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Submission to the Best Ideas in the Teaching of Communication Law and Policy  
Competition

Title: First Amendment Project

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First Amendment Project

## Introduction

Several years ago while I was teaching Mass Communication Law, a student suggested that she and her colleagues stand across the street from a local high school and pass out information on birth control to students, “just to see what would happen.” How would a real-life exercising of their First Amendment rights play out, all competing interests considered? She and her colleagues eventually decided they weren’t courageous enough to try, but it inspired me to create this project.

## Rational

The purpose of this assignment is for students to apply the concepts discussed in class to a real-life situation. Each student, individually or as part of a group, is required to participate in creating a situation that tests the limits of free expression, tests others’ understanding of the First Amendment, and/or measures how well society and/or individuals are able to understand First Amendment situations. I make it clear that the purpose is NOT to break the law – in fact, the purpose is to stay within the limits of the law and gauge reaction accordingly.

## Explanation/Implementation

After spending the first few weeks of the class discussing the major cases related to expression (Schenck, Near v. Minn., Skokie v. Nat’l. Socialist Party, Cohen v. California, Progressive, Tinker/Bethel/Hazelwood/“Bong Hits 4 Jesus,” among others), I give the students an instruction sheet for the project.

The form this project takes, with minimal qualifications, is completely up to the student. The following statements are included:

Possible approaches include, BUT ARE NOT LIMITED TO:

- conducting a survey of people’s attitudes toward free expression/the First Amendment.
- creating a forum for public expression.
- creating something that pushes the limits of legally and/or morally accepted expression (e.g., film, poster, essay, photo, etc.).
- arranging a situation that tests tolerance/limits (e.g., a protest, reading banned books out loud, etc.).

I tell students to choose projects they will be comfortable with; some are not comfortable protesting on the campus quad and are more comfortable asking people at the mall to discuss the First Amendment. As stated previously, I also make it clear that the purpose is NOT to break the law – all proposals must be legal under First Amendment case law as well as under any state and local laws. For example, if a permit or other permission is required beforehand for use of various spaces, students must obtain it. In addition, students are warned not to propose anything that will compromise anyone’s safety, and I conclude by saying:

“The purpose is NOT to incite a riot or get arrested.”

Students are given a series of deadlines for submitting a general proposal, meeting with me to discuss specifics, submitting a memo with exact details (e.g., time/date, copies of surveys to be distributed, etc.), presenting results to the class (a very informal presentation), submitting a summary essay, and submitting evaluations of the project (including their contributions and others' contributions, if applicable).

### **Student Learning Outcomes**

Although I tried this project as an experiment with more than a little doubt, it has more than exceeded my expectations. Projects have included:

- a protest on the campus quad.
- a black female and white male walking around campus wearing matching T-shirts with the Confederate flag.
- an anti-racism rally.
- a survey of sixth-graders and their parents on their knowledge of First Amendment rights in school settings.
- a bake sale featuring cookies with vulgar sayings on them.
- showing the famous pornographic film "Debbie Does Dallas" on campus.
- a table promoting marriage defined as that between a man and a woman.
- holding a rally promoting the legalization of marijuana.

I have read studies stating that this generation of students seems to do far better when the learning is experiential, as opposed to the traditional lecture/book/exam method that seemed to work for my generation. Students' comments on course evaluations have mentioned this project as the best part of the course, noting that it is one thing to study cases in which participants exercised their First Amendment rights and went to court to defend them; but it is another to actually exercise one's rights and see how others react. Students have also commented on how much courage it takes to stand up for justice, especially when one's views are not popular. I constantly find myself telling students that it is easy to express one's views in the relative safety of the classroom, but the consequences change considerably when wearing a vulgar T-shirt or protesting a war in public. This project allowed the students to experience it firsthand and come away with further appreciation for the First Amendment.