

Teach for Inquiry: What is Protest? (First Amendment)

Grades 4/5

Social Studies Standard(s):

- **5.1.15** Making the United States Constitution and Establishing the Federal Republic: 1783 to 1800. Describe the origins and drafting of the Bill of Rights, ratified in 1791. (Core Standard)
- **5.2.4** Foundations of Government: Identify and explain key ideas about government as noted in the Declaration of Independence, Articles of Confederation, Northwest Ordinance, United States Constitution and the Bill of Rights. (Core Standard)
- **5.2.5** Foundations of Government: Describe and give examples of individual rights guaranteed by the Bill of Rights. (Core Standard)
- **National Curriculum Standards for Social Studies Theme 6** Power, Authority, and Governance
 - Learners will understand rights are guaranteed in the U.S. Constitution, the supreme law of the land
 - Learners will understand fundamental values of constitutional democracy
 - Learners will be able to examine persistent issues involving the rights of individuals and groups in relation to the general welfare

Objectives:

- Students will be able to explain their right to assembly and to ask for the redress of grievances in the First Amendment.

Materials Needed:

- Whiteboard and markers
- Image of the Bill of Rights
- Text of the First Amendment
- Information on assembly and petition rights granted in the First Amendment
- Protest examples
- Access to chalkboard in the hall and chalk
- (optional) Laptops or iPads to view the Bill of Rights and Constitution in color images

Engage/Linkage:

- In previous discussions, you have talked about what it means to be an American, including some of the rights and responsibilities of living in our society. Several students brought up the First Amendment, part of the Bill of Rights. Today we are going to try to find out what limits there are, if any, to our right of assembly and how that relates to protest.

Essential Question:

- What is protest?

Process:

Opening: The group will make a list on the whiteboard of what they believe protest to be.

Evidence (Data sets are printed in full at the end of this lesson plan; items spanning multiple pages will be printed double-sided for ease of use):

- Data Set #1: Text of the First Amendment and of the Preamble to the Constitution
- Data Set #1 Discussion: What is “the right of the people peaceably to assemble?” How does this affect our list of what we think protest is? What does it mean “to petition the Government for a redress of grievances?” Do any of the promises made in the Preamble limit our right to protest? How might keeping those promises change what we think of as acceptable protest? (Update the list.)
- Data Set #2: Information about the rights to assembly and petition.
- Data Set #2 Discussion: How does knowing more about what our protest and petition rights and responsibilities are affect our list? (Update the list.)
- Data Set #3: Recent protest examples.
- Data Set #3 Discussion: So, does any of this information change some of our ideas? In what ways? (Update the list.)

Assessment:

- What information changed our ideas of what protest is?

Additional Scholarly Knowledge:

- Text of 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.
- Text from the Constitution: We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.
- Not all assembly is protected by the First Amendment. Violent assembly and assembly on private property that is not approved by the property owner are two examples of assemblies that are not protected. While the government cannot restrict protest based on its content, it can restrict protest based on time, place, and manner. Content restrictions can be placed when there is a safety or security concern. Once the government creates a forum for discussion, it can also place restrictions on what can be discussed and how. Not all government locations are considered public forums, so first amendment rights may be restricted in areas that are not public forums. For example, sidewalks outside of courthouses are public forums, but the courtrooms themselves are not. The government can also limit rights that interfere with its ability to carry out its functions, such as for a protest inside a courtroom. Petitioning the government, in American, generally means using legal, non-violent activities to influence public officials.
- **“Time, place and manner** — Considerations that could act as restrictions on what would ordinarily be First Amendment-protected expression. Such restrictions do not target speech based on content, and in order to stand up in court, they must be applied in a content-neutral manner. For example, people have the right to march in protest, but not with noisy bullhorns at 4 a.m. in a residential neighborhood.” (First Amendment Center, 2011)

Resources:

Ariosto, D. (2011, March 3). *Indiana Republicans order \$250-a-day fine for absent Democrats*.

