## Chapter 1 : Learn the First Amendment | Worksheet | blog.quintoapp.com

*Censorship demands require educators to balance First Amendment obligations against other concerns: maintaining the integrity of the educational program, meeting state education requirements, respecting the judgments of professional staff, and addressing deeply-held beliefs in students and the community.*

Education and the 14th Amendment During the s, a lot of people entered the United States illegally. Many came from Mexico to work for low wages in border states like Texas. Attorney General William French Smith testified before Congress in that most of the 3 to 6 million illegal aliens were living more or less permanently in this country. This situation led to questions about the legal status and rights of these persons. They are often referred to as "undocumented workers" or "illegal aliens," because they have not obtained the papers necessary for being in the country. The 14th Amendment prohibits any state from denying "to any person within its jurisdiction the equal protection of the laws. But does the equal protection clause also demand equal treatment for those who are not citizens or who have entered the United States illegally? In , the U. Supreme Court decided the case of a group of children of undocumented workers who had been denied free public schooling by the state of Texas. After reading the background and arguments of this case, your class will have the opportunity to role play the Supreme Court hearing of this case. The Background of Plyler v. Doe In May , the Texas state legislature passed a law authorizing school districts to deny enrollment to children who had not been "legally admitted" into the United States. Under this law, Texas school districts could either bar from the schools the children of illegal aliens or charge them tuition. Several federal court lawsuits were filed against the Texas law. The first was a class-action suit filed in by legal defense attorneys on behalf of "certain school-age children of Mexican origin residing in Smith County, Texas, who could not establish that they had been legally admitted into the United States. An injunction court order barred the state and the Tyler school board from denying free public schooling to the undocumented immigrant children. A federal appeals court in agreed with the lower court rulings. The Tyler school board and school superintendent, James Plyler, appealed to the U. The Constitutional Questions In preparing their briefs for the Supreme Court hearing, the attorneys for the Tyler school district, as well as the attorneys for the undocumented immigrant children, had to address two basic constitutional questions: The Arguments of the Appellants Attorneys representing the Tyler Independent School District, the appellants in this case, answered "no" to both of the constitutional questions. To support their position, the appellants offered the following arguments: They are unlawfully living in the state and are subject to deportation. Undocumented immigrants should not be protected under the equal protection clause to the same degree as citizens and others living legally in the country. By denying free public schooling to children of undocumented immigrants, the Texas law serves a "substantial state interest," which justifies an exception to the equal protection clause. The "substantial state interest" in this case is based on the following: This money could better be spent on the children of legal residents. A free public education for the children in this case will encourage the continued influx of undocumented immigrants into Texas. The children of undocumented aliens place "special burdens" on the Texas education system such as the hiring of additional bilingual teachers. Supreme Court has earlier held that a free public education is not a "fundamental right" under the Constitution. Rodriguez , U. Congress and the federal government should be held responsible for the education of illegal immigrant children since this is a national, not a state problem. The Supreme Court has no constitutional authority to strike down state laws simply because they may be unwise. The Supreme Court has no constitutional authority to create rights when they do not exist in the Constitution. The Supreme Court should not attempt to solve social problems. This is the job of Congress and the state legislatures. It is not fair for Texas taxpayers to be held responsible for educating the children of the world. The Arguments of the Respondents The attorneys representing the undocumented immigrant children, the respondents in this case, answered "yes" to both of the constitutional questions. To support their position, the respondents offered the following arguments: Supreme Court has previously ruled that the equal protection clause of the 14th Amendment applies not only to citizens but to "any person" including aliens [ Yick Wo v. The children in this case are "persons" living within the "jurisdiction" of the state since they reside in Texas and are subject to its

laws. Discrimination against the school-age children in this case is not justified by any "substantial state interest": The children in this case represent only 1 percent of the school-age population in Texas. Spending some state funds by educating these children will not reduce the quality of schooling of the other children. There is little evidence that undocumented immigrants come to Texas seeking educational benefits for their children. Most come looking for jobs. Most of the state funds used for bilingual education and related special needs are spent on pupils who are legal residents. While education may not be a "fundamental right" under the Constitution, the equal protection clause of the 14th Amendment requires that when a state establishes a public school system as in Texas , no child living in that state may be denied equal access to schooling. Failure to educate these children will lead to higher future social costs related to unemployment, welfare, and crime. Children should not be penalized for the illegal acts of their parents. Undocumented immigrant children could later become legal residents or even citizens as a result of marriage or changes in the law. Denying a free public education to the children of undocumented immigrants now will keep them forever in the lowest socio-economic class. Some children of undocumented immigrant parents were born in this country. These children are already full citizens of the United States and are entitled to an education. Is it fair for some children in a family to have access to public education while others are denied? The Texas law presents the danger of creating a permanent class of undocumented immigrants encouraged to stay as cheap labor but denied any benefits of society. Texas will be better off having these children in school rather than roaming the streets. For Discussion and Writing In your opinion, who does the equal protection clause of the 14th Amendment protect? Research the Immigration Reform and Control Act of  Did this law seem to justify or not justify the idea of providing free public schooling to the children of undocumented immigrants? Do you think any of the following public benefits should be available to undocumented immigrants or their children?

