

LESSON PLAN

How Are NFL Protests Related to Symbolic Speech and the First Amendment

Synchronous Classes



Acