

# Constitution Day Civics Plan

Journalism Education Association / Scholastic Press Rights Commission

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*Sept. 17, 2011*

# The First Amendment

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- ❖ 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.



# Scenario 1

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- ❖ The following scenarios and resolutions are from “An update on free speech in America, by Micheal Smerconish from the Philadelphia Inquirer. Aug. 14, 2011
- ❖ Does a Pennsylvania father have the right to blog about his ex-wife? Among other things, he wrote: "Imagine, if you will, Jabba the Hut, with less personality."



# Scenario 1 answer

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- ❖ “Sadly, yes, given that the Supreme Court has determined that Westboro Baptist Church can disrupt military funerals. But that doesn't mean Bucks County Court Judge Diane Gibbons erred when describing the blogging father's words as ‘outright cruelty.’ How long until the couple's two sons, now 12 and 9, go online and read what Dad said about Mom? Perhaps a Google bomb will link the coverage to Joseph Welch, who famously said to Sen. Joseph McCarthy: ‘Have you no sense of decency, sir?’ ”
- ❖ From “An update on free speech in America, by Micheal Smerconish from the Philadelphia Inquirer. Aug. 14, 2011



# Scenario 2

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- ❖ “Can a cross be displayed at the Ground Zero museum? A group called American Atheists is suing to stop the 9/11 Memorial Museum from displaying two steel beams found in the shape of a cross amid the World Trade Center wreckage. The plaintiffs lament that ‘no other religions or philosophies will be honored’ at the memorial, scheduled to open next year.”
  
- ❖ From “An update on free speech in America, by Micheal Smerconish from the Philadelphia Inquirer. Aug. 14, 2011



# Scenario 2 answer

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- ❖ “What the plaintiffs say is true, but so is what Joe Daniels, memorial president, said: ‘In the historical exhibition, the cross is part of our commitment to bring back the authentic physical reminders that tell the story of 9/11 in a way nothing else can.’”
- ❖ “I have seen that cross and remember being struck by its durability amid the carnage. It's a unique physical reminder of the tragedy, and should be preserved and displayed for young Americans who cannot remember the events of that day. If it had been recovered along with artifacts reminiscent of any other religion, I'd want to keep those as well.”
- ❖ From “An update on free speech in America, by Micheal Smerconish from the Philadelphia Inquirer. Aug. 14, 2011



# Scenario 3

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“Should Holocaust deniers be banned from Facebook? A group of survivors affiliated with the Los Angeles-based Simon Wiesenthal Center recently demanded that Facebook ban users who deny the Holocaust or dismiss it as a hoax. ‘By allowing this hate propaganda on Facebook, you are exposing the public and, in particular, youth to the anti-Semitism which fueled the Holocaust,’ the group wrote to the social-media giant.

Facebook decided not to accommodate the request, saying in a statement: ‘We think that there is a meaningful difference between advocating violence against a group of people and expressing an opinion on a policy, set of beliefs, or historical event – even if that opinion is factually wrong, or is outrageous or offensive to most people.’”

- ❖ From “An update on free speech in America, by Micheal Smerconish from the Philadelphia Inquirer. Aug. 14, 2011



# Scenario 3 answer

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- ❖ I've walked the grounds of Auschwitz-Birkenau and have toured a standing crematorium. I've seen the hair and the clothing that are testaments to the tragedy. I abhor Holocaust deniers. But ignorance and hate aren't reason enough to censor those views. Doing so might stifle legitimate debate about other historical events. (My next entry has a solution.)
- ❖ From “An update on free speech in America, by Micheal Smerconish from the Philadelphia Inquirer. Aug. 14, 2011



# Scenario 4

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- ❖ “Should anonymity be banned from Facebook? The company's marketing director, who happens to be Mark Zuckerberg's sister, just suggested that banning online anonymity would help curb cyber-bullying and Internet harassment. Then-Google CEO Eric Schmidt made a similar observation last year, noting that ‘privacy is incredibly important’ but ‘not the same thing as anonymity.’”
- ❖ From “An update on free speech in America, by Micheal Smerconish from the Philadelphia Inquirer. Aug. 14, 2011



# Scenario 4 answer

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- ❖ “Both are correct. Bad behavior is fueled by the mob mentality – and it's taken to an even higher level when members of the ‘mob’ can wreak havoc in footie pajamas in front of a computer in their parents' basement. There's a profound difference between the comments I receive on Facebook, which strives to ensure that users post under their own name and picture, and those posted on, say, newspaper websites. The latter often requires no semblance of actual identification, so the messages tend to be more demeaning and provocative.”
- ❖ From “An update on free speech in America, by Micheal Smerconish from the Philadelphia Inquirer. Aug. 14, 2011



# Scenario 5

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- ❖ “Should testicles be banned from trucks? Lug nuts may be legal, but ‘truck nuts’ could earn you a \$445 ticket and a protracted free-speech debate. A 65-year-old South Carolina woman is learning this the hard way. Virginia Tice adorned her pickup truck with a red plastic ornament shaped like bull testicles. A man of the law asked her to remove the decoration hanging from the back of her vehicle. She didn't. He wrote her a ticket and eventually filed a suit claiming the knickknack was obscene.”
- ❖ From “An update on free speech in America, by Micheal Smerconish from the Philadelphia Inquirer. Aug. 14, 2011



# Scenario 5 answer

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- ❖ “She's probably got the right to display her ornament, like a bad bumper sticker. But consider this: If the story revolved around a golden vagina on the back of a Prius, would there be any debate?”
- ❖ From “An update on free speech in America, by Micheal Smerconish from the Philadelphia Inquirer. Aug. 14, 2011