminar**

*Content — Present relevant background information*

In the week prior to the seminar, have the participants read this speech at least twice. Before the second reading, have them also read and discuss as a class the Introduction on pages 180-183 of *First Freedoms*.

On the day before the seminar, discuss in detail the nature of metaphor as a rhetorical device and display a clear definition of “metaphor” on the board during the seminar itself.

On the day of the seminar, play for students a video recording of Reverend King’s delivery of the speech, so that they understand the dramatic power of King’s remarks.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

**Seminar**

*Opening — Identify main ideas from the text*

What do you believe is the most important metaphor in the “I Have a Dream” speech? (round-robin) Why? (spontaneous)

*Core — Focus/analyze textual details*

During the first section of his speech, King argues that the Founding Fathers wrote a check and that the protestors have come to cash that check. Explain as clearly as possible what you think he means by this extended metaphor.

---

<sup>8</sup> The text of “I Have a Dream” is available from a number of sources, but be careful to respect the copyright as protected by the King estate. Be sure to reproduce only one class set as mandated under the Fair Use exception to the U.S. Copyright Act.



Briefly revisit the Program for the March on Washington for Jobs and Freedom (page 184 of *First Freedoms*). You will see that King’s speech was only one of 18 parts of the program. Why do you think the organizers included the other parts? Why do you think they placed King’s speech when they did?

What do you think is the most emotionally powerful moment in the speech? Why?

How does this speech reflect Martin Luther King’s awareness of the First Amendment and his First Amendment rights?

*Closing — Personalize and apply the textual ideas*

If you had been one of the 200,000 people present before the Lincoln Memorial on that day, how do you think you would have felt? Why?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

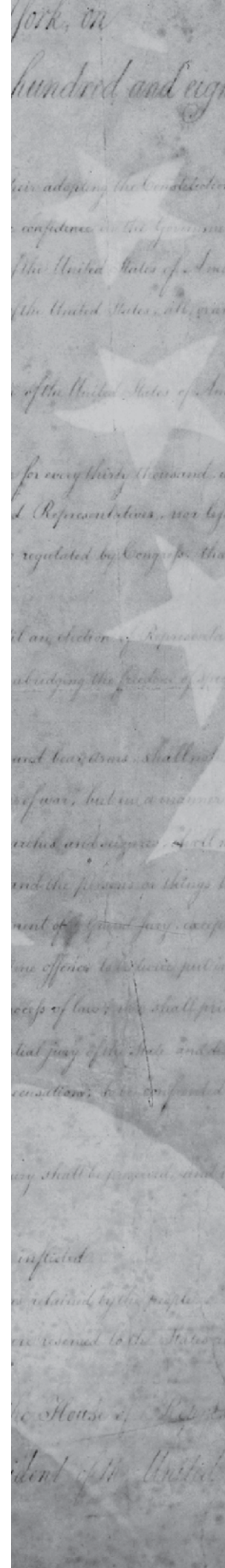
*Content — Extend application of textual and discussion ideas*

Ask students to use King’s speech as a template to draft a similar speech of their own, capturing in a series of metaphors the social or cultural transformations that would make their school (or community) a more civil, more humane place to live and work. Remind them of the power of metaphor to capture complex ideas in a simple, yet dramatic form. Devote several days of class time to having students practice and deliver their speeches. Invite the principal, parents and other members of the community to the final performances.

## Other Texts for Discussion:

“Appeal to the Colored Citizens of the World, but in Particular, and Very Expressly, to Those of the United States of America” (*First Freedoms*, 56-63)

“Letter from Birmingham Jail,” Martin Luther King Jr.



## SEMINAR PLAN:

**Excerpt from “Iron Jawed Angels” (film)****Biographical study of Alice Paul,****directed by Katja von Garnier**

**Starring Angelica Huston, Hilary Swank, Frances O’Connor,  
Julia Ormond and Patrick Dempsey — 2004**

**Ideas and Values: assembly, equality,  
gender, speech, suffrage**

**Pre-Seminar**

*Content — Present relevant background information*

In the week prior to the seminar, have participants watch the entire film, taking notes on interesting scenes, tensions, ideas, etc. (The film can be purchased at [www.hbo.com](http://www.hbo.com).) Then explain that the seminar discussion itself will focus on the prison interview of Alice Paul by “Dr. White.” Hand out a typed transcript of that particular scene for study.

On the day before the seminar, set the historical context: Alice Paul (1885-1977) was a Quaker who studied social work extensively in the United States and England, eventually earning both a doctorate as well as a law degree. While in England in 1906-07, she became part of the more radical British efforts for women’s suffrage. Upon returning to the United States, she joined the ranks of the National American Women’s Suffrage Association; however, this group eventually proved too conservative in their efforts for Paul and the young women who rallied around her. She eventually split from NAWSA and in 1917 formed the National Women’s Party. The NWP took a more radical tack by openly picketing Woodrow Wilson’s White House, continuing to do so even after the U.S. entered WWI. The arrest of Paul and her colleagues, their ill-treatment in a Virginia prison, the resulting hunger strike, and their vicious force-feeding by prison officials eventually incited public opinion against Wilson — adding to the political pressure that led to the passage of the 19th Amendment. When Wilson and his staff asked the examining psychiatrist to declare Paul and the others insane so that they could justify their incarceration, he refused, famously remarking that “courage in women is often mistaken for insanity.”

On the day of the seminar, watch that scene at least one more time for ready reference.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then ask each student to set a personal process goal for this seminar.

**Seminar***Opening — Identify main ideas from the text*

During the course of this interview, Alice Paul convinces Dr. White of her sanity and her innocence. What do you think she said that most contributed to this outcome? Please quote the text. (*round-robin*) Why? (*spontaneous*)

*Core — Focus/analyze textual details*

When White asks Paul to explain her cause, she first replies: “I just wonder what needs to be explained. It should be very clear.” Why wasn’t Paul’s cause as clear to White (and hundreds of thousands of American men and women) in 1917 as it is to her?

Paul lists three desires (a place in the professions, a means of self-expression and a voice in the government) that she believes she shares with White and other men. Are any of these desires related to the First Amendment? If yes, how so?

Alice Paul calls herself a “suffragist.” Is the right to vote related to the First Amendment? Why or why not?

Do you agree with Alice Paul that the right to vote is worth dying for? Why or why not?

*Closing — Personalize and apply the textual ideas*

Is there a cause for which you would be willing to engage in a hunger strike, that “tradition in Old Ireland”? Why is that cause worth so much?

**Post-Seminar***Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

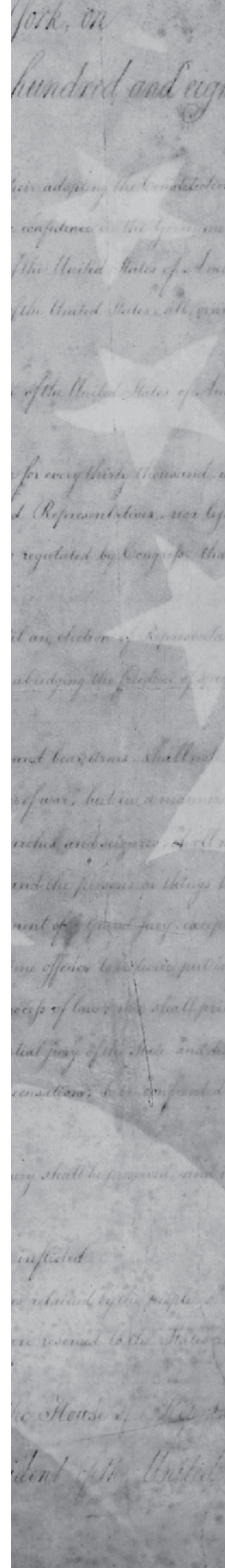
*Content — Extend application of textual and discussion ideas*

You are a film reviewer for a national newspaper. Your editor has given you space for 200 words to describe this little-known film. Write the review that will make students of the First Amendment want to see “Iron Jawed Angels.”

