

Using the First Amendment

Purpose:

The First Amendment's protection of freedom of the press, freedom of speech, the right to assembly and the right to petition is perhaps the most powerful guarantee Americans have that their views can be heard, no matter how unpopular. Many times the exercise of First Amendment rights by citizens with unpopular views on how our society should be changed have become majority views and/or public policy. Similarly, the First Amendment's protection of freedom of religion is often most important to those holding beliefs that differ from the majority's. This lesson is designed to help students recognize First Amendment rights in use. Case studies of ordinary citizens who exercised their First Amendment rights are used in the lesson to help students recognize opportunities to exercise First Amendment rights in their own lives and their community.

Procedure:

1. If you have not used any of the previous lessons, ask students if they can list the rights protected by the First Amendment. Post their responses. Then distribute and read the handout *The First Amendment* comparing the rights described with the students' lists. Post these rights on the board. Ask students which of the rights fall under "freedom of expression." Underline these rights (speech, press, assembly, petition) on the board.
2. Divide students into small groups. Present this hypothetical situation: Imagine you are a member of a group of people with an important message. You want as many people as possible to hear about it. The message could be about a coming event, a student car wash to raise money for your school's band to go to the Rose Bowl parade, for example, or it could be about an important social issue, such as stopping gun violence, helping homeless people or even fighting a proposed youth curfew in your town.
3. Tell students to imagine they have enough money to cover printing, mailing and maybe even placing their message on TV, the radio or the Internet. Allow students time to brainstorm in their groups for a few minutes about ways to communicate. Ask students to try to think of as many different ways as they can to get their message out to as many people as possible. Have a reporter from each group tell what the group has decided.
4. If students have not thought of these approaches, you might add:
 - Printed messages or advertisements.
 - Broadcasts on radio or television.
 - Advertising jingles.

- U.S mail.
- Leaflets distributed on car windows, posted along highways, taped onto mailboxes.
- T-shirts, bumper stickers, buttons.
- Internet messages, e-mail messages.
- Individuals standing on street corners or in public places and talking about the messages or demonstrating or holding placards.
- Graffiti, bulletins, billboards.
- Messages on the sides of milk cartons.

5. Wrap up this part of the lesson with these points:

- We have many ways of making our viewpoints known. In the United States, our freedom of speech is protected by the First Amendment.
- Just as it protects our freedom of religion and our freedom of speech, the First Amendment offers other freedoms: press, assembly, petition for redress of grievances.

6. Encourage students to speculate about who needs freedom of expression the most: Someone who thinks the country is being run exactly right or someone who thinks major changes are needed in our government? Point out that it has been through the use of First Amendment freedoms that many unpopular minority views on how our society could be improved have eventually become majority views and public policy.

7. Divide the class into four groups, giving each group one of the case study handouts and the handout *Case Study Questions* (Additional case studies are found on the First Amendment Center's web site:

<http://www.freedomforum.org/packages/first/curricula/educationforfreedom>. On the site go to the first lesson titled *What's It All About? An Introduction to the First Amendment*.) Members of each group should read their case study individually and then conduct a small-group discussion of the case study analysis questions you have distributed. (Handout *Case Study Questions*.) Circulate around the room while the groups work, providing assistance and information as needed. For your reference, possible answers to the case study questions are provided below.

- **Cat Nguyen** used her freedom of the press to start an alternative school newspaper. She included satirical articles about school and school officials. These articles were unpopular with the principal and school board. Nguyen was discouraged by the results of her effort, because other students would not buy the paper she had won the right to publish. She decided to become a doctor instead of a lawyer as a result.
- **César Chávez** used freedom of speech, assembly and petition to advance the rights of migrant farm workers to have fair wages and decent living conditions. Many of the workers were scared to join Chávez's group, and the growers were opposed to the unionization efforts. However, Chávez never gave up, becoming more and more

dedicated to his work and involving his family members in it as well. Eventually, many people joined boycotts to support the workers' efforts, a union was formed and labor laws were changed.

- **Thomas Waring** used his freedom of religion to become a conscientious objector in World War II. He also used freedom of speech and assembly in participating in demonstrations against atomic weapons and the Vietnam War. During World War II, his position was extremely unpopular, as people felt that anyone who was patriotic should fight in the war. In the 1950s, those opposed to atomic weapons were accused of being communists. However, as more and more people participated in peace demonstrations and rallies in later year, Waring found the experience "exhilarating" and "overwhelmingly powerful."

