

**THEME:** The United States Constitution

**TOPIC:** The Bill of Rights - The First Amendment – Freedom of Speech

**PREPARATION / PROPS:** Decorate with Newspapers, magazines, a radio and other items that relate to free speech, American flags

**LESSON: The Bill of Rights.** The Bill of Rights is the name for the first ten amendments to the United States Constitution. They were introduced by James Madison to the First United States Congress in 1789 as a series of articles, and came into effect on December 15, 1791, when they had been ratified by three-fourths of the States. An agreement to create the Bill of Rights helped to secure ratification of the Constitution itself.

Madison originally had reservations about a bill of rights, but once Congress convened and most congressmen forgot about their promise to work hard for a bill of rights, Madison was the one who worked to get the bill of rights written. He collected all the suggestions that had been made in the various states and chose the ones that made the most sense to him. Twelve were proposed and eventually ten were approved.

Thomas Jefferson was a supporter of the Bill of Rights. He and others like him felt that the creation of the Constitution without such provisions for protecting individual liberties would lead to a government whose framework would not protect the fundamental principles of human liberty.

Those opposing the creation of a Bill of Rights were afraid among other things that by enumerating some rights and not others that again, not all individual liberties may be protected.

The First Amendment includes: freedom of speech, freedom of the press, freedom of assembly, the right to petition the government for a redress of grievances, and that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

**Freedom of Speech.** Freedom of speech is a right that developed over time. Under the Articles of Confederation and in the Constitution, free speech was protected for government officials in Congress while in session. The First Amendment extended that right to the people.

Originally, freedom of speech started with the early American settlers who came to the country for religious freedom. In order to worship freely, they needed to be able to express themselves freely, so religious freedom and freedom of speech go hand in hand.

Then in 1735 a man named John Peter Zenger, a newspaper publisher, started printing articles criticizing the governor of New York at the time, William Cosby. Cosby wanted Zenger to stop and threatened to sue him and to burn his printing press. When that didn't work, Cosby charged him with sedition. Sedition is when someone tries to get people to go against the government. Zenger was tried and found innocent – making freedom of speech a cornerstone of the American way.

Years later In 1776, the Virginia Declaration of Rights declared freedom of the press, a form of free speech, to be one of the “greatest bulwarks of liberty and can never be restrained but by despotic governments.” A bulwark is a wall of protection against an external enemy. Despotic government means cruel, harsh and oppressive. So the Virginians felt that freedom of speech protected the people from a government becoming cruel and oppressive toward its people.

James Madison had included two proposed amendments dealing with free speech. One said “The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, one of the great bulwarks of liberty, shall be inviolable.” The other stated: “No state shall violate the equal rights of conscience, or of the press.” The one that passed in the first amendment simply states - “Congress shall make no law...abridging the freedom of speech, or of the press..”

### **DISCUSSION POINTS:**

- Can you think of some examples of how the First Amendment, and specifically freedom of speech is protected in your own life?
- Even though Congress had basically forgotten about the Bill of Rights, Madison remembered and worked hard to make it happen. When have you, your parents, or someone you know worked hard on a project that others had forgotten about? What do you think kept them going? What do you think kept Madison going?
- Do we still have freedom of speech today? In what ways is our speech limited? How do you think the framers would feel about “political correctness”?
- Even with our Bill of Rights, in our country's early history, government leaders took a dim view of anyone who spoke against the views of the government. In fact, in 1798, the Sedition Act was created for political reasons and punished anyone found guilty of writings that were considered false, or scandalous, or malicious – things disgraceful, shameful, or that tried to do harm. Do government officials view free speech differently today? Are any of our leaders trying to silence free speech? Where and how? How does that make you feel, and what can you do about it?

### **ACTIVITY:** Free Speech Play

**Materials:** Scripts, a robe, a crown, a “thrown” for King George III, a stage if you have one

**Method:** For non-readers, you can present the play with two older kids or adult helpers. For older kids who can read, ask for volunteers for the roles, hand out the scripts, and have the kids go through the play. Change parts so others can participate and go through the play again. Be dramatic, use accents, and make it fun!



## Free Speech Role Play

### Characters:

King George III

British Soldier

Colonist 1

Colonist 2

Colonist 1: Hello my friend. How are you today? Thank you for meeting me here. I am concerned about the way things are going in our colonies. Are you?

Colonist 2: I am. I don't like the way they are controlling us. I feel like my personal freedoms are being taken away. They tax us unfairly, they house their army in our homes, and we have no representation in Parliament. I can't stand it!

Colonist 1: I know what you mean. I really don't agree with the way the King is running things.

Colonist 2: We need to talk to the people in charge and let them know we are not happy.

Colonist 1: It would be nice if we could do that, but you know we are not allowed to disagree with the King. You know what happens if he gets news of that.

Colonist 2: It is frustrating. I so wish we were free to say what we feel. We could get so much more accomplished with spirited debate and deciding things on the battlefield of ideas.

Colonist 1: I agree. If only the King understood that. We need a system where Free Speech is encouraged. Each person must be allowed to express his thoughts and opinions without fear of punishment. If we don't have that, how will we ever grow as a nation.



Colonist 2: Yes. People must be free to express themselves. That is the only way we can be truly free and get something done. I am tired of just doing whatever the King tells us to do.

Colonist 1: So true. We must work to make this happen.

Colonist 2: Agreed.

(Soldier overhears conversation and reports to the King)

Soldier: Good day Your Majesty.

King: What have you come to tell me? You must hurry. I am a busy man, you know.

Soldier: Begging your pardon, sir. I will make this quick. I overheard some colonists talking about the need for Free Speech. I thought you should know.

King: Hmm... interesting. Tell me more.

Soldier: Well, they spoke of something called the battlefield of ideas and the need for spirited debate.

King: What?! Well, that is outrageous! There is no need for debate. I make the rules and the people follow them. That is how things should work around here. That is how they WILL work!

Soldier: Yes, Your Majesty. You are correct, Your Majesty.

King: These Americans have been a thorn in my side for long enough. We need to silence anyone who disagrees with me. This is outrageous. I want you to arrest them. Now!

Soldier: Yes, Your Majesty.

(Soldier to Colonists 1 & 2)

Soldier: You are under arrest.

Colonist 1: For what?

Soldier: For talking this nonsense of Freedom of Speech.

Colonist 2: Are you kidding me? Arrested for disagreeing with the King?

Colonist 1: This is exactly what we speak of. It is unfair and unjust. And, it takes away our freedom. And prevents our colonies from working properly.

Soldier: It matters not. A rule is a rule. And you must not disobey the King. Give me your hands. (Soldier handcuffs Colonist 1 and Colonist 2).

Colonist 2: If and when we ever break free from this tyranny, we must form a nation where we are free to speak our hearts and our minds. Without that, freedom will never survive.

THE END

**REFERENCES:** A Guide for Learning and Teaching the Declaration of Independence and the U.S. Constitution by Joseph Andrews, A More Perfect Union – America Becomes a Nation (A Teacher's Guide) by the National Center for Constitutional Studies, <http://www.suite101.com/content/understanding-freedom-of-speech-a61467>, The United States Constitution, [www.wikipedia.org](http://www.wikipedia.org), [dictionary.com](http://www.dictionary.com)