**Other Texts for Discussion:**

“U.S. House Resolution 8753” (*First Freedoms*, 118-124)

“The 19th Amendment to the U.S. Constitution” (*First Freedoms*, 130-134)



# A PETITION FOR UNIVERSAL SUFFRAGE

To the Senate and House of Representatives:

The undersigned, Women of the United States, respectfully ask an amendment of the Constitution to prohibit the several States from disfranchising any of their citizens on the ground of sex.

In making our demand for Suffrage, we would call your attention to the fact that we represent fifteen people—one half the entire population of the country—intelligent, virtuous, native-born American citizens; stand outside the pale of political recognition.

The Constitution classes us as "free people," and counts us *whole* persons in the basis of representation yet are we governed without our consent, compelled to pay taxes without appeal, and punished for violation without choice of judge or juror.

The experience of all ages, the Declarations of the Fathers, the Statute Laws of our own day, and the revolution through which we have just passed, all prove the uncertain tenure of life, liberty and property and the ballot—the only weapon of self-protection—is not in the hand of every citizen.

Therefore, as you are now amending the Constitution, and, in harmony with advancing civilization new safeguards round the individual rights of four millions of emancipated slaves, we ask that you extend the right of Suffrage to Woman—the only remaining class of disfranchised citizens—and thus fulfil your Constitutional obligation "to Guarantee to every State in the Union a Republican form of Government."

As all partial application of Republican principles must ever breed a complicated legislation as well as discontented people, we would pray your Honorable Body, in order to simplify the machinery of government and ensure domestic tranquillity, that you legislate hereafter for persons, citizens, tax-payers, and not for class or color.

For justice and equality your petitioners will ever pray.

NAMES.	RESIDENCE.
Elizabeth Stanton	New York
Susan B. Anthony	Rochester
Antoinette Brown Blackwell	New York
Mary Stone	Newark, N. Jersey
Joanna S. Morse	48 Livingston St. N. York
Ernestine S. Rose	New York

National Archives and Records Administration

Petition for universal suffrage from Susan B. Anthony, Elizabeth Cady Stanton and others to the U.S. Congress.

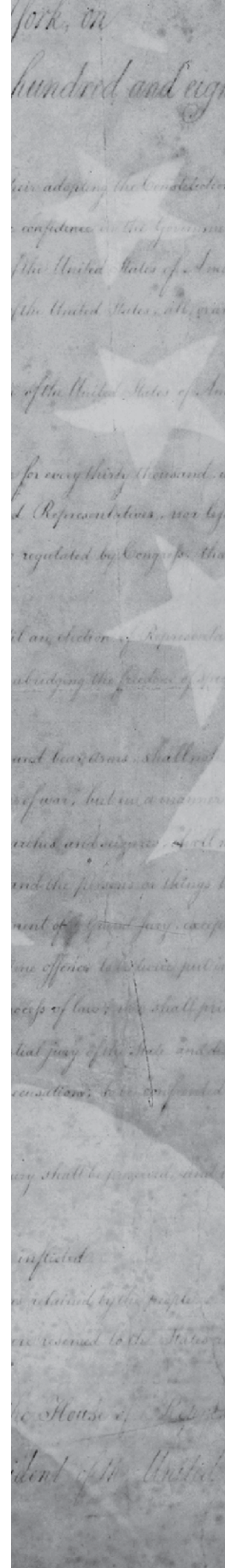
# 5

## And to petition the government for a redress of grievances.

The authors of the Constitution were well aware of the potential problems with democracy as a form of government, one of which is the potential for what Alexis de Tocqueville termed “the tyranny of the majority” in his 1835 *Democracy in America*. In his study of American culture, de Tocqueville argued that one of the most significant dangers in democratic society is that the political majority can become even more repressive than the monarch it was intended to replace. “The authority of a king is physical, and controls the actions of men without subduing their will. But the majority possesses a power which is physical and moral at the same time, which acts upon the will as much as upon the actions, and represses not only all contest, but all controversy.”