- As a young girl, **Audrey Faye Hendricks** took part in the civil rights movement, using freedom of speech, assembly and petition. Law enforcement officers in Alabama, like many Southern whites, opposed the movement and arrested demonstrators. Hendricks was proud of her efforts to achieve freedom for African-Americans.

8. When groups have concluded their discussions, ask each to prepare a brief dramatization about their assigned citizen to be presented the next day. An alternative format might be to stage a "talk show" in which the "host" and "audience" ask questions of students representing the case study subjects. Remind students that their presentations should address the case study questions on the handout.

9. At the beginning of the next day's class, allow a few minutes for the groups to review what they are going to present.

10. Have the groups make their presentations in turn. Following each presentation, ask the class for a reaction to this citizen. Do they agree with this citizen's goal? What rights did the citizen exercise? What might have been the consequences of not using this right? How would you have acted in a similar situation?

11. Ask students to think about what would have happened if these citizens lived in a society where everything is decided by majority opinion. How might the outcome have changed? Emphasize that our republican form of government places limits on the power of the majority. The Bill of Rights – particularly the First Amendment – protects people whose views are unpopular.

12. Conclude the activity by asking students to find a newspaper clipping about someone who is currently exercising First Amendment rights.

Enrichment/Extension

1. Interested students might, with the help of the drama teacher, prepare more polished presentations of citizens studied in this lesson. The dramatizations could be videotaped for use in other classes.
2. Encourage students to interview local citizens who have exercised First Amendment rights on behalf of a cause they believe in. If enough interviews are conducted, students can prepare a magazine of oral histories related to the First Amendment. The student magazine can be added to the school media center.
3. Assign students to read biographies of other Americans who used their First Amendment rights to put forth unpopular views that have now become more widely accepted.

The First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

What do the words of the First Amendment mean?

- The First Amendment prevents the government from establishing an official religion. Citizens have freedom to attend a church of their choice-or to not attend at all.
- The First Amendment protects our freedom of speech. It keeps the government from making laws that might stop people from saying what they think. This amendment gives people the right to criticize the government and share their opinions with other people.
- A free press means that we can get information from many different sources. The government cannot control what is printed in newspapers and books or broadcast on TV or radio. Citizens can request time on television to respond to views that they do not agree with, or write letters to the editor. They can distribute leaflets that give their opinions.
- Citizens can assemble. This means they can join groups as they please for political, religious, social or recreational purposes. By organizing together, citizens can spread their ideas more effectively.
- The First Amendment also provides for the right to petition. This means that citizens can ask for changes in the government.

Case Study Questions

1. What First Amendment right or rights did this person use?
2. What did this person do that was unpopular at the time? How did people react?
3. How did this person change as a result of exercising a First Amendment right?
4. Do you think this person's act benefited or harmed our society? Did the person's view come to be shared by the majority of Americans? By a larger number of Americans?

Cat Nguyen*

A year ago this spring Cat Nguyen was 16, an honors student at West Jefferson High School, just across the Mississippi River from New Orleans, and an editor of a soon-to-be mimeographed school paper called *Your Side*. Five years earlier she had reached this country from Viet Nam, with no command of English. Having come so far so quickly, she thought the world was at her feet - until principal Eldon Orgeron saw the paper and banned it.

He had not been consulted. Orgeron said; what was more, he seemed to read the paper's tone as seditious [against authority]. Nguyen went to the American Civil Liberties Union. "I had to do it to prove I can fight for my rights and to show other kids they can fight for theirs."

Nguyen is one of those wunderkinds [wonderchildren] who inspire pride, envy or both. Her mother came from Saigon to New Orleans in 1980 to be near her brother. Cat soon followed. Her mother got a job teaching elementary school and rented a long, skinny house - a shotgun house - hard by [next to] the levee in the little town of Gretna. Cat conquered English, became an honors student and grew to a height of 4 ft. 9 in. She also got an after-school job in a grocery, where she had to stand on a case of beer to reach the cash register.