## Chapter 2 : Learning and Living the First Amendment | Education World

*Interestingly, concern for the preservation of public schools is expressed as often as concern for the First Amendment. One example is how Church & State attempts to rebut "claims that religious and other private schools would educate children better.".*

October 30, by Jonathan Stahl credit: Here are 10 Supreme Court cases related to education that impacted both constitutional law and the public school experience. Board of Education Arguably the most well-known ruling of the 20th century, Brown overturned Plessy v. While the Brown decision marked only the beginning of a prolonged struggle to achieve actual integration, its impact cannot be understated. Vitale and 8. Abington School District v. Schempp This pair of cases shaped the modern understanding of how the Establishment Clause of the First Amendment constrains prayer in public schools. In Engel, the Court struck down a New York State rule that allowed public schools to hold a short, nondenominational prayer at the beginning of the school day. Kurtzman This case adjudicated a different sort of Establishment Clause challenge, where the controversy dealt with a statute providing financial support for teacher salaries and textbooks in parochial schools. The Burger Court unanimously decided that this financial aid scheme violated the Establishment Clause and delineated the governing precedent for Establishment Clause cases known as the Lemon test. Yoder Among the litany of public school cases from the Warren and Burger eras is the landmark Free Exercise Clause decision in Yoder. Wisconsin mandated that all children attend public school until age 16, but Jonas Yoder, a devoutly religious Amish man, refused to send his children to school past eighth grade. San Antonio Independent School District v. Rodriguez Like most U. The District sued the state on behalf of the students in its district, arguing that since property taxes were relatively low in the area, students at the public schools were being underserved due to the lack of funding compared to wealthier districts. They argued that the Equal Protection Clause of the 14th Amendment mandates equal funding among school districts, but the Court ultimately rejected their claim. The district passed a rule prohibiting the armbands as part of a larger dress code, and students challenged the ban as a violation of the Free Speech Clause of the First Amendment. This case is notable for its impact on First Amendment jurisprudence regarding distinctions between conduct and speech, as well as for its extension of free speech protections to students. The vice principal then searched her purse, found drug paraphernalia and called the police; the student was eventually charged with multiple crimes and expelled from the school. The Supreme Court decided that the Fourth Amendment does constrain the actions of school officials, and that students have a legitimate expectation of privacy when in school. Lopez In , President George H. Bush signed the Gun-Free School Zones Act, which prohibited the possession of firearms in designated school zones. Lopez, a 12th-grade student at a Texas high school, was caught carrying a gun at his school and was charged under the statute. He challenged his conviction and the Gun-Free School Zones Act, saying that Congress did not have the constitutional authority to ban guns in school zones. In one of the narrowest readings of the Commerce Clause since the Lochner era , the Court struck down the law and ruled that Congress had exceeded its authority. They explained that the possession of a gun does not have a substantial effect on interstate commerce, and that these sorts of regulations could only be passed by state governments. Parents Involved in Community Schools v. Seattle In , the Supreme Court ruled in Gratz v. Bollinger and Grutter v. In light of this, the Seattle School District established a tiebreaker scheme for admission to competitive public schools in the district, in which racial diversity played a role in the ultimate decision. The policy was challenged, and the Supreme Court was tasked with deciding if the Equal Protection Clause had any bearing on the case. It determined that its earlier decisions for college affirmative action do not apply to public schools and that racial diversity is not a compelling government interest for public school admission. California Teachers Association Pending The Court made the decision to hear this case in June, and will hear oral arguments this term. Friedrichs is a First Amendmen t challenge to the practices of public unions. The Court will determine whether requiring teachers to pay for union activities that are not explicitly political speech violates the First Amendment. If they rule that the scheme is permissible, the Court must also decide whether an opt-out system for political activities is constitutional. Jonathan Stahl is an intern at the

National Constitution Center. He is also a senior at the University of Pennsylvania, majoring in politics, philosophy and economics. Recent Stories on Constitution Daily.

## Chapter 3 : US Government for Kids: Constitution Amendments

*The wording of the Bill of Rights is a little different than the way we speak and write today, but with this worksheet your child will learn some of the main points of the First Amendment through simple prompts and a word scramble.*