Retrieved March 5, 2011, from CNN:

<http://www.cnn.com/2011/POLITICS/03/03/indiana.budget/index.html?iref=allsearch>

Cafferty, J. (2011, February 28). *Cafferty File: Tell Jack how you really feel blog archive - Should the*

power of public labor unions be reduced? Retrieved March 5, 2011, from CNN:

<http://caffertyfile.blogs.cnn.com/2011/02/28/should-the-power-of-public-labor-unions-be-reduced/?iref=allsearch>

Constitution of the United States - Official. (n.d.). Retrieved March 4, 2011, from The Charters of

Freedom: <http://www.archives.gov/exhibits/charters/constitution.html>

Cunningham, R. (2011, February 26). *All sizes | Indianapolis labor union protest February 26 2011 |*

Flickr. Retrieved March 6, 2011, from flickr:

http://farm6.static.flickr.com/5292/5480598076_6523625d3b_z.jpg

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Retrieved March 6, 2011, from flickr:

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Dictionary.com. (n.d.). *Dictionary.com*. Retrieved March 4, 2011, from Dictionary.com:

<http://www.dictionary.com>

First Amendment Center. (2011, March 6). *firstamendmentcenter.org: Assembly - FAQs*. Retrieved

March 6, 2011, from First Amendment Center: <http://www.fac.org/Assembly/faqs.aspx>

First Amendment Center. (2011, March 6). *firstamendmentcenter.org: Petition FAQs*. Retrieved

March 6, 2011, from First Amendment Center: <http://www.fac.org/Petition/faqs.aspx>

Fritz, J. (1987). *Shh! We're writing the Constitution*. New York: G.P. Putnam's Sons.

Hudson, D. L., & Mauro, T. (2011, March 6). *firstamendmentcenter.org: Assembly - Overview*.

Retrieved March 6, 2011, from First Amendment Center:

<http://www.fac.org/Assembly/overview.aspx>

MarcoVGL. (2011, February 24). *Circle City supporters for #Egypt | Flickr*. Retrieved March 5, 2011,

from flickr: http://farm6.static.flickr.com/5058/5474245649_c744f25eaf_b.jpg

Newton, A., & Collins, R. K. (2011, March 6). *firstamendmentcenter.org: Petition - Overview*.

Retrieved March 6, 2011, from First Amendment Center:

<http://www.fac.org/Petition/overview.aspx>

Data Set #1

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.

