

## Unit 4: The Bill of Rights and Freedoms of the Press, Assembly, and Petition

### LESSON 1: WHY DOES A FREE PRESS MATTER?

#### Does a Free Press Matter?

1. Press freedom is a traditional right, though its practical definition has changed over time. Nearly all of the American colonies protected the freedom of the press. At the time, freedom of the press was understood to mean that government could not censor the publication of material in advance, known as “prior restraint.” The Founders valued newspapers themselves, because they helped support an informed citizenry.
2. Accept reasoned answers.
3. In a unanimous decision, the Supreme Court ruled in favor of the New York Times. In order to prove libel, a “public official” must know that the newspaper acted with “‘actual malice’—that is, with knowledge that it was false or with reckless disregard” for the truth. The Court asserted America’s “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.” Free and open debate about the conduct of public officials, the Court reasoned, was more important than occasional, honest factual errors that might hurt or damage officials’ reputations. For the second part of the question, accept reasoned answers.
4. The Court reasoned that it would be too difficult to operate a free press if newspapers were forced to fact-check every advertisement they ran in their paper; because of this, it is very difficult for public officials to win in court if they

accuse a publisher of libel. For the second part of the question, accept reasoned answers.

5. Accept reasoned answers.

#### Handout B: A Free Press and the Candidates

Answers will vary based on the candidates researched and resources used.

#### Handout C: Letter From a Friend

Accept reasoned responses.

#### Handout A: Background Essay –

### LESSON 2: WHY ARE THE RIGHTS TO ASSEMBLY AND PETITION IMPORTANT TO LIBERTY?

#### Where Did the Rights to Petition and Assembly Come From, and How Do Americans Exercise Them?

1. The Magna Carta (1215) first provided a right to assemble and petition the king for small groups of barons, but it was very limited. This right was then expanded to all citizens, and the limitations lifted, in the English Bill of Rights (1689). These rights influenced our Founding generation in the various petitions they made to the king, such as the Stamp Act Congress and the Olive Branch Petition, culminating in the Declaration of Independence.
2. Americans petitioned the Congress and their states from very early on, regarding issues such as slavery, child labor, and prohibition. Civil Rights leaders, such as Martin Luther King, urged citizens to

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petition and protest in favor of expanded political and civil rights. Americans today exercise this right through petition drives, organized protests, emailing and calling government officials, and through social media outlets, such as Facebook and Twitter.

3. In *National Socialist Party of America v. Village of Skokie* (1977), the Supreme Court ruled that government cannot, through its laws, prevent an assembly from occurring simply because it disagrees with the message. The content of the speech an assembly produces cannot be a reason for restricting them from assembling in the first place.
4. Reasonable time, place, and manner restrictions on assemblies are acceptable, so long as they are not made on the basis of the content of the message. Suggested examples of acceptable time/place/manner restrictions: assemblies cannot occur on private property without the permission of the property owner; a "buffer zone" around abortion clinics; assemblies that threaten the rights or safety of others.
5. Accept reasoned answers. Students are likely to say that assembly and petition both go hand-in-hand with other protections of the First Amendment, such as the right to free speech. The ability to come together with others is what gives power to an individual's right to speak, and one without the other would be less effective.

### Handout B: Assembly and Petition True/False Challenge

1. True.
2. True.
3. False. In *Lloyd v. Tanner* (1972), the Court held that protest groups do not have the right to gather in private shopping

malls. The First Amendment applies only to government restrictions on speech/assembly, not that of private companies or individuals.

4. True. In *Coates v. Cincinnati* (1971), the Court held that an assembly on a public sidewalk, even if it annoys passersby, is protected by the First Amendment. So long as others are still able to use the sidewalk, the assembly is constitutional.
5. False. In *Grayned v. City of Rockford* (1972), the Court held that protests near schools that are intended to disrupt classes are not protected by the First Amendment.
6. False. In *Gregory v. City of Chicago* (1969), the Court held that the government cannot stop protestors from demonstrating because their cause is unpopular. In *National Socialist Party of America v. Village of Skokie* (1977), the Supreme Court extended this principle by holding that governments could not stop an assembly because a majority of citizens find the content of the demonstration to be "offensive to the core."
7. False. Courts have routinely upheld local night-time noise and/or peace ordinances of residential neighborhoods as a reasonable time, place or manner restriction.
8. True. General rules of public, government-provided parks that apply to all visitors equally are generally not considered restrictions on speech or assembly.
9. True. In *Meyer v. Grant* (1988), the Court held that states could not prevent groups from hiring and paying people to circulate petitions.
10. False. In *Snyder v. Phelps* (2011), the Court held that those who stage a peaceful protest on an issue of public concern near a soldier's funeral are

## ANSWER KEY

shielded by the First Amendment, protecting them from civil lawsuits, or lawsuits by private individuals, for reasons such as pain and suffering.

### Handout C: A Petition

Accept reasoned responses.

### Handout A: Background Essay- What

## Unit 5: The Bill of Rights and Guns

### LESSON 1: WHAT ARE ORIGINS AND INTERPRETATIONS OF THE RIGHT TO KEEP AND BEAR ARMS?

#### Are Origins and Interpretations of the Rights to Keep and Bear Arms?

1. The English Bill of Rights (1689) gave gun rights only to some people. While the English Bill of Rights said Protestant individuals could own guns, it denied that right to the Catholic minority.
2. Some scholars argue that the militia of the Second Amendment means state armies, like today's National Guard. According to this argument, the Second Amendment does not grant an individual's right when it refers to "the right of the people to keep and bear arms." Instead, they say the Second Amendment simply protects state militias from the federal government as the Anti-Federalists had insisted. Others believe "militia" referred to a group of citizens. Since there was no official army or police force, some scholars argue that the "militia" was individual citizens who could be called to protect themselves and their neighbors.
3. In *United States v. Verdugo-Urquidez* (1990), the Supreme Court said that the Second Amendment means "individuals" when it says "people." The individual right to bear arms was affirmed in *United States v. Emerson* (1999).

### Handout D: Group Discussion Guide

Answers will vary. Accept reasoned answers.

### Handout E: Town Council Discussion Guide

Answers will vary. Accept reasoned answers.

### LESSON 2: HOW HAS THE SECOND AMENDMENT BEEN INTERPRETED?

#### Handout A: Background Essay- How Has the Second Amendment Been Interpreted?

1. In *Presser v. Illinois* (1886), the Court held that states could not disarm citizens, because that would interfere with the federal government's ability to raise a militia.
2. In *United States v. Miller* (1939), the Supreme Court held that the Second Amendment did not protect the right to possess all types of weapons. The Court upheld a federal law that regulated sawed-off shotguns. The Court reasoned that since that type of weapon was not related to keeping up a militia, the Second Amendment did not protect the right to own it. In other words, the Second Amendment protected a right to own weapons. The question was how far that right went.
3. *District of Columbia v. Heller* (2008) was the first time the Supreme Court