Establishment clause, Compulsory public education, Pierce v. In recent years the criticism has gone to the roots. Critics charge that to leave children imprisoned in the public school monopoly is to risk the standardization of our children; it is to socialize them in the preferred views of the State. They argue that it would be better to adopt a system of vouchers or private scholarships to support a multiplicity of private schools. A multiplicity of such schools, it is said, would enhance parental choice, would foster competition, and would promote a diversity of views, which in turn would bring the kind of independent perspective needed for the sort of robust private and public debate needed in our constitutional democracy. Arguments such as these are ordinarily associated with conservatives; but they are also attractive to some liberals, particularly to those concerned about the state of public education in many of the central cities. The debate about public and private education raises important questions about the role of the state in promoting a certain kind of person and citizen, which has implications for liberal and democratic theory, the respective rights of children and parents, and the nature of religious freedom in a democratic society. In addressing these issues, I will argue that the debate about compulsory public education has been oversimplified. Too often the argument has been that compulsory public education is always unconstitutional or, less frequently, that it is always constitutional. Similarly, much of the debate about vouchers contends that they are always good or always bad or that vouchers to religious schools either always do or always do not violate the Establishment Clause. I will argue that the interests of children and the state in public education have been underestimated and that government should in many circumstances be able to compel adolescents of high school age, but not pre-adolescents, to attend public schools. This presumption, however, is more difficult to defend when public schools are relatively homogeneous or are providing inadequate education to poor children. Even if vouchers could generally be supported, vouchers to religious schools raise serious concerns about the appropriate principles of church-state relations in the American constitutional order. But these concerns might be overcome in certain circumstances. In short, I argue that compulsory public education is sometimes constitutional and sometimes not, that vouchers are generally to be resisted, but sometimes not, and that vouchers to religious schools should ordinarily be considered unconstitutional, but sometimes not. In making these arguments, I do not purport to make claims about what the Rehnquist Court would do; to the contrary, I make arguments about how the Constitution should be interpreted. Part I of this essay criticizes the reasoning in Pierce v. Society of Sisters, the first case to consider compulsory public education. Part II presents the strong purposes supporting public education, weighs those interests against the claim that parents have the right to direct the upbringing and education of their children, and concludes that compulsory public high school education should be constitutional in many circumstances; although, it posits that parents should have the right to send their children to private schools in the years prior to high school. Part III argues that the same conclusions follow in the face of First Amendment speech, association, and religion claims, but that they might be vulnerable in some circumstances against a claim for a right to a good education. Part IV argues that vouchers should not be constitutionally required even if it is conceded that parents have a constitutional right to send their children to private schools in the pre-high school years and that serious Establishment Clause concerns arise in the context of vouchers, concerns that should be overcome only in limited circumstances. Finally, Part V contains a brief conclusion. Recommended Citation Shiffrin, Steven H. Compulsory Public Education and Vouchers"  Cornell Law Faculty Publications.

## Chapter 4 : Everson v. Board of Education | The First Amendment Encyclopedia

*Note: Citations are based on reference standards. However, formatting rules can vary widely between applications and fields of interest or study. The specific requirements or preferences of your reviewing publisher, classroom teacher, institution or organization should be applied.*

Other articles in Issues Related to Speech, Press, Assembly, or Petition Attorney General John Ashcroft, with supporting lawmakers, says he will back a House anti-child pornography bill designed to get around the recent Supreme Court decision to strike down a similar law banning computer simulations of teen-agers or children having sex that was judged as too broad, at the Justice Department in Washington, Wednesday, May 1, Standing behind Ashcroft are, from left: Tim Hutchinson, R - Ark. Scott Applewhite, reprinted with permission from The Associated Press Child pornography, a form of sexual expression often involving the depiction of children engaged in sexually explicit conduct, is not entitled to First Amendment protection. It is similar to obscenity in that it represents a category of sexual expression lacking First Amendment protection, but it covers material that does not meet the legal definition of obscenity. Courts have voided laws that are overbroad The federal and state governments have passed numerous statutes outlawing child pornography and protecting children from obscenity, but they have only been somewhat successful. Courts have applied the generally speech-protective strict scrutiny standard, which requires that the government demonstrate a compelling interest and ensure that a law is narrowly tailored to achieve that interest by using the least restrictive means. Courts have routinely voided laws that are overbroad and therefore reach protected speech. Child pornography generally encompasses two different but related issues: The overriding concern of legislators in criminalizing child pornography is its link to the actual sexual abuse of children, a justification generally sustained by courts despite First Amendment free speech objections. Two Supreme Court precedents govern child pornography law. One concerns obscenity generally, while the other is specific to child pornography. Miller Test is used to determine obscene materials In Miller v. California , the Court articulated a three-part test to determine obscenity. Under Miller, material is obscene if: Ferber , the Court upheld prohibitions on the production and distribution of child pornography because of their direct link to the sexual abuse of minors. Congress toughens laws against child pornography, Congress first passed legislation against child pornography with the Protection of Children against Sexual Exploitation Act of , which made it a crime knowingly to use a minor under 16 years of age in obscene depictions of sexually explicit conduct. It next revised the law with the Child Sexual Abuse and Pornography Act of , which proscribed advertising for child pornography and created a civil liability for personal injuries to minors from the production of child pornography. All of this legislation passed prior to the widespread use of the Internet. As child pornography flourished online, Congress strengthened the existing statutes. Congress begins addressing child pornography via computers The first statute passed to address the technological developments expanding child pornography was the Child Protection and Obscenity Enforcement Act of , which criminalized transporting, distributing, or receiving child pornography via computer. State laws were also passed to address this issue. The Supreme Court sustained one of these in Osborne v. This decision cleared the way for a similarly strict ban at the national level, leading Congress to pass the Child Protection Restoration and Penalties Enhancement Act of , which criminalized the knowing possession of child pornography. Court strikes down law criminalizing possession of child pornography In Ashcroft v. One of the reasons given by legislators for passing statutes protecting children from viewing pornography is that adults use such material to lure children into engaging in sexual activity. Of course, general moral concerns are also part of the equation. Courts reject laws based on "overbreadth" standard In Reno v. American Civil Liberties Union , the Court said that the community standards language did not in itself invalidate the law, but that it still might be unconstitutional for other reasons. The case returned to the Supreme Court in Ashcroft v.

