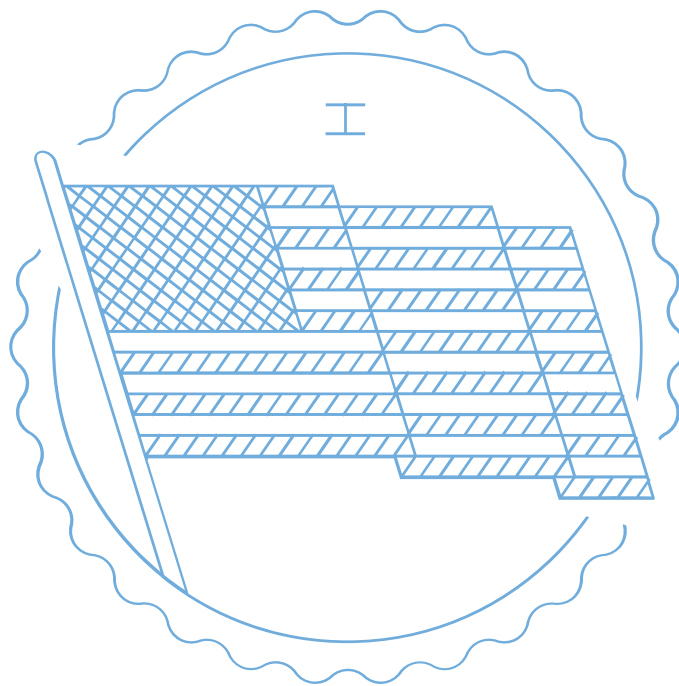


INTERACTIVE

CONSTITUTION

FIRST AMENDMENT FREEDOM OF ASSEMBLY & PETITION

LESSON PLAN



First Amendment: Freedom of Assembly and Petition

Lesson Plan

GRADE LEVELS:

11th and 12th

NUMBER OF CLASS PERIODS:

1 (approximately 55 minutes)

AUTHOR:

Nick Hegge, National Constitution Center Teacher Advisory Board Member

Nick Hegge has taught American History and U.S. Government at Logan View Public Schools in Nebraska since 2010. He graduated from Briar Cliff University, in Sioux City, in 2010, with a bachelor's degree in History and Secondary Education. He works with students as a National History Day advisor, *We the People* coach, and sponsor of the Junior Class trip to Washington D.C. every school year. When teaching about the Constitution, Nick enjoys seeing students wrestle with difficult issues and develop their own conclusions about Constitutional interpretation.

INTRODUCTION/LESSON OVERVIEW:

Students explore the Founding Era legacies of assembly and petition and how those legacies informed the creation of these often-overlooked aspects of the First Amendment. They will complete a close reading activity to compare and contrast ideas presented in the *Interactive Constitution* and describe the ways these rights have been interpreted by the Court and used by citizens at various points throughout U.S. history. They will evaluate the constitutionality of assembly and petition rights in the modern era through an in-class, civil dialogue addressing questions about time, place, and manner restrictions; counter-protests; protests on college campuses; and other relevant assembly and petition questions.

Constitutional Questions:

- How can you assert your rights to freedom of assembly and petition?
- How did the Founding generation exercise their assembly and petition rights?
- How have constitutional movements throughout history used assembly and petition rights to enact constitutional change?
- How should we balance the right to protest with the need for public order?

Objectives:

- Students will understand the historical significance of the rights to assemble and to petition.
 - Students will be able to compare and contrast the viewpoints of constitutional scholars relating to the rights to assemble and to petition.
 - Students will be able to participate in a civil dialogue about the rights to assemble and to petition in the modern era.
 - Students will be able to evaluate their own understanding of the rights to assemble and to petition.
 - Students will be able to formulate ways the rights to assemble and to petition can be used by citizens in the modern era.
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Materials:

- Access to the *Interactive Constitution* (online or mobile app) or printed copies of the following essays:
 - Common Interpretation: “Right to Assemble and Petition” by John Inazu and Burt Neuborne
 - Matters of Debate: “Beyond Speech and Association” by John Inazu
 - Matters of Debate: “Reading the First Amendment as a Whole” by Burt Neuborne

(Essays accessible at: <https://constitutioncenter.org/interactive-constitution/amendments/amendment-i/assembly-and-petition-joint/interp/34>)

Procedures:**1. Warm Up/Activation of Prior Knowledge**

Students will take five minutes, with a partner, to define the rights of assembly and petition and brainstorm a list of historical (and recent) events that come to mind when thinking of these rights.