The right “to petition the government for a redress of grievances” is in many ways a direct reply to this danger because it allows those who believe they have been tyrannized to appeal for relief. Regardless of whether the minority in question is racial, sexual, geographic or political, its rights are guaranteed by the First Amendment. Indeed, the judicial branch itself has often served as the vehicle for groups or individuals to appeal for redress, leading to the role of the U.S. Supreme Court as “keeper of the conscience” of the nation, as Justice William O. Douglas once called it.

The documents that are explored in this section all have to do with the act of petition and its role in democratic society, including those times when the petition has been denied and even the right itself suspended.



SEMINAR PLAN:  
**Request of the Cherokee People  
 of the Aquohee and Taquohee Districts**  
*(First Freedoms, pages 64-69)*  
 John Ross — 1832

**Ideas and Values: minority vs. majority,  
 petition, property, race**

**Pre-Seminar**

*Content — Present relevant background information*

Ask participants to read the text at least twice. Before the second reading, ask students to work in pairs to divide the text into modern sentences, using slashes to mark the breaks. Once they have done so, ask volunteers to read the text aloud, emphasizing the sentence breaks.

Just before the seminar, set the historical context, explaining the nature of the original treaty that this petition is intended to defeat and Jackson's reasons for promoting it. (See introductory essay on pages 64-68 of *First Freedoms* for details.) Do not share the outcome of the Senate decision prior to the seminar!

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

**Seminar**

*Opening — Identify main ideas from the text*

The title of this document is "Request of the Cherokee People of the Aquohee and Taquohee Districts." Give it a title in your own words that you think captures the spirit of the petition. (*round-robin*) Explain. (*spontaneous*)

*Core — Focus/analyze textual details*

In the first paragraph of his petition, John Ross lists four "wrongs" being done to his people

by the treaty in question. Which do you think is most serious? Why?

In the second paragraph, Ross addresses the Senate as an “honourable and August Body.” Why do you think he chooses this language to describe his intended audience?

In the last paragraph, Ross cites the Cherokees’ confidence that “an instrument so unwarranted [as the treaty] will not be sanctioned by the Senate.” Do you think their “confidence” might be naïve? Why or why not?

*Closing — Personalize and apply the textual ideas*

If you were a United States senator being pressured by President Andrew Jackson to ignore this petition and ratify the treaty, how would you vote? Why?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

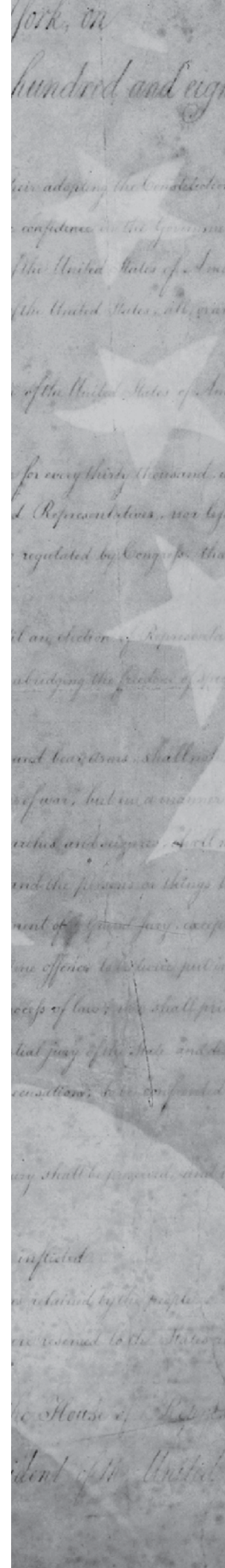
*Content — Extend application of textual and discussion ideas*

Share with the seminar participants the outcome of this historical event. Ask them to consider whether or not it is possible for the Senate of the United States (a law making body) to break the “law.” Why or why not? Ask them to discuss this question in groups, share their ideas with the entire class and then assign them as individuals the task of answering this question in writing, using the Cherokee treaty and petition as examples.