## Chapter 5 : Child Pornography | The First Amendment Encyclopedia

*Developed by the Association for Supervision and Curriculum Development (ASCD) and the First Amendment Center, the First Amendment Schools Project is designed to move First Amendment's ideas out of textbook discussions and into practice in classrooms and school hallways, while deepening educators' understanding of the First Amendment.*

Anti-Federalism In , the second year of the American Revolutionary War , the Virginia colonial legislature passed a Declaration of Rights that included the sentence "The freedom of the press is one of the greatest bulwarks of liberty, and can never be restrained but by despotic Governments. However, these declarations were generally considered "mere admonitions to state legislatures", rather than enforceable provisions. Other delegatesâ€"including future Bill of Rights drafter James Madison â€"disagreed, arguing that existing state guarantees of civil liberties were sufficient and that any attempt to enumerate individual rights risked the implication that other, unnamed rights were unprotected. Supporters of the Constitution in states where popular sentiment was against ratification including Virginia, Massachusetts, and New York successfully proposed that their state conventions both ratify the Constitution and call for the addition of a bill of rights. Constitution was eventually ratified by all thirteen states. The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed. The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable. The people shall not be restrained from peaceably assembling and consulting for their common good; nor from applying to the Legislature by petitions, or remonstrances, for redress of their grievances. Establishment Clause Thomas Jefferson wrote with respect to the First Amendment and its restriction on the legislative branch of the federal government in an letter to the Danbury Baptists a religious minority concerned about the dominant position of the Congregational church in Connecticut: Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his social duties. United States the Supreme Court used these words to declare that "it may be accepted almost as an authoritative declaration of the scope and effect of the amendment thus secured. Congress was deprived of all legislative power over mere [religious] opinion, but was left free to reach [only those religious] actions which were in violation of social duties or subversive of good order. In the preamble of this act [. Originally, the First Amendment applied only to the federal government, and some states continued official state religions after ratification. Massachusetts , for example, was officially Congregational until the s. Board of Education , the U. Supreme Court incorporated the Establishment Clause i. The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion to another. That wall must be kept high and impregnable. We could not approve the slightest breach. Watkins , the Supreme Court ruled that the Constitution prohibits states and the federal government from requiring any kind of religious test for public office. Grumet , [12] The Court concluded that "government should not prefer one religion to another, or religion to irreligion. Perry , [14] McCreary County v. ACLU , [15] and Salazar v. Buono [16] â€"the Court considered the issue of religious monuments on federal lands without reaching a majority reasoning on the subject. President Thomas Jefferson wrote in his correspondence of "a wall of separation between church and State". It had been long established in the decisions of the Supreme Court, beginning with Reynolds v. United States in , when the Court reviewed the history of the early Republic in deciding the extent of the liberties of Mormons. Chief Justice Morrison Waite , who consulted the historian George Bancroft , also discussed at some length the Memorial and Remonstrance against Religious Assessments by James Madison, [18] who drafted the First Amendment; Madison used the metaphor of a "great barrier". Everson laid down the test that establishment existed when aid was given to religion, but that the transportation was justifiable because the benefit to the children was more important. In the school prayer cases of the early s, Engel v. Vitale and Abington School

District v. Schempp , aid seemed irrelevant; the Court ruled on the basis that a legitimate action both served a secular purpose and did not primarily assist religion. Tax Commission , the Court ruled that a legitimate action could not entangle government with religion; in Lemon v. Kurtzman , these points were combined into the Lemon test , declaring that an action was an establishment if: The Lemon test has been criticized by justices and legal scholars, but it remains the predominant means by which the Court enforces the Establishment Clause. Felton , the entanglement prong of the Lemon test was demoted to simply being a factor in determining the effect of the challenged statute or practice. Simmons-Harris , the opinion of the Court considered secular purpose and the absence of primary effect; a concurring opinion saw both cases as having treated entanglement as part of the primary purpose test. Some relationship between government and religious organizations is inevitable", the court wrote. Douglas that "[w]e are a religious people whose institutions presuppose a Supreme Being". Free Exercise Clause "Freedom of religion means freedom to hold an opinion or belief, but not to take action in violation of social duties or subversive to good order. United States , the Supreme Court found that while laws cannot interfere with religious belief and opinions, laws can regulate some religious practices e. The Court stated that to rule otherwise, "would be to make the professed doctrines of religious belief superior to the law of the land, and in effect permit every citizen to become a law unto himself. Government would exist only in name under such circumstances. While the right to have religious beliefs is absolute, the freedom to act on such beliefs is not absolute. Verner , [33] the Supreme Court required states to meet the " strict scrutiny " standard when refusing to accommodate religiously motivated conduct. This meant that a government needed to have a "compelling interest" regarding such a refusal. The case involved Adele Sherbert, who was denied unemployment benefits by South Carolina because she refused to work on Saturdays, something forbidden by her Seventh-day Adventist faith. Yoder , the Court ruled that a law that "unduly burdens the practice of religion" without a compelling interest, even though it might be "neutral on its face", would be unconstitutional. Smith , [37] which held no such interest was required under the Free Exercise Clause regarding a neutral law of general applicability that happens to affect a religious practice, as opposed to a law that targets a particular religious practice which does require a compelling governmental interest. Since the ordinance was not "generally applicable", the Court ruled that it needed to have a compelling interest, which it failed to have, and so was declared unconstitutional. In City of Boerne v. Freedom of speech in the United States and United States free speech exceptions Wording of the clause The First Amendment bars Congress from "abridging the freedom of speech, or of the pressâ€¦. The practice in America must be entitled to much more respect. In every state, probably, in the Union, the press has exerted a freedom in canvassing the merits and measures of public men, of every description, which has not been confined to the strict limits of the common law. Madison believed that legislation to be unconstitutional, and his adversaries in that dispute, such as John Marshall , advocated the narrow freedom of speech that had existed in the English common law. For example, the Supreme Court never ruled on the Alien and Sedition Acts ; three Supreme Court justices riding circuit presided over sedition trials without indicating any reservations. Sullivan , [52] the Court noted the importance of this public debate as a precedent in First Amendment law and ruled that the Acts had been unconstitutional: Specifically, the Espionage Act of states that if anyone allows any enemies to enter or fly over the United States and obtain information from a place connected with the national defense, they will be punished. United States , Debs v. United States , Frohwerk v. United States , and Abrams v. In the first of these cases, Socialist Party of America official Charles Schenck had been convicted under the Espionage Act for publishing leaflets urging resistance to the draft. United States, the court again upheld an Espionage Act conviction, this time that of a journalist who had criticized U. United States, the Court elaborated on the "clear and present danger" test established in Schenck. Debs , a political activist, delivered a speech in Canton, Ohio , in which he spoke of "most loyal comrades were paying the penalty to the working class â€” these being Wagenknecht , Baker and Ruthenberg , who had been convicted of aiding and abetting another in failing to register for the draft. In upholding his conviction, the Court reasoned that although he had not spoken any words that posed a "clear and present danger", taken in context, the speech had a "natural tendency and a probable effect to obstruct the recruiting services". The Supreme Court denied a number of Free Speech Clause claims throughout the s, including the appeal of a