2. Pair and Small Group Investigation

Students should be directed to, or provided copies of, the Common Interpretation essay “Right to Assemble and Petition” by John Inazu and Burt Neuborne. Individually or in pairs, students should work to identify the historical importance of assembly and petition rights as well as the current state of the rights, completing the provided graphic organizer.

Once students complete the graphic organizer, they should be organized into small groups respond to group discussion questions on key aspects of the rights to assembly and petition (included).

3. Individual Investigation/Close Reading

Students will then read each scholar’s Matters of Debate essay on the right to protest. They will take notes on the main points of each scholar. To prepare students for the individual investigation, share with the class the “Civil Dialogue Questions” they should be able to address at the end of the individual investigation:

- What restrictions can the government place on assemblies?
- Why can it be dangerous to give the government broad authority to place restrictions on assemblies?
- What responsibilities do governments have to protect protestors?
- When protestors and counter-protestors are both there legally, at what point are the police supposed to intervene to prevent violence without allowing counter-protestors to exercise a heckler’s veto?
- Why is it important to protect the rights of groups to protest, and what should cities be required to ensure that protests can take place and aren’t shut down by heckler’s vetoes?
- What reasonable time, place, and manner restrictions should cities adopt so protestors and possible counter-protestors can protest without shouting each other down?
- If a controversial speaker is coming to a college campus, how should their right to speak be guaranteed and at what point do you intervene and remove counter-protestors?
- Why is it important to protect the Constitution rights of groups we disagree strongly with and how can they be allowed to protest peacefully?



4. Civil Dialogue (time permitting):

Using the information provided by the scholars, students will participate in a civil dialogue on some of the important current issues surrounding the right to protest.

Review key definitions from the scholar's essays before beginning the discussion: Public forum doctrine, Heckler's veto, and the Brandenburg Standard.

(Brandenburg Standard: "a two-pronged test to evaluate speech acts: (1) speech can be prohibited if it is "directed at inciting or producing imminent lawless action" and (2) it is "likely to incite or produce such action." Source: Oyez.org)

Before beginning the class discussion, remind students to attempt to remove personal opinions and think about the issues based on what the scholars argue believe the Constitution permits the government to do and not do.

The civil dialogue should be started with the big, constitutional question: When does the government have the ability to restrict collective activity in order to keep public order and safety? To keep the dialogue moving, students should reference their notes on the Common Interpretation and Matters of Debate essays.

5. Wrap-up/Conclusion:

Exit Ticket: On a notecard, students should describe an issue in their community or state that they would like to see addressed and list the government organization they would go to in order to address the problem. They should explain how the rights to assemble and to petition are, or are not, relevant to that situation and the extent to which the rights might be utilized.



Extension Activity

*Examine the choice board listed below. Circle the extension activity you will complete.
Be prepared to share your experience with the class in a 3 to 5 minute presentation.*

Rights Around the World

Compare the rights of assembly or petition to two other countries around the world. One that has the right and one that does not. Create a presentation highlighting how the rights are interpreted different in other countries and what would be like without them.
<http://constitutionalrights.constitutioncenter.org/app/home/world>

Writing Rights

Using either assembly or petition students should create their own flow chart listing the historical sources that included the rights and tracing the important changes to the language of these rights in the House and Senate debates.
<http://constitutionalrights.constitutioncenter.org/app/home/writing>

Matters for Debate

Using the essays on the right of assembly and petition and the issue you listed in your exit ticket, create an action plan for your idea and trace how each right of the First Amendment would be an essential ingredient for advancing your idea. Consider what counter-arguments could be made against your plan based on the materials you have read for this assignment.

