



UW-WHITewater

CONSTITUTION DAY 2012

ACTIVITY GUIDE

In celebration of Constitution Day, this activity guide is a resource to generate campus wide conversations about the U.S. Constitution as well as constitutional related issues that impact our campus environment. It is hoped that faculty/staff and student leaders will use the guide in classrooms and organization meetings to foster greater understanding. This year's related issue is First Amendment rights.

ABOUT CONSTITUTION DAY

In 1952, President Harry S. Truman signed a bill that moved *I Am an American Day* from the third Sunday in May to September 17. Truman did so in order for the holiday to coincide with the date of the signing of the U.S. Constitution in 1787. Congress renamed the holiday *Citizenship Day*. A joint resolution passed in 1956 requested that the President proclaim the week beginning September 17 and ending September 23 each year as *Constitution Week*.

In 2004, Senator Robert C. Byrd of West Virginia entered an amendment to the Consolidated Appropriations Act of 2005 to change the name of the September 17 holiday to *Constitution Day and Citizenship Day*. The purpose of this day is to commemorate the creation and signing of the supreme law of the land and to honor and celebrate the privileges and responsibilities of U.S. citizenship for both native-born and naturalized citizens.

Byrd's amendment, known as Public Law 108-477, requires that all schools receiving federal funds hold an educational program for their students on September 17 of each year. This lesson, which is adapted from curricular materials on the Constitution produced by the Center for Civic Education, is designed to assist schools and federal agencies to meet the requirements of the law.

TAKEN FROM - <http://new.civiced.org/images/stories/PDFs/ConstitutionDay/ConstitutionDayHistoricalAnalysis.pdf>

CONSTITUTIONAL BASICS

The need for the Constitution grew out of problems with the Articles of Confederation, which established a "firm league of friendship" between the states, and vested most power in a Congress of the Confederation. This power was, however, extremely limited — the central government conducted diplomacy and made war, set weights and measures, and was the final arbiter of disputes between the states. Much debate was conducted at the Constitutional Convention. Once it was drafted at the Convention, 39 out of the 55 delegates signed it, some with great concern that a Bill of Rights wasn't part of the document. The document was sent to the states for Ratification. Nine of the 13 states supported the document and it thus took effect.

- Of the written national constitutions, the U.S. Constitution is the oldest and shortest.
- The word "democracy" does not appear once in the Constitution.
- The U. S Constitution was written in the same Pennsylvania State House where the Declaration of Independence was signed and where George Washington received his commission as Commander of the Continental Army.
- Written in 1787, the Constitution was signed on September 17th. But it wasn't until 1788 that it was ratified by the necessary nine states.
- Some of the original framers and many delegates in the state ratifying conventions were very troubled that the original Constitution lacked a description of individual rights. In 1791, Americans added a list of rights to the Constitution. The first ten amendments became known as The Bill of Rights.
- Of the 55 delegates attending the Constitutional Convention, 39 signed and 3 delegates dissented.
- Established on November 26, 1789, the first national "Thanksgiving Day" was originally created by George Washington as a way of "giving thanks" for the Constitution.
- At 81, Benjamin Franklin of Pennsylvania was the oldest delegate at the Constitutional Convention and at 26, Jonathon Dayton of New Jersey was the youngest.
- More than 11,000 amendments have been introduced in Congress. Thirty three have gone to the states to be ratified and twenty seven have received the necessary approval from the states to actually become amendments to the Constitution.

TAKEN FROM - <http://www.constitutioncenter.org>

THE 2012 FOCUS – THE FIRST AMENDMENT

Given that this year's fall elections will bring much debate and discussion on campus, it seems the perfect year to focus our constitutional education on the First Amendment. Although the First Amendment is best known for its protection of free speech, it doesn't provide the absolute right to express all thoughts in all settings. Instead, as a community of learners, we can examine and exercise those freedoms in a context that recognizes the rights of all individuals.

THE FIRST AMENDMENT

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.

THINGS TO KEEP IN MIND

- The First Amendment says "Congress shall make no law . . .". As a state institution, UW-Whitewater must abide by this pronouncement and "shall make or enforce no policy" that abridges a person's First Amendment rights.
- Not all expression is constitutionally protected. Obscenity, defamation, true threats, incitement of imminent lawless action, and sexual and racial harassment are among the types of speech that may be prohibited or controlled. It's important to know the legal definitions of these terms.
- Free expression is not protected in any place at any time. As the famous warning goes, you can't yell "Fire!" in a crowded theater. Nor can you hold a rally in the middle of a physics class, block entrance to a campus building, or take over a university office.
- Most campus speech codes, including the University of Wisconsin System's, have been struck down by the courts as being unconstitutional.

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CAMPUS SCENARIOS AND DISCUSSION QUESTIONS

On Constitution Day, we encourage you to mark the occasion by discussing its significance with your students and utilizing some class time to explore related issues. We suggest the following scenarios and discussion questions as conversation starters.

1. **SCENARIO: A white supremacist group from Alabama announces their plans to hold a 3-day rally on the campus mall near the University Center. They inform the university of their intent, along with their plans to encourage Madison, Milwaukee and national media to cover the event.**

The UW-Whitewater policy links below provide background consideration for scenario 1 questions:

FACILITY USE FOR POLITICAL PURPOSES - <http://www.uww.edu/uwwhdbk/facility-politics.htm>

ASSEMBLIES, RALLIES, PARADES, PICKETS, AND DEMONSTRATIONS POLICY -

<http://www.uww.edu/uwwhdbk/assembliespolicy.htm>

FACILITIES & GROUND USE POLICY - <http://www.uww.edu/uwwhdbk/policies/facilityuse.htm>

- a. Should the university deny the group's request?
- b. CAN the university deny the group's request?
- c. Given that UW-Whitewater is a public institution, do we have a responsibility to allow free speech on our campus?
- d. Are there any limits that may be imposed?
- e. Are there certain groups or ideologies that the university should prevent? Who gets to decide?

2. **SCENARIO:** The *Royal Purple* prints a series of articles that is critical of the campus administration because of their decision to construct a new building that will remove trees and green space. They are also concerned about money going into a project like this when the university just announced that several academic programs and majors may be discontinued because of funding issues.

The links below provide background consideration for questions related to scenario 2:

FIRST AMENDMENT CENTER –

<http://www.firstamendmentcenter.org/faq/frequently-asked-questions-speech>

FIRST AMENDMENT CENTER – “COLLEGE PRESS”:

<http://www.firstamendmentcenter.org/tag/college-press/page/2>

- a. Should the campus administration have the right to demand that the *Royal Purple* cease publishing such articles?
- b. What is the role of censorship related to a college newspaper?
- c. Does the campus administration have a responsibility to ensure the truthfulness of what’s published in the campus newspaper? Does anyone?

3. DURING THE ELECTION SEASON, DO YOU THINK IT’S OKAY

- a. For a faculty member to wear a campaign button during class?
- b. For a faculty member to state their political views during class?
- c. For a faculty member to require attendance at a political rally or speaker?
- d. For a faculty member to give extra credit to students who voted?

The links below provide background consideration for questions related to scenario 2:

GUIDANCE ON POLITICAL CAMPAIGN ACTIVITIES AT UW INSTITUTIONS —

<http://www.uwsa.edu/govrel/camprule.htm>

AAUP: 1940 STATEMENT OF PRINCIPLES ON ACADEMIC FREEDOM AND TENURE —

<http://www.aaup.org/aaup/pubsres/policydocs/contents/1940statement.htm>