Last year, as a part of a class project on freedom of the press, she and her friend Regina Saenz and a couple of casual contributors put out their 14-page mimeographed paper. They thought they were being funny, ironic, irreverent. They included references to unresponsive counselors, the selling of term papers, sex, drugs, cheating. "Don't try to cheat unless you're really sneaky, have years of experience and sit way in the back of the class," they wrote in a parody of an advice column. To a would-be dropout, they preached. "Just stay home, get a job at some gas station, get married, have a couple of kids, and before you know it, you'll be 70."

"This was not responsible journalism," said Orgeron. "This school does not extol those kinds of things. That's why this paper had to stop." The principal seized the last 30 of the 150 copies Cat had run off. She had sold the rest for \$0.50 a pop. The young woman likes to tell her own story:

"I used to be a waitress in a restaurant, and I knew some lawyers, and they told me to call the American Civil Liberties Union. For a week they didn't accept me. They thought I was just some student mad at my principal. When they did accept me, the ACLU contacted the school and threatened to take it to court. The school board's lawyers settled out of court. I got the right to print

more issues, but I couldn't sell it. We had no money. How could I print without selling?

I could not sue without parental approval because I'm underage, and my mother works for the school board and she wouldn't sign. If I had my way, I would have taken it all the way. At the end of the school year I decided to publish another issue. Since I couldn't sell it, it came mostly out of my pocket. I just wanted to prove my rights. It made the teachers mad. The principal said he decided to not censor it - with the lawyers and everything he didn't have the right - but he just wanted to sound tough."

What dispirited her about the ordeal, the student says, was the apathy of the student body. "I wanted a paper for the majority, the D students. The minority, the A students, have their own paper, the official paper, the *Jolly Roger*. But when my paper came out, the minority was against me and the majority couldn't have cared less. I wanted to be a lawyer and change the world. But when I saw the minority wasn't with you and the majority didn't care, it looked to me just like politics. I have decided to become a doctor and help people whether they want it or not. I don't want to have anything to do with politics."

Cat Nguyen was graduated from West Jefferson High last month with perfect scores and a four-year Martin Luther King Scholarship to Brandeis University, where she will start the long road to becoming a physician.

*Excerpted from "This is Against My Rights." *Time* 130, no. 1 (July 6, 1987), pp. 40-42. Copyright 1995 Time Inc. Reprinted by permission.

César Chávez*

César Chávez was born in Arizona in 1927. His parents were farmers and business owners. But in 1937, the family lost its farm because of a bad business deal. Here is what happened next.

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By 1938, the Chávez family had joined some 300,000 migrant workers who followed the crops in California. Migrant workers would travel all over the state, picking whatever was in season for the farm owners. The migrant workers had no permanent homes. They lived in dingy, overcrowded quarters, without bathrooms, electricity or running water. Sometimes they lived in the pickup trucks in which they traveled. Like the Chávez family, most of them were of Mexican descent...

Chávez worked part-time in the fields while he was in school. After graduation, he began to work full-time. He preferred working in the vineyards because grape pickers generally stayed in the same place for a longer time. He kept noticing that the labor contractors and the landowners exploited the workers. He tried reasoning with the farm owners about higher pay and better working conditions. But most of his fellow workers would not support him for fear of losing their jobs. As a solitary voice, Chávez had no power.

In 1944, he joined the United States Navy. At the end of his tour of duty, he returned to California to work in the fields. In 1948, he married a young woman named Helen Fabela, who shared his social concerns. He began teaching the Mexican farm workers to read and write so they could take the test to become American citizens. He hoped that, as citizens, his fellow farm workers would be less afraid to join him in his efforts to improve working conditions.

One day, a young man from a local Community Service Organization wanted to recruit Chávez. He wanted him to join the organization to help inform the migrant workers of their rights.... Chávez became a part-time organizer for the group. During the day, he picked apricots on a farm. In the evening, he organized farm workers to register to vote. He was so successful that he registered more than 2,000 workers in just two months. But he was so busy helping the farm workers that he neglected his own work. As a result, he lost his job.

He then went to work full-time for the Community Service Organization. He had to organize meetings to tell workers of their rights. He worried because he felt he wasn't a good speaker. So at first, he did more listening than speaking.

In time, he grew more confident and found that people listened to him and liked his message. But, it was still very difficult to persuade the workers to fight for their rights. They were always afraid of losing their jobs.

