

ANSWER KEY

E. Most witnesses today are required to “affirm” that they will tell the truth, and do not need to swear an oath upon a book of any kind.

F. Each of these books was used by at least one new member of Congress during 2013 swearing-in ceremonies. “Neither the House nor the Senate keeps record of which holy books, if any, are used in the unofficial ceremonies. In fact, House members are sworn in together on the House floor in a ceremony without any book, holy or otherwise. But in an unofficial ceremony, individual members reenact an oath so it can be photographed. *Washington Post*, Dec. 9, 2006

G. In *Christian Legal Society v. Martinez* (2010), the Court ruled that a Christian society must open membership to individuals who do not espouse its religious beliefs.

H. This issue has not been reviewed by the Supreme Court. Individual local jurisdictions have passed different regulations about this issue.

I. This is an on-going debate between advocates of the Affordable Care Act and members of various religious institutions.

J. Several states have legalized gay marriage as a secular ceremony. As of early 2014, no state requires members of the clergy to perform religious services for gay couples.

Unit 3: The Bill of Rights and Free Speech

LESSON 1: THE BILL OF RIGHTS AND FREEDOM OF SPEECH: WHY IS FREE SPEECH ESSENTIAL TO SELF-GOVERNMENT?

Handout A: Background Essay – Why is Free Speech Essential to Self-Government?

1. Madison felt that man “owned,” as a natural right, both his opinions and the ability to express them freely. These natural rights are protected in the Bill of Rights because the British had repeatedly censored political speech, key to the concepts of liberty and self-government.
2. Free speech acts as a “safety valve,” giving citizens a way to share and debate their thoughts, lessening the chance that people turn to violence as a way of having their opinions heard.
3. Free speech allows citizens to challenge their government and leaders, share ideas, and take part in the political

process. The free exchange of ideas and criticism lessens the chance for corruption in government, and can act to force government to serve the best interests of the people.

4. The First Amendment does not protect all speech. Examples of unprotected speech include speech that encourages people to commit “imminent lawless action” [immediate illegal behavior], false speech that destroys a person’s reputation or misrepresents a product that is for sale, or speech that maliciously puts other people in harm’s way or threatens public safety. It also does not necessarily protect things such as certain types of obscenity and pornography, particularly when broadcast on radio or T.V. Government may also place reasonable time/place/manner restrictions on speech.
5. Answers will vary. Accept all reasoned answers.

ANSWER KEY

Handout C: Speech Scenarios

1. Yes/protected. The group has a political message and is calling people to exercise their right to vote.
2. No/not protected. The man's call for people to throw rocks at the corporate headquarters is a call to imminent lawless action or immediate illegal behavior.
3. Yes/protected. While the group is calling for the overthrow of the government, they are not inciting people to imminent lawless action. Their goal of overthrow is "eventual," not immediate.
4. Yes/protected. While the students may be in violation of the new dress code, both their message and their method of convincing others is peaceful, non-disruptive, and poses no threat to the safety of others.
5. No/not protected. When one of the students called in a bomb threat as a method of drawing attention to their protest, he posed a threat to the safety of others, maliciously putting the assembled students in harm's way.
6. Yes/protected. While his speech may be offensive to others, it is political speech (preferred speech) that does not promote imminent lawless action or put others in harm's way, and does not qualify as obscene.

LESSON 2: HOW HAS SPEECH BEEN BOTH LIMITED AND EXPANDED, AND HOW DOES IT APPLY TO YOU AND YOUR SCHOOL?

Handout A: Background Essay- How Has Speech Been Both Limited and Expanded, and How Does it Apply to You and Your School?

1. The "marketplace of ideas" is the idea that the widest possible range of speech must be allowed and that citizens must be left free to choose a voice among many to believe. This concept broadens liberty in that it expands Americans' ability to express themselves and leaves us "free to think for ourselves."
2. Government can pass laws restricting speech if:
 - the law is clearly defined
 - the law limits only unprotected speech
 - the law limits speech as little as possible
 - the law limits speech for reasons other than its content
3. The First Amendment now protects things such as: materials that have serious literary, artistic, political or scientific value; "indecent" photos on the internet; computer-generated child pornography; campaign spending by individuals and corporations on political causes or candidates; symbolic speech, such as burning a flag or cross, as a method of communicating a message.
4. The Supreme Court has said that students DO have speech rights in school, but that this right may be limited in ways that would not be acceptable in general society. Schools may limit speech that disrupts the educational environment, contains vulgar or offensive language, or promotes illegal drug use.