Discussion leader talking points for teachers, lawyers and judges to use in classroom visits with high school students in conjunction with the “State of the First Amendment” video

On Oct. 10, the PBA Bar/Press Committee co-sponsored “The First Amendment Under Challenge?,” a first-of-its-kind forum that challenged notions about the First Amendment, at Parkland High School in Allentown. Presenters unveiled insights based on findings of a national survey by the Freedom Forum Institute and a companion survey by Muhlenberg College of 800 Parkland seniors.

What is included in this one-hour video?

- Introductory remarks from PBA President Charles Eppolito III
- Around 1:30 minute mark Opening by Richard T. Sniscak, Superintendent of Schools, Parkland School District
- Around 4:30 minute mark, Monica Evans, Executive Producer/Host at PBS39 introduces an overview clip on the Newseum in Washington DC and First Amendment Rights
- Around 9 minute mark we begin a dialog on the survey results with Gene Policinski, President and Chief Operating Officer at the Freedom Forum Institute and Christopher Borick, Professor of Political Science, Muhlenberg College
- Around the 40 minute mark there is Q&A with questions posed to the panel by Parkland High School students and attorneys David Erdman and Craig Staudenmaier. Alice Stinebaugh, Social Studies Department Chair at Parkland joins the panel for this discussion.

For your consideration… prior to watching the video on the First Amendment, ask students where they stand on the issues and questions which will be discussed in the video. It may be interesting to discover how they respond in comparison to the national results and those of the Parkland High School students.

Below is a copy of the student handout for your reference. The actual printable handout is provided on the PBA web site at pabar.org under resources for the public

1. Can you name any of the specific rights that are guaranteed by the First Amendment? List them below.

2. Do you agree or disagree with the following statements?

<table>
<thead>
<tr>
<th>Agree</th>
<th>Disagree</th>
<th>The First Amendment goes too far in the rights in guarantees.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>Disagree</td>
<td>Colleges should be able to retract invitations to speakers whose remarks would provoke large scale protests from students.</td>
</tr>
<tr>
<td>Agree</td>
<td>Disagree</td>
<td>Colleges should be able to retract invitations to speakers whose remarks would be likely to offend some groups or individuals.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Agree</th>
<th>Disagree</th>
<th>College should be able to retract invitations to speakers whose remarks would incite violence or otherwise threaten public safety.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>Disagree</td>
<td>College should be able to retract invitations to speakers whose remarks would be supported by public funds</td>
</tr>
<tr>
<td>Agree</td>
<td>Disagree</td>
<td>Social media companies should remove hate speech.</td>
</tr>
<tr>
<td>Agree</td>
<td>Disagree</td>
<td>Social media companies should remove false information.</td>
</tr>
<tr>
<td>Agree</td>
<td>Disagree</td>
<td>Social media companies should remove personal attacks.</td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>Somewhat Disagree</td>
<td>The government should require social media sites to monitor and remove objectionable content.</td>
</tr>
<tr>
<td>Somewhat Agree</td>
<td>Strongly Disagree</td>
<td></td>
</tr>
<tr>
<td>Agree</td>
<td>Disagree</td>
<td>Journalists should publicly disclose potential conflicts of interest.</td>
</tr>
<tr>
<td>Agree</td>
<td>Disagree</td>
<td>It is important for the news media to act as a “watchdog” on government.</td>
</tr>
<tr>
<td>Agree</td>
<td>Disagree</td>
<td>The President should have the authority to deny press credentials.</td>
</tr>
</tbody>
</table>

These survey questions were also posed to Parkland High School students, but were not part of the national survey.

3. Between the three speech-related responses below, which is the biggest problem facing the United States? Place a check by your response.

- [ ] Hate Speech
- [ ] Fake News
- [ ] Limits on Free Speech

4. Which of the following do you think is most responsible for determining what is “fake news?”

- [ ] Government
- [ ] Individuals
- [ ] Private companies, such as Facebook and Twitter

5. Students should defy school administration to protest policies or on issues they feel are important.

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
</table>

6. Freedom of speech must be restricted if it conflicts with national security.

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
</table>

7. Tolerance for others’ religion, race and opinions should be a required class in all schools.

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
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</thead>
</table>

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Below for your reference are copies of the slides with the survey results presented in the video.

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The 18 page full report, “2018 State of the First Amendment” is available here:

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Other talking points for Teachers or Discussion Leaders

- Ask students to rank the rights in the First Amendment? There are five.
  - 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.

- Which is the most important to them?

- If they had to give up one, which would they give up? Why? How would it change our country and their lives? Ask them to identify concrete examples of how this would play out and impact their everyday life.

In the video around the 19 minute mark, they talk about the dangers of giving up rights, even for something that is seemingly good or beneficial, like feeling safe and secure, Gene Policinski, President and Chief Operating Officer at the Freedom Forum Institute, says, “The battle to gain a freedom is difficult, we see that in the Civil Rights Movement, we see that in the Suffragette Movement that gave women the right to vote, but even harder is to bring back a right or a freedom that you have given away.” Further explore this statement.

The question: “Students should defy school administration to protest policies or on issues they feel are important,” provides an excellent opportunity to discuss in more detail limitations on speech, differences between speech in school by students and speech by adults outside the school setting, case law and significant US Supreme Court cases in this area, differences between school rules and constitutional rights, what responsibilities go along with rights, what types of speech are not protected, etc. Both Mr. Policinski and Professor Borick address this briefly around the 37:20 minute mark.

Around the 45:25 minute mark they discuss “what can we do?”

- More programs like this where we talk about what it means to be an American citizen and the rights and responsibilities of citizenship.

- Educate people

- Keep telling stories of those who do not have the rights and freedoms we do

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Explore with students… many of whom will soon be, or already are, voting age. This helps them connect that they have a voice, we the people make up the government.

- What do students think? Is there a problem? Do citizens know their rights and responsibilities? What are their concerns and what are their ideas to address them? What can we do to ensure and protect our rights?

Resources

There are numerous excellent and credible lesson ideas and resources available on the Internet. We have identified a small sampling of resources to get you started. The listing of resources below is by no means an endorsement, nor is it meant to exclude the many valuable other sources of information that exist. We encourage you to explore and discover the incredible historical documents and points of view available now at our fingertips.


The mission of the Newseum, located in Washington, D.C., is to increase public understanding of the importance of a free press and the First Amendment. Visitors experience the story of news, the role of a free press in major events in history, and how the core freedoms of the First Amendment — religion, speech, press, assembly and petition — apply to their lives.

The Freedom Forum Institute [www.freedomforuminstitute.org](http://www.freedomforuminstitute.org) is the education and outreach partner of the Newseum, including the First Amendment Center, the Religious Freedom Center, the Newseum’s education department and diversity and inclusion programs.

NewseumED [https://newseumed.org/](https://newseumed.org/) is a free online learning platform that reaches more than 11 million teachers and students around the world. Its unique approach to history, civics and media literacy helps students cultivate the skills needed to make informed decisions in a divided and demanding world. Browse 1,000s of Lesson Plans, Digital Artifacts, Videos, Historical Events, Interactives and Other EDTools.