labor organizer, Benjamin Gitlow, who had been convicted after distributing a manifesto calling for a "revolutionary dictatorship of the proletariat". New York , the Court upheld the conviction, but a majority also found that the First Amendment applied to state laws as well as federal laws, via the Due Process Clause of the Fourteenth Amendment. California , [70] in which Communist Party USA organizer Charlotte Anita Whitney had been arrested for " criminal syndicalism ", Brandeis wrote a dissent in which he argued for broader protections for political speech: Those who won our independence. United States , [75] the Court upheld the law, 6â€”2. The demands of free speech in a democratic society as well as the interest in national security are better served by candid and informed weighing of the competing interests, within the confines of the judicial process. United States , the Supreme Court limited the Smith Act prosecutions to "advocacy of action" rather than "advocacy in the realm of ideas". Advocacy of abstract doctrine remained protected while speech explicitly inciting the forcible overthrow of the government was punishable under the Smith Act. Though the Court upheld a law prohibiting the forgery, mutilation, or destruction of draft cards in United States v. Ohio , [84] expressly overruling Whitney v. California , [89] the Court voted 5â€”4 to reverse the conviction of a man wearing a jacket reading "Fuck the Draft" in the corridors of a Los Angeles County courthouse. California , [91] the Court struck down a Los Angeles city ordinance that made it a crime to distribute anonymous pamphlets. Justice Hugo Black wrote in the majority opinion: Anonymous pamphlets, leaflets, brochures and even books have played an important role in the progress of mankind. Ohio Elections Commission , [93] the Court struck down an Ohio statute that made it a crime to distribute anonymous campaign literature. Keene , [95] the Court upheld the Foreign Agents Registration Act of , under which several Canadian films were defined as "political propaganda", requiring their sponsors to be identified. Federal Election Commission In Buckley v. Valeo , [97] the Supreme Court reviewed the Federal Election Campaign Act of and related laws, which restricted the monetary contributions that may be made to political campaigns and expenditure by candidates. The Court affirmed the constitutionality of limits on campaign contributions, stating that they "serve[d] the basic governmental interest in safeguarding the integrity of the electoral process without directly impinging upon the rights of individual citizens and candidates to engage in political debate and discussion. Federal Election Commission  The Supreme Court upheld provisions which barred the raising of soft money by national parties and the use of soft money by private organizations to fund certain advertisements related to elections. In Federal Election Commission v. Wisconsin Right to Life, Inc. The Court overruled Austin v. Michigan Chamber of Commerce , [] which had upheld a state law that prohibited corporations from using treasury funds to support or oppose candidates in elections did not violate the First or Fourteenth Amendments. Federal Election Commission , [] the Court ruled that federal aggregate limits on how much a person can donate to candidates , political parties , and political action committees , combined respectively in a two-year period known as an "election cycle," violated the Free Speech Clause of the First Amendment. Street was arrested and charged with a New York state law making it a crime "publicly [to] mutilate, deface, defile, or defy, trample upon, or cast contempt upon either by words or act [any flag of the United States]. California , [] found that because the provision of the New York law criminalizing "words" against the flag was unconstitutional, and the trial did not sufficiently demonstrate that he was convicted solely under the provisions not yet deemed unconstitutional, the conviction was unconstitutional. The Court, however, "resist[ed] the pulls to decide the constitutional issues involved in this case on a broader basis" and left the constitutionality of flag-burning unaddressed. The Supreme Court reversed his conviction in a 5â€”4 vote.