## Other Texts for Discussion:

“Petition to the U.S. Congress from 97 Citizens” (*First Freedoms*, 70-76)

“Heed Their Rising Voices” (*First Freedoms*, 169-173)



**SEMINAR PLAN:**  
**Standing Rule 25**  
 (see *First Freedoms*, pages 77-81)  
 U.S. House of Representatives — 1837

**Ideas and Values: economics,  
 petition, property, slavery, race**

**Pre-Seminar**

*Content — Present relevant background information*

Ask participants to read the text of Standing Rule 25 (page 80 of *First Freedoms*) at least twice. Once they have done so, ask volunteers to read the text aloud.

Just before the seminar, set the historical context, explaining the nature of the petitions that Standing Rule 25 was intended to quash. (See introductory essay on pages 77-81 of *First Freedoms* for details.) Share the excerpt from John Quincy Adams' speech on page 79-80 that asked for open debate of the issue.

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

**Seminar**

*Opening — Identify main ideas from the text*

There are 52 words in Standing Rule 25. Which of those 52 do you think is most significant? (*round-robin*) Why? (*spontaneous*)

*Core — Focus/analyze textual details*

The majority of the members of the House of Representatives in 1837 voted to adopt this rule, including many Northern members. Why do you think they did so? Refer to the text.

In the years following the adoption of this rule, it came under increasing attack from many members of the House, including John Quincy Adams. Why do you think these legislators continued to hammer away at what was obviously a very explosive issue?



Some Southern members of the House argued that Standing Rule 25 was needed because Southerners did not believe slavery constituted a “grievance,” so Northerners didn’t have the right to petition against them. Do you agree? Why or why not?

*Closing — Personalize and apply the textual ideas*

Are there topics that are so volatile that they should not be discussed in a public forum? If so, why? If not, why not?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

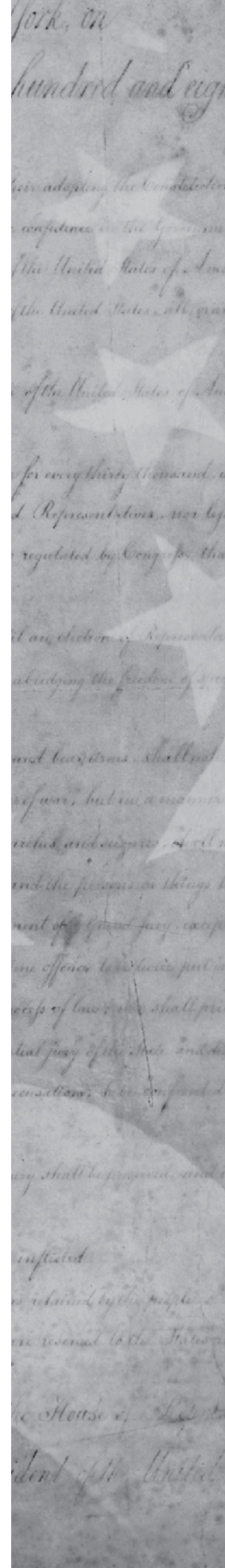
Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

Have students work in teams to identify injustices that they believe would be worth the creation of a petition to authority. Facilitate a whole-class discussion in which the students choose one of these injustices to address by drafting a petition and seeking out signatures to support it. (Be careful to note that individual students have the right to refuse to sign the petition even if they were involved in identifying the issue or drafting the text.) Assist the students in submitting their petition to the appropriate authorities.

## Other Texts for Discussion:

The Emancipation Proclamation



SEMINAR PLAN:  
**Appeal to Congress to Protect  
 the Rights of Chinese<sup>9</sup>**  
 Discussed in *People v. Hall*  
 (*First Freedoms*, pages 82-92)  
 Pun Chi — c. 1860

## Ideas and Values: justice, legal rights, property, race

### Pre-Seminar

*Content — Present relevant background information*

Ask participants to read the text at least twice, marking significant passages for attention and noting any questions they have about content. On the day of the seminar, ask volunteers to read the text aloud.

