

## DECLARING OUR RIGHTS

### **Purpose:**

According to Oklahoma state legislation, each student in grades 3-12 is required to recite a key passage from the Declaration of Independence during November's Celebrate Freedom Week. A necessity to the study of this historic document includes an analysis of the roots of its ideals, colonial examples of denied liberties, and the subsequent impact of its principles as found in the Bill of Rights' First Amendment. Students will be offered an overview of the circumstances surrounding the writing of the Declaration of Independence and will examine the first legal challenge to free speech and free press in colonial America.

### **Procedure:**

1. Ask students to brainstorm what they recall about the Declaration of Independence. Make a list of their recollections, for example, "Thomas Jefferson was the primary author" and "It made the colonists' case to the world for separation from Great Britain." Remind students that while the reasons for the separation from Great Britain were political and economic, the Declaration made clear that liberty to pursue one's own happiness was the basis of democratic, self-rule.
2. Use the Power Point presentation accompanying this lesson to offer students an overview of the philosophy of self-government and natural rights, as outlined in the Oklahoma state-mandated recitation. (Note to teacher: The recitation is a separate PDF file.) Clarify during the presentation that the Declaration echoes the central truths about justice, equality, and freedom that will be specified after the American Revolution in the Bill of Rights. Point out that Jefferson believed such freedoms did not originate from government or our leaders, but are "unalienable rights" given to all humans by their Creator. Stop to elaborate on the phrase, "That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." What does Jefferson suggest citizens can and should do if government denies their basic rights"?
3. Display the words of the First Amendment. How do these liberties reflect Jefferson's ideas? Would he have approved of this list of various forms of expression? Inform students that they will be examining the first court case in America's history that tested the ideals of free press. It occurred several years before America's Declaration of Independence, but served as a reminder of the role the press plays in keeping government leaders honest.
4. Hand out copies of the reading, "First Test of First Amendment Ideals" which tells the story of colonial printer John Peter Zenger. Following the reading, ask students to recall facts of this case by completing the "Episodic Organizer." (Note to teacher: The "Episodic Organizer" is a separate PDF file.)
5. Review the impact the Zenger Trial had on the writing of the Constitution and the Bill of Rights, especially the First Amendment. Would Jefferson have considered it an "unalienable right" to publish the truth about government officials, regardless of the damage to their reputations? Have students heard any recent news stories about government officials which have damaged

reputations, despite being truthful? Should any limit be place on freedom of the press? If so, what?

6. Extension: Students may opt to create a comic strip of key events in the case of John Peter Zenger, using the template provided in the lesson. All comic strips should make reference to the key principles of free speech and free press, as they relate to the situation and subsequent trial.

## The First Test of First Amendment Ideals

Several years before the Americans would declare their independence. John Peter Zenger owned and operated a small printing business in the British colony of New York. He had made a living printing religious pamphlets, but agreed to help an old friend start up a weekly newspaper. His friend was interested in voicing complaints about the very corrupt New York Governor Cosby.

In 1733, Zenger published the first issue of this new *Weekly Journal*. The issue included a detailed account of election results, expressing joy that the friends of Governor Crosby had been defeated. Governor Cosby decided that the newspaper must be shut down! He issued an order that Zenger's newspapers be burned! In addition, the Governor ordered the sheriff to arrest Zenger, taking him to New York City's jail, where he would stay for over eight months!

The following week, Zenger's wife, Anna, continued publication of the newspaper, which published Zenger's apology for offending the governor. But the governor ignored his plea. Instead, he ordered the courts to place a huge bail of £800 (800 English pounds) on Zenger- one which was too high for anyone to pay! But from his jail cell, Zenger continued to write streams of letters and an outpouring of sympathy for his cause developed.

Zenger was finally brought to trial. Governor Crosby once again attempted to influence events by selecting jurymen loyal to him. The trial opened with charges read aloud. Zenger was accused of "being a printer of false news" and had tried to damage the power of Governor Cosby.

Zenger's attorney argued that the truth should never be silenced or punished. He stated, "It is a right which all free men claim, that they are entitled to complain when they are hurt. They have a right publicly to fight against the abuse of power. The question before you, gentlemen of the jury, affects every free man that lives under a British government. It is the cause of liberty to speak and write the truth."



The jury withdrew to deliberate. A short time later, it returned. The clerk of the court asked the jury foreman to state the verdict, "Not guilty". There followed "three huzzahs" and shouts of joy from the crowd!

The Zenger trial signaled the public's desire for free speech. Years after the Zenger trial and the American Revolutionary War, members of the First Congress debated a proposed Bill of Rights, remembering the importance of freedom of expression. The trial of John Peter Zenger was the germ of American freedom, which revolutionized America.

**Title:**