## Chapter 6 : Education and the First Amendment

*The First Amendment. The first 10 amendments to the Constitution are known as the Bill of blog.quintoapp.com Bill of Rights was passed in and includes additions to the Constitution protecting people.*

US Government First Amendment The First Amendment protects several basic freedoms in the United States including freedom of religion, freedom of speech, freedom of the press, the right to assemble, and the right to petition the government. It was part of the Bill of Rights that was added to the Constitution on December 15, This shows how important it was to the Founding Fathers of the United States. Many of the people who first came to America did so in order to have religious freedom. They did not want the new government to take this freedom away. The First Amendment allows people to believe and practice whatever religion they want. They can also choose not to follow any religion. The government can, however, regulate religious practices such as human sacrifice or illegal drug use. Freedom of Speech Another very important freedom to the Founding Fathers was freedom of speech. This freedom prevents the government from punishing people for expressing their opinions. It does not, however, protect them from repercussions they may have at work or in the public from voicing their opinions. Freedom of the Press This freedom allows people to publish their opinions and information without the government stopping them. This may be through any type of media including the newspaper, radio, TV, printed pamphlets, or online. Right to Assemble This freedom gives people the right to gather in groups as long as they are peaceable. The government must allow people to gather on public property. This allows people to hold protests and rallies against the government calling for changes. In some cases, the government may get involved in order to protect the safety of the citizens. Permits may be required to hold large protests, but the requirements for the permits cannot be too difficult to meet and must be required for all organizations, not just some of them. Right to Petition the Government The right to petition the government might not sound very important today, but it was important enough to the Founding Fathers to include in the First Amendment. They wanted a way for the people to officially bring issues to the government. This right allows individuals or special interest groups to lobby the government and to sue the government if they feel they have been wronged. Although it is not specifically mentioned, the Supreme Court ruled that the First Amendment also protects the freedom of association. The rights of petition and assembly are often combined together as one right called the "right to petition and assembly. For example, political speech is considered different from commercial speech like advertisements. Activities Take a quiz about this page. Listen to a recorded reading of this page: Your browser does not support the audio element. To learn more about the United States government:

## Chapter 7 : Thirty-first Amendment of the Constitution of Ireland - Wikipedia

*of the 16 words of the First Amendment's establishment and free exercise clauses, and in particular their import with regard to education, has proven to be a source of.*

The First Amendment Schools Web site provides resources for applying First Amendment principles in schools, including: Written in question and answer format, the book provides instruction for teachers and administrators on applying First Amendment principles to school governance and common school situations. Participants are required to create laboratories of democratic freedom; commit to promote inalienable rights and civic responsibility; include all stakeholders; and translate civic education into community involvement. The sorts of skills that informed citizens need, such as the ability to discuss controversial issues in a civil manner and to ask informed questions, can be honed in any class. Can you expel a kid with blue hair? Do you push a panic button if a lesson on the Middle East segues into a discussion of Islamic beliefs? What happens when a kid refuses to stand for the Pledge of Allegiance? Should students be suspended for demonstrating on the schools front lawn? On just one day -- January 24, -- five stories were spotted in U. In fact, there is a difference between teaching religion and teaching about religion, Chaltain said. When teachers avoid the subject of religion, students are denied valuable cultural information. To help them better understand those and other issues, teachers were issued books about creating democratic classrooms, which includes holding class meetings and presenting lessons on First Amendment freedoms in class. If you want kids to leave 12th grade as responsible citizens who understand their rights and vote, you have to give them the experience," said Williams. The program stresses that freedom does not mean freedom from responsibility. Williams is teaching students and parents that not every issue requires a petition. That privilege had been revoked after students left litter on the fields. Ashby agreed students could go out, after they agreed to clean up after themselves. Ashby added that if she finds litter outside, the fields again will be off limits to lunchers. Community service also is part of school life at Butler; students are encouraged to identify a community issue that needs addressing, develop a resolution, and work on solving the problem. The school newspaper now is reporting on community as well as school issues and, after some journalism instruction, student print and broadcast journalists are being held to higher standards. Students also produce a weekly video news program. Fairview students are participating on a committee to decide whether a uniform policy should continue, although parents will make the final decision. Parental involvement also has increased at Fairview since it became a First Amendment school. After the staff educated community members about their rights, parents are asking to participate on more committees, Williams said. At Butler, students are electing classmates to a student senate; one senator represents every 35 students. The senate is expected to meet twice a month to discuss issues, with parents and administrators in attendance. Senators will be responsible for reporting back to their "constituents. Students now are debating which student groups should be allowed to sell candy in school, and will report their recommendations to the school committee in the spring. Not everyone is embracing the program yet. On the other hand, she conceded discussing and decision-making require more time. Most believe the effort is well spent, however.