Just before the seminar, set the historical context, emphasizing that this appeal was in part a response to the decision by the California State Supreme Court to uphold a lower court's decision to deny Chinese residents the right to testify in court. Note as well that Pun Chi was protesting the Foreign Miners Tax of 1852, which also contributed to an atmosphere of prejudice and even outright violence against Chinese laborers. (See introductory essay on pages 82-85 of *First Freedoms*.)

*Process — Prepare participants to participate in seminar discussion*

Review seminar guidelines and define roles for facilitator and participant. Using an appropriate seminar checklist or rubric, ask the seminar group to set a group process goal for this discussion. Then, ask each student to set a personal process goal for this seminar.

### Seminar

*Opening — Identify main ideas from the text*

Of Pun Chi's first six "subjects," which do you think makes the most powerful argument for fair treatment? (*vote by show of hands*) Why? (*spontaneous*)

*Core — Focus/analyze textual details*

---

<sup>9</sup> This appeal was written sometime between 1856 and 1868; it was translated into English and published in 1870 by William Speer, a Presbyterian minister and missionary in San Francisco's Chinatown. The complete text is available online at [www.historymatters.gmu.edu/d/6618/](http://www.historymatters.gmu.edu/d/6618/). The version under discussion here addresses six of Pun Chi's 12 subjects, including his conclusion, number 12.

In the introduction to his Appeal, Pun Chi describes his “confidence” that the “eminent body” of Congress will “contemplate ... the people of the whole world as one family.” Do you think this is a good strategy on his part? Why or why not?

In his third subject, Pun Chi compares how foreigners are treated in China to how the Chinese are being treated in California. Why do you think he does this? Is it a convincing argument?

In his fifth subject, Pun Chi argues that Chinese must be allowed to testify in court. Based on the text, why is the right to testify so important? How is it related to the rights guaranteed by the First Amendment? (*display the First Amendment if necessary*)

*Closing — Personalize and apply the textual ideas*

Pun Chi concludes by asking that the U.S. Congress either allow the Chinese to return to their homeland OR force California to honor their human rights. If you had been a member of Congress in 1870, how would you have responded? Why?

## Post-Seminar

*Process — Assess individual and group participation in seminar discussion*

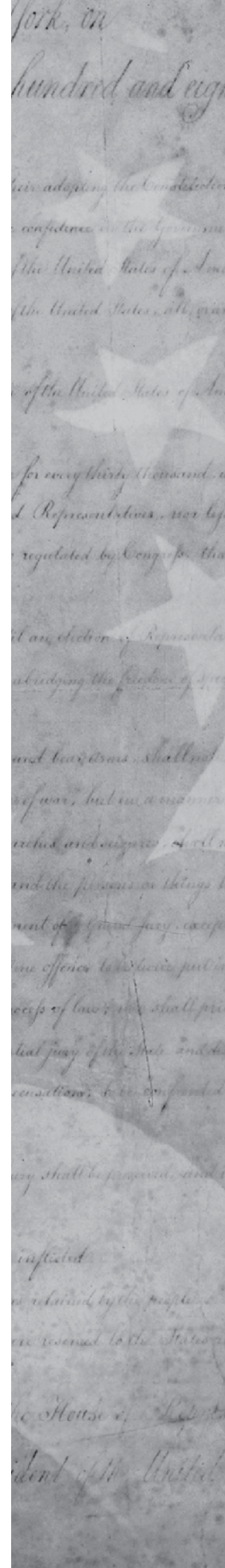
Review the seminar process with the students. Discuss to what extent they achieved their individual and group goals. Plan for the next seminar.

*Content — Extend application of textual and discussion ideas*

Ask students to work in pairs to compose a fictional petition to the Supreme Court of California, c. 1854 in which they argue that the right to testify in court is guaranteed by the First Amendment. Stress that they should build as comprehensive an argument as possible.

## Other Texts for Discussion:

“The 14th Amendment to the U.S. Constitution” (*First Freedoms*, 99-105)



... and held at the City of New York, on  
Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE

RESOLVED

ARTICLE

ISBN: 978-0-9801627-0-7  
9 0000  
9 780980 162707