Preamble to the Constitution

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Image of the Bill of Rights

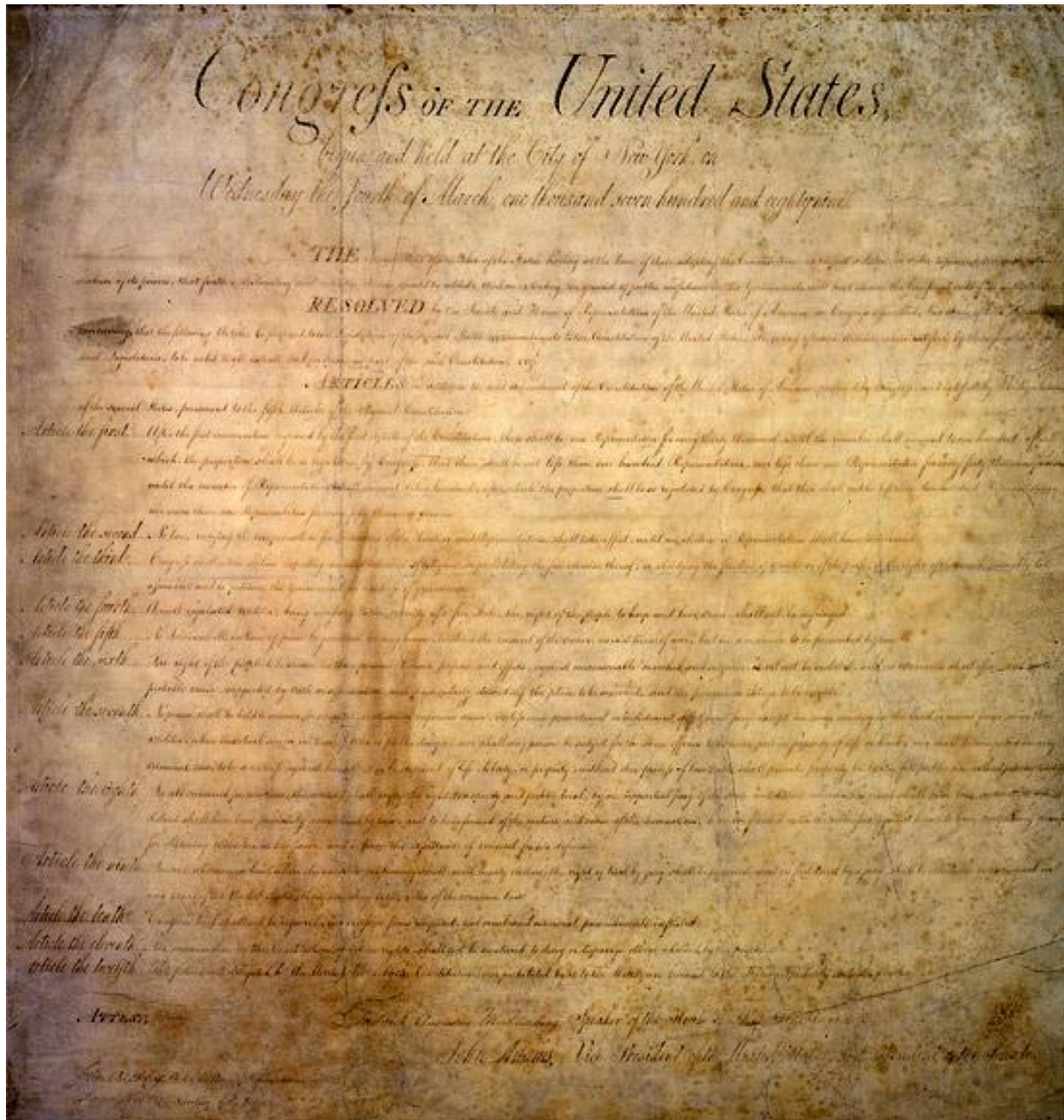
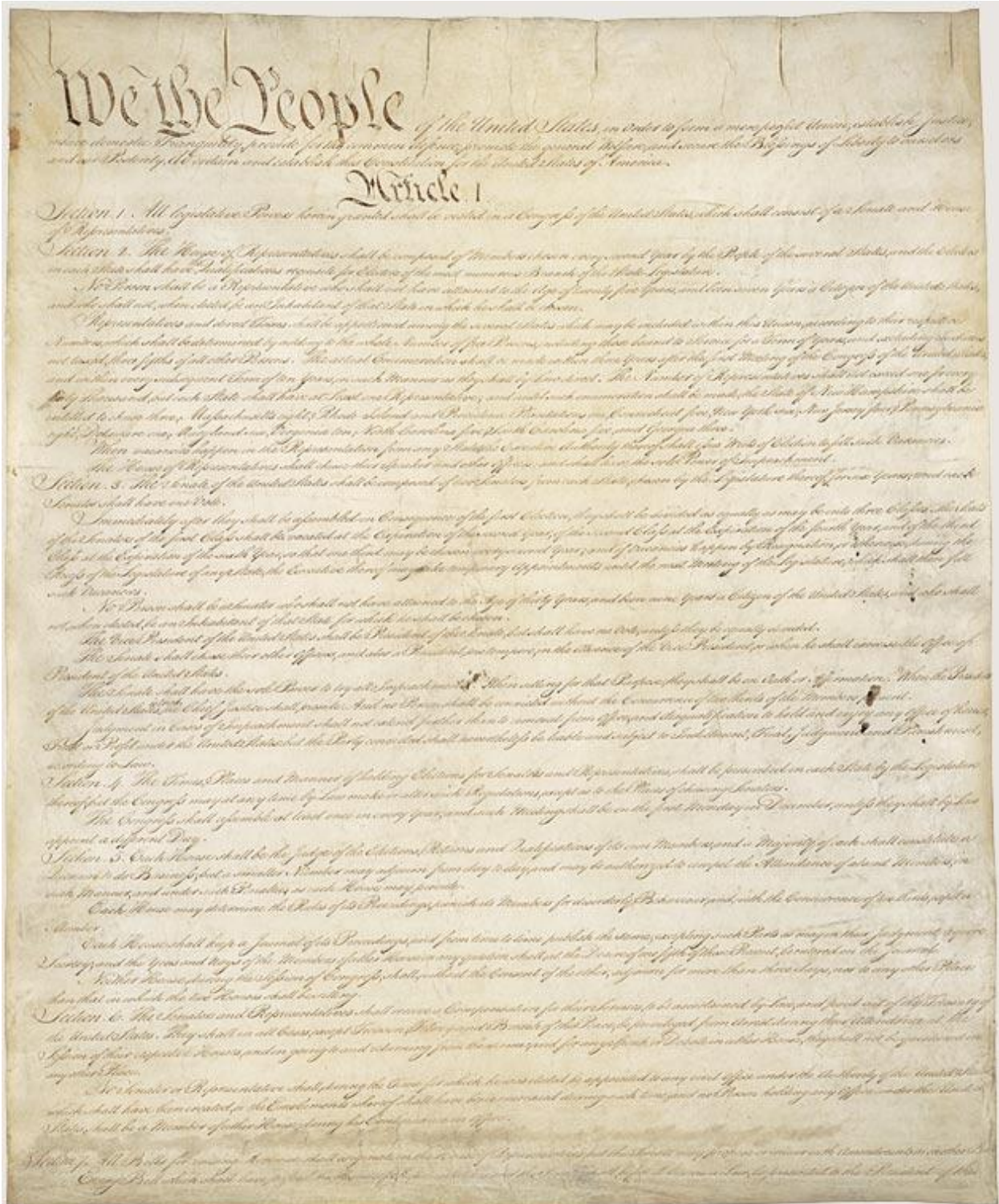