## Chapter 8 : The First Amendment For Kids - Layers of Learning

*In Everson v. Board of Education (), the Supreme Court said New Jersey's spending tax funds to bus children to religious schools did not breach the church-state "wall of separation." The Court also said the First Amendment's establishment clause applied to state and local, as well as to federal, government.*

Supreme Court agreed to decide the case of Zelman v. Simmons-Harris, the gravamen of which is the First Amendent status of school vouchers specifically, those provided to Cleveland residents in  As would be expected, both pro- and anti-voucher forces are girding themselves for rhetorical combat. One of the forward divisions of the latter is Americans United for Separation of Church and State http: As one who also harbors an antipathy towards vouchers, I was surprised by what I encountered in these pages: For while the arguments purport only to refute the case for vouchers, they in fact prove a far wider point. Interestingly, concern for the preservation of public education is expressed as often as concern for our fidelity to the First Amendment. One example is how the journal attempts to rebut "claims that religious and other [! But his grades declined, and the school seemed unresponsive. Frustrated, Pearson pulled Austin out of the private school and returned him to the public system. We must of course weigh Mrs. It really should be obvious that the point here is not mere mockery but rather: Why is school choice good for Mrs. Pearson but not for Mrs. Appleman politically in the same position to send her child to the school of her choice as Mrs. Pearson is to send her child to the school of her choice? That is, why is Mrs. Because the latter is a "public" school? And subsidizing all schools makes about as much sense as subsidizing all churches, businesses, charities, etc. Simply eliminate that monopoly i. The April issue quotes a December 11, ruling by the U. The Cleveland program provides parents with no choices other than religious schools while it directs the funds be spent on private school tuition. That is not "true private choice. If failure to provide "true private choice" -- between a religious and a non-religious education -- is a sufficient reason to reject voucher schools, it is an overwhelming reason to reject public schools. There are many reasons to oppose vouchers [, the first and foremost being: Do Americans really want to give tax dollars to such an institution? And so it is because of this feature that vouchers "violate the rights of conscience of millions of people. The journal itself provides what is a telling response, if not a definitive answer. Paterson published by Phi Delta Kappan in that found these to be "virtually identical to the materials produced and disseminated by the Christian Right and other economic, political, and socially conservative organizations," with "the textbooks and booklets frequently resembl[ing] partisan, political literature more than they do the traditional textbooks. What about those who detect in public education a "political bias" where liberals are "cited and quoted with approval," while conservatives are "given less coverage, omitted, or treated in a critical fashion"? Is their concern for "the rights of conscience" really a matter of "core principles," as the editorial spins it -- or just a case of selective indignation? Who will determine whether a state-funded teaching violates the conscience of an individual -- the individual or the state? Should a person be forced to pay for the teaching of ideas he opposes? While most are going on about how voucher schools will be free to get away with teaching whatever crazy things they want -- an inadvertent admission that conformity of thought is the distinctive lesson of the public school monopoly -- Rev. Lynn, the executive director of Americans United, has rather the opposite notion: Voucher proponents may believe that a Supreme Court ruling in their favor is the end of the debate, but they are wrong. It will be the beginning. Once these subsidies are extended, the nation will move on to questions of regulation and accountability. The government regulates what it funds. Vouchers will inevitably open the door to extensive regulation of private religious schools [that accept them]. In time, I firmly believe many operators of private schools will come to rue the day they ever heard the word "voucher. He who pays the piper, calls the tune -- which in this case becomes: When the government pays who is teaching, the government picks what is taught. Can anyone doubt what it would do to the freedom of thought -- to the freedom of this country -- had we a state-funded press that was consequently regulated by and accountable to the government? The specter of censorship is less an argument against giving tax dollars to vouchers schools than an argument for withdrawing tax dollars from all schools, which would effectively grant to education the same freedom given to religion, speech and the press. But the article does

reveal to the discerning reader the common causes of this shared problem: And if vouchers violate the First Amendment, it is only as an example of how the union of school and state violates the separation of church and state. But will this realization mean anything to Americans United? Will they remain true to their animating purpose, even to the point of rejecting public education? For while they condemn how voucher proponents "see the wall of separation between church and state as an obstacle," they themselves along with other "civil libertarians" cannot forever sidestep the conflict between the Bill of Rights -- between civil liberty -- and their own commitment to the public school monopoly. For other points of confluence between religious freedom and educational freedom, see my "Freedom of Education: It is also available at http: This principle always assumes a protean character in the hands of our "civil libertarians. Voucher money goes straight from the government to the school. It is Uncle Sam, not a parent, who makes the payment. Besides the First Amendment, there is the matter of the Ninth, which states, "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. By the date of publication, the Supreme Court in a decision had affirmed the constitutionality of school vouchers. These essays appear on the web at:

## Chapter 9 : "The First Amendment and the Socialization of Children: Compulsory Publ" by Steven H. Shiffr

*Education and the First Amendment On September 25 of last year, the U.S. Supreme Court agreed to decide the case of Zelman v. Simmons-Harris, the gravamen of which is the First Amendent status of school vouchers (specifically, those provided to Cleveland residents in ).*