By 1962, he could no longer stand to see the workers being taken advantage of, watching as they worked long hours for low pay. At the age of thirty-five, he left his own well-paid job to devote all his time to organizing the farm workers into a union. His wife had to become a fruit picker in the fields to feed their children.

Chávez traveled from camp to camp organizing the workers. In each camp, he recruited a few followers.... At the end of 6 months, 300 members of the National Farm Workers Union, as the group was first called, met in Fresno, California. At that first meeting, they approved their flag, a red background with a black eagle in a white circle in the center. "La Causa" (The Cause) was born.

With a strong leader to represent them, the workers began to demand their rights - fair pay and better working conditions. Without these rights, no one would work in the fields. A major confrontation occurred in 1965. The grape growers didn't listen to the union's demands, and the farm hands wanted to strike. Chávez wanted to avoid a strike. But he was finally convinced that there was no other way. The workers left the fields, and unharvested grapes began to rot on the vines. The growers hired illegal workers and brought in strikebreakers and thugs to beat up the strikers.

The dispute was bitter. Union Members - Chávez included - were jailed repeatedly. But public officials, religious leaders, and ordinary citizens from all across the United States flocked to California to march in support of the farm workers. Then, in 1970, some grape growers signed agreements with the union. The union lifted the grape boycott. and its members began to pick grapes again. That same year, Chávez thought that even people who could not travel to California could show their support for his cause. Thus he appealed for a nationwide boycott of lettuce. People from all parts of the United States who sympathized with the cause of the farm workers refused to buy lettuce. Some even picketed in front of supermarkets.

By 1973, the union had changed its name to the United Farm Workers of America. Relations with the grape growers had once again deteriorated, so a grape boycott was added to the boycott of lettuce. On several occasions, Chávez fasted to protest the violence that arose between the growers and the pickers. One of his fasts lasted for 25 days. Finally, by 1978, some of the workers' conditions [demands] were met, and the United Farm Workers lifted the boycotts of lettuce and grapes.

In 1985, after several changes in the California labor laws, the unionized farm workers began to march again for better wages and improved working conditions. Today, the Chávez children... all work for migrants' rights.

Editor's Note: César Chávez died in 1993.

*Excerpted from "César Chávez: Leader of Migrant Farm Workers," (*Globe Hispanic Biographies* (New York: Globe Books, 1989), pp. 134-139. Copyright 1989 by Globe Book Company. Reprinted by permission.

Thomas Waring*

Thomas Waring was a Quaker. Because of his religious beliefs, he did not believe in violence. As a young man in the late 1930s, when it looked like the United States might enter World War II, Waring knew he would apply for conscientious objector (CO) status. A conscientious objector is someone who refuses military service because of religious beliefs.

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As I applied to various colleges, ominous news was coming out of Europe. Inevitably, I was asked about which Armed Service I would sign up for in the event of war. One interview in New England went like this:

"In the event that this country gets pulled into the war in Europe, what service will you sign up for?" asked the director of admissions.

"I will apply for exemption as a CO."

"Why are you a CO?"

"Because I believe in peaceful methods of solving differences between people. My religious life has instilled in me a deep feeling that I cannot kill. I believe human life is sacred."

"What church do you belong to?"

"I am a Quaker."

"Does that affect your application status as a CO?"

"Yes, the draft registration form asks, 'What is the nature of your training and belief...? I was trained, as a Quaker, to look for and use peaceful methods of solving differences.'"

* * * * *

When the United States entered World War II, Waring became a CO. He spent the war years serving the country in ways not related to the war: working in a Forest Service camp and mental hospital. Many people hated CO, as Waring learned when he went into a small California town near where he was working.

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I stood beside the truck, stretched, and looked around. Three local men on the bench were looking at me and talking with one another. One of them looked straight at me and spat! Tobacco juice landed on my feet. I moved away, feeling their hostile gazes on my back....

"Guess they don't like strangers here," I said to myself, but I knew better. It was COs they didn't like. Finally, able to turn a corner out of sight, I felt less uneasy. I looked for a shoe store and found a store with a sign saying "Men's Work Clothes." I pulled the door open and heard a bell and voice at the same time.