Image of the Beginning of the Constitution



Data Set #2

Readings that go beyond one page in length will be printed double sided.

pro·test

[*n.* **proh**-test; *v.* *pruh*-**test**, **proh**-test]

-noun

1.

an expression or declaration of objection, disapproval, or dissent, often in opposition to something a person is powerless to prevent or avoid: *a protest against increased taxation.*

Excerpted From:

Dictionary.com. (n.d.). *Dictionary.com*. Retrieved March 4, 2011, from Dictionary.com:
<http://www.dictionary.com>

Information from the First Amendment Center

Assembly

The First Amendment prohibits government from abridging "the right of the people peaceably to assemble." This basic freedom ensures that the spirit of the First Amendment survives and thrives even when the majority of citizens would rather suppress expression it finds offensive.

Over the course of our history, freedom of assembly has protected individuals espousing myriad viewpoints. Striking workers, civil rights advocates, anti-war demonstrators and Ku Klux Klan marchers have all taken to the streets and sidewalks in protest or in support of their causes. Sometimes these efforts have galvanized public support or changed public perceptions. Imagine a civil rights movement without the March on Washington or the women's suffrage movement without ranks of long-skirted, placard-carrying suffragists filling city streets.

...

The First Amendment protects peaceful, not violent, assembly. However, there must a "clear and present danger" or an "imminent incitement of lawlessness" before government officials may restrict free-assembly rights. Otherwise, the First Amendment's high purpose can too easily be sacrificed on the altar of political expediency.

According to the Supreme Court, it is imperative to protect the right to peaceful assembly, even for those with whose speech we disagree, "in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means."

...

Government officials may not impose restrictions on protests or parades or other lawful assemblies in order to censor a particular viewpoint or because they dislike the content of the message. However, they may impose some limitations on assembly rights by enacting reasonable "time, place and manner" restrictions designed to further legitimate regulatory objectives, such as preventing traffic congestion or prohibiting interference with nearby activities.

Those who protest and march may also have to pay a permit fee as long as the fee is reasonable and officials do not withhold the permit because of their unpopular views.

...

First Amendment freedoms ring hollow if government officials can repress expression that they fear will create a disturbance or offend. Unless there is real danger of imminent harm, assembly rights must be respected.

Excerpted From:

First Amendment Center. (2011, March 6). *firstamendmentcenter.org: Assembly - FAQs*. Retrieved March 6, 2011, from First Amendment Center: <http://www.fac.org/Assembly/faqs.aspx>

Hudson, D. L., & Mauro, T. (2011, March 6). *firstamendmentcenter.org: Assembly - Overview*. Retrieved March 6, 2011, from First Amendment Center: <http://www.fac.org/Assembly/overview.aspx>

Petition

Historically, a petition was a written request stating a grievance and requesting relief from a ruling authority such as a king. In modern America, petitioning embraces a range of expressive activities designed to influence public officials through legal, nonviolent means.

...

The First Amendment does not mandate that the government consider the public's petitions or actually provide any "redress." At a minimum, the government must have a mechanism for receiving complaints and grievances from the public, even if only to file them without consideration. Of course, due process — the guarantee that justice will be administered fairly — would apply if a citizen's "petition" took the form of a court case.

...

The petition clause concludes the First Amendment's ringing enumeration of expressive rights and, in many ways, supports them all. Petition is the right to ask government at any level to right a wrong or correct a problem.

Excerpted From:

First Amendment Center. (2011, March 6). *firstamendmentcenter.org: Petition FAQs*. Retrieved March 6, 2011, from First Amendment Center: <http://www.fac.org/Petition/faqs.aspx>

Newton, A., & Collins, R. K. (2011, March 6). *firstamendmentcenter.org: Petition - Overview*. Retrieved March 6, 2011, from First Amendment Center: <http://www.fac.org/Petition/overview.aspx>

Data Set #3

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Indiana Republicans order \$250-a-day fine for absent Democrats

By **David Ariosto**, CNN
March 3, 2011 6:37 p.m. EST

(CNN) -- Indiana House Republicans have adopted a \$250-a-day fine against missing Democratic lawmakers who left the state in protest over a controversial education and labor bill, lawmakers from both parties said Thursday.

More than 35 House Democrats remained in Urbana, Illinois, for a second week, denying their Republican counterparts the two-thirds quorum necessary for a vote on a school voucher proposal and a measure that would restrict collective bargaining rights for state workers.

Much like in neighboring Wisconsin, where Senate lawmakers ordered a \$100-per-day fine of Democrats for each day they remained absent, House Republicans in Indiana adopted a similar resolution Thursday in an effort to pressure the lawmakers' return.

The measure is expected to take effect Monday.

The move comes one day after an apparent olive branch in which Indiana Democratic House Minority leader Pat Bauer travelled back from Illinois to meet with Republican House Speaker Brian Bosma, according to Tory Flynn, a spokeswoman for Republican House members.

Flynn said negotiations between Republicans and Democrats had remained at a virtual stand-still Thursday, costing the state \$250,000 in staff salaries and other expenses. House Democrats "have issued a long list of bills Republicans must agree to kill or they will not return," said House Speaker Bosma. "With this list of demands, the Democrats should stay in Illinois."

But GOP members had shown earlier signs of compromise, pledging to scrap a "right-to-work" bill that would have prevented private-sector unions from requiring workers to pay dues for representation.

"It isn't the 'right-to-work' bill that's kept us away," said Democrat State Representative Greg Battles. "But it may have been the straw that broke camel's back that started this."

"We have never drawn lines in the sand," he said, arguing "there has to be room for discussion."

The state's Republican governor, Mitch Daniels -- who ended collective bargaining with public unions soon after his election in 2005 -- has defended the legislation as a needed fiscal reform measure.

But Daniels -- a former budget director under George W. Bush who is occasionally mentioned as a potential 2012 presidential candidate -- may now be facing a more difficult task in confronting private unions.

Source:

Ariosto, D. (2011, March 3). *Indiana Republicans order \$250-a-day fine for absent Democrats*.

Retrieved March 5, 2011, from CNN:

<http://www.cnn.com/2011/POLITICS/03/03/indiana.budget/index.html?iref=allsearch>

Should the power of public labor unions be reduced?

Posted: 05:00 PM ET



Demonstrators protested in the capitol rotunda last night in Madison, Wisconsin. Demonstrators have occupied the building with a round-the-clock protest for the past 13 days protesting Governor Scott Walker's attempt to push through a bill that would restrict collective bargaining for most government workers in the state. (PHOTO CREDIT: GETTY IMAGES)

FROM CNN's Jack Cafferty:

It's been two weeks since public-union supporters in Wisconsin began protesting in and around the state capitol in Madison.

They're upset over Republican Gov. Scott Walker's proposal to close the state's \$3.6 billion budget gap. It calls for putting limits on public workers' collective bargaining rights and requiring those workers to have more money taken out of their paychecks for health care and pension funds.

But the budget bill is at a standstill. It passed the State Assembly, but rather than vote on the bill in the Senate, which is their job, the Democratic state senators ran away to Illinois and have not returned. But Walker is holding his ground.

Pro-union protesters have taken to state capitol buildings in Indiana and Ohio as well over the past week. This is also in response to Republican-sponsored bills calling for cuts to public union employees' benefits and limiting their collective bargaining rights. In Tennessee, teachers are fighting a bill that would take away their collective bargaining rights. They've already said they'd make some concessions on areas such as tenure, which prevents teachers from being fired but is often criticized as keeping bad teachers in the classroom.

In this economy, public labor unions have lost a good amount of popular support. That's because private-sector union workers no longer get the job protection, health benefits and pension plans these state employees still enjoy.

Excerpted From:

Cafferty, J. (2011, February 28). *Cafferty File: Tell Jack how you really feel blog archive - Should the power of public labor unions be reduced?* Retrieved March 5, 2011, from CNN:
<http://caffertyfile.blogs.cnn.com/2011/02/28/should-the-power-of-public-labor-unions-be-reduced/?iref=allsearch>



Labor union protest, February 26, 2011, Indianapolis

Photo © 2011 by Ray Cunningham



Egypt support protest, February 24, 2011, Indianapolis

Photo © 2011 by MarcoVGL



Labor union protest, February 26, 2011, Indianapolis

Photo © 2011 by Ray Cunningham