Censorship The First Amendment in Schools: Censorship is not easy to define. In many countries, censorship is most often directed at political ideas or criticism of the government. Advocates for censorship often target materials that discuss sexuality, religion, race and ethnicityâ€”whether directly or indirectly. Others think schools are wrong to allow discussion about sexual orientation in sex education or family life classes, and others would eliminate The Adventures of Huckleberry Finn from the English curriculum because of racial references. Most pressures for censorship come from parents who disapprove of language or ideas that differ from or affront their personal views and values, but demands can emerge from anywhere across the religious, ideological, and political spectrum. Many demands appear motivated by anxiety about changing social conditions and traditions. Feminism, removal of prayer from schools, the emergence of the gay rights movement, and other trends with implications for family structure and personal values, have all generated calls for censorship. Censorship demands require educators to balance First Amendment obligations and principles against other concerns â€” such as maintaining the integrity of the educational program, meeting state education requirements, respecting the judgments of professional staff, and addressing deeply held beliefs in students and members of the community. Pursuant to these principles, lower courts generally defer to the professional judgments of educators. As discussed in Fact Sheet 8, this sometimes means that the courts will uphold a decision to remove a book or to discipline a teacher, if it appears to serve legitimate educational objectives, including administrative efficiency. However, administrators and educators who reject demands for censorship are on equally strong or stronger grounds. Most professional educational organizations strongly promote free expression and academic freedom as necessary to the educational process. It is highly improbable that a school official who relied on these principles and refused to accede to pressures to censor something with educational value would ever be ordered by a court of law to do so. There are practical and educational as well as legal reasons to adhere as closely as possible to the ideals of the First Amendment. School districts such as Panama City, Florida and Hawkins County, Tennessee have been stunned to find that acceding to demands for removal of a single book escalated to demands for revising entire classroom reading programs. Other jurisdictions have been pressed to revise the science curriculum, the content of history courses, sex education, drug and alcohol education, and self-esteem programs. Experience has shown far too many times that what appears to be capitulation to a minor adjustment can turn into the opening foray of a major curriculum content battle involving warring factions of parents and politicians, teachers, students and administrators. Distinguishing Censorship from Selection: Teachers, principals, and school administrators make decisions all the time about which books and materials to retain, add or exclude from the curriculum. They are not committing an act of censorship every time they cross a book off a reading list, but if they decide to remove a book because of hostility to the ideas it contains, they could be. As long as they were not motivated by hostility to the idea of teaching about evolution, this would not ordinarily be deemed censorship. The choice to include the material in the fourth grade curriculum tends to demonstrate this was a pedagogical judgment, not an act of censorship. Not every situation is that simple. On closer examination, it is clear their concern is not that students will not understand the material, but that the objecting adults do not want the students to have access to this type of information at this age. If professional educators can articulate a legitimate pedagogical rationale to maintain such material in the curriculum, it is unlikely that an effort to remove it would be successful. Most people do not consider it censorship when they attempt to rid the school of material that they think is profane or immoral, or when they insist that the materials selected show respect for religion, morality, or parental authority. School officials who accede to demands to remove materials because of objections to their views or content may be engaging in censorship. Efforts to suppress a disfavored view or controversial ideas are educationally unsound and constitutionally suspect. The child is not the mere

creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations. Society of Sisters, U. Yet profanity appears in many worthwhile books, films and other materials for the same reasons many people use it in their everyday languageâ€”for emphasis or to convey emotion. But even minor use of profanity has not shielded books from attack. Profanity, however, is only one of many grounds on which books are challenged. As these examples illustrate, censorship based on individual sensitivities and concerns restricts the world of knowledge available to students. And that world could get smaller and smaller. Based on personal views, some parents wish to eliminate material depicting violence, others object to references to sexuality, others to racially-laden speech or images. If these and other individual preferences were legitimate criteria for censoring materials used in school, the curriculum would narrow to including only the least controversial and probably least relevant material. Censorship also harms teachers. By curtailing ideas that can be discussed in class, censorship takes creativity and vitality out of the art of teaching. To maintain the spontaneous give and take of the classroom setting, teachers need latitude to respond to unanticipated questions and discussion, and the freedom to draw on their professional judgment and expertise, without fear of consequences if someone objects, disagrees, or takes offense. When we strip teachers of their professional judgment, we forfeit the educational vitality we prize. When we quell controversy for the sake of congeniality, we deprive democracy of its mentors. Alfred Wilder Censorship chills creativity and in that way impacts everyone. In a volume entitled Places I Never Meant To Be, author Judy Blume, whose books are a common target of censorship efforts, has collected statements of censored writers about the harms of censorship. According to one frequently censored author, Katherine Paterson: When our chief goal is not to offend someone, we are not likely to write a book that will deeply affect anyone. Censorship is an attitude of mistrust and suspicion that seeks to deprive the human experience of mystery and complexity. But without mystery and complexity, there is no wonder; there is no awe; there is no laughter. Norma Fox Mazur added: Censorship is crippling, negating, stifling.. It should be unthinkable in a country like ours. Readers deserve to pick their own books. Writers need the freedom of their minds. To allow the censors even the tiniest space in there with us can only lead to dullness, imitation, and mediocrity. Censorship represents a tyranny over the mind, said Thomas Jeffersonâ€”a view shared by founders of our nationâ€”and is harmful wherever it occurs. Censorship is particularly harmful in the schools because it prevents youngsters with inquiring minds from exploring the world, seeking truth and reason, stretching their intellectual capacities, and becoming critical thinkers. When the classroom environment is chilled, honest exchange of views is replaced by guarded discourse and teachers lose the ability to reach and guide their students effectively.