"Get the hell out of here!" Stunned, I stood a moment looking for the speaker. It took a while for my eyes to adjust to the dim light. There was the owner of the store, balking, wearing red suspenders over a dirty undershirt, leaning on the counter. "You heard me. We don't serve the likes of you in here. Now get out before I..."

I did not allow the man to finish; I got the message and acted on it quickly. I wandered out on the town green [park] and sat under the one tree there....

"Well, I wonder if they will serve me at that diner over there," I muttered out loud, crossing the street. Before I had stepped up on the pavement, the owner of the diner, a big man in a white apron, appeared in the doorway, hands on his hips. "If you think I am going to serve you at my counter, you'd better think again. My advice to you is to get out of town. NOW!"

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After World War II, Thomas continued to take part in anti-war activities.

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I had walked for peace from Waltham to Boston in the late 1950s in protest of the atomic weapons then being built. The idea was to walk from the perimeter of the crater of destruction that would be caused by an atomic bomb if it were dropped on Boston. Others on the same day walked from other points on this perimeter. We started out in Waltham with 15 marchers. People in second floor windows and in cars driving by spat and yelled "Communists!" at us.

By the time we reached Boston Common, 75 people had joined our little group. There were about 1000 people on the Common in all, and the place was

full of hecklers.

Other peace walks in those days were similar. Then, in 1968, I was in a much larger walk from Cambridge Common to Boston Common during the Vietnam War. I remembered walking down Massachusetts Avenue among wall-to-wall people, and that was an exhilarating time. Twenty thousand people on Boston Common!

On June 12, 1982, I had an overwhelmingly powerful experience in the march and rally against nuclear war in New York City. This time, there were *one million* people marching, from every state and a number of foreign countries.

Excerpted from *Something for Peace*, by Thomas Waring (Hanover, NH: Waring, 1989). Reprinted with the permission of the author.

Audrey Faye Hendricks*

Audrey Faye Hendricks was a young girl in the spring of 1963, when civil rights demonstrators were attacked by police officers in Birmingham, Alabama. So many young people were jailed that these events became known as the Children's Crusade. Below, Audrey Faye tells how she became involved in the demonstrations.

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There was no way for me not to know about the movement. My church, New Pilgrim, was very active....

I think my first recollection of what was going on was at a church meeting. I was about seven. They were going to have a small demonstration. I remember leaving church and walking out to watch the first demonstrators. There was an elderly black man watching, and a dog attacked him. I was in shock. I just couldn't believe that the police would turn the dog loose on an old man.

I remember it being warm the morning I marched. The night before at the meeting, they told us we'd be arrested. I went home and told my mother I wanted to go. She just said. "Okay." I was in the third grade. My teacher knew that I was going, and she cried. She thought, I guess, it was admirable that I would go. Teachers had the threat of losing their jobs.

I did not go to school the day that I went on the march. I wasn't nervous or scared. We started from Sixteenth Street Church. We always sang when we left the church. The singing was like a jubilation. It was a release. And it also gave you calmness and reassurance.

We went down a little side street by Kelly Ingram Park and marched about half a block. Then the police put us in paddy wagons, and we went to Juvenile Hall. There were lots of kids, but I think I may have been the youngest child there. I was nine. My girlfriend was a year older than me.

Later on they took me to a room where there were some men who asked me questions about the mass meetings. I was nervous when they first called me in. I didn't know what they were going to do to me. After they started asking me questions, I calmed down a little and thought maybe they're not going to do anything. But it crossed my mind. It was a room of five or six men. All white. And I was little.

I got the impression they were trying to find out if there were some communistic kinds of things going on. They asked me if they forced us to march, and what was said at the meetings. I told them pretty much what they were doing. That there would be singing and talking about freedom, that kind of thing. They said nothing. I was in there about fifteen minutes. After that they let me go back.

I was in jail seven days. We slept in little rooms with bunk beds. There were about 12 of us in the room.... We ate in the cafeteria. The food wasn't home cooking. I remember some grits, and they weren't too good. My parents could not get word to me for seven days....

I felt like I was helping to gain what we were trying to get, and that was freedom.

At the end of seven days, they told me my parents were there to get me. I was real glad. They were just smiling and hugging me. I know they had been nervous 'cause I heard them on the phone saying, "Oh, I'm glad she's back!" I could tell they were proud of me.

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