Letter to Elected Official

Using your exit ticket, write a letter to an elected official in which you introduce the topic you would like to see addressed. Summarize different perspectives and arguments. Take a position and support your argument with evidence. Email the letter to at least 3 elected officials.

Write-In Here

Write an Editorial

Using your exit ticket, write an editorial in which you introduce the topic you would like to see addressed. Summarize different perspectives and arguments. Take a position and support your argument with evidence. Email the editorial to at least 3 news outlet.

Matters for Debate

Using John Inazu's full essay create a presentation that explains the right to association. Be sure to use the two Supreme Court cases mentioned in your explanation. Try to come up with a modern hypothetical of a possible right to association case.

Create a Town Hall Poster

Using the National Constitution Center's Town Hall Poster as a model, create a poster that introduces the topic and arguments involved in your exit ticket. Summarize the evidence for different perspectives. Use post-its and ask others to post their ideas.

Create a Survey

Using your exit ticket, summarize arguments and evidence for different perspectives. Create survey questions that allow participants to share their ideas, Share the survey with at least 10 people. Analyze their responses.

Common Interpretation Graphic Organizer

	Assembly	Petition
Founding Ideology		
Historical Examples Listed		
State of the Right Today		

Common Interpretation Discussion Questions:

1. How has the Supreme Court changed understanding of the rights to assembly and petition with its expansive speech right, known as “freedom of expression?”
2. How has the understanding of the rights to assembly and petition changed over the course of history?
3. How does the right to petition differ from the right to instruct? In what ways has technology changed the way we petition our elected officials?

Matters of Debate Graphic Organizer

Questions to Consider	"Beyond Speech and Association" by John Inazu	"Reading the First Amendment as a Whole" by Burt Neuborne
<ul style="list-style-type: none"> • What restrictions can the government place on assemblies? 		
<ul style="list-style-type: none"> • Why can it be dangerous to give the government broad authority to place restrictions on assemblies? 		
<ul style="list-style-type: none"> • What responsibilities do governments have to protect protestors? 		
<ul style="list-style-type: none"> • When protestors and counter-protestors are both there legally, at what point are the police supposed to intervene to prevent violence without allowing counter-protestors to exercise a heckler's veto? 		
<ul style="list-style-type: none"> • Why is it important to protect the rights of groups to protest, and what should cities be required to ensure that protests can take place and aren't shut down by heckler's vetoes? 		

Matters of Debate Graphic Organizer

Questions to Consider	"Beyond Speech and Association" by John Inazu	"Reading the First Amendment as a Whole" by Burt Neuborne
<ul style="list-style-type: none">• What reasonable time, place, and manner restrictions should cities adopt so protestors and possible counter-protestors can protest without shouting each other down?		
<ul style="list-style-type: none">• If a controversial speaker is coming to a college campus, how should their right to speak be guaranteed and at what point do you intervene and remove counter-protestors?		
<ul style="list-style-type: none">• Why is it important to protect the Constitution rights of groups we disagree strongly with and how can they be allowed to protest peacefully?		

Common Core Standards

Addressed in this Lesson Plan:

History/Social Studies

CCSS.ELA-LITERACY.RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-LITERACY.RH.11-12.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-LITERACY.RH.11-12.4

Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines faction in Federalist No. 10).

CCSS.ELA-LITERACY.RH.11-12.10

By the end of grade 12, read and comprehend history/social studies texts in the grades 11-CCR text complexity band independently and proficiently.

Speaking and Listening

CCSS.ELA-Literacy.SL.11-12.1

Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

CCSS.ELA-Literacy.SL.11-12.2

Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.

CCSS.ELA-Literacy.SL.11-12.3

Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

CCSS.ELA-Literacy.SL.11-12.4

Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

CCSS.ELA-Literacy.SL.11-12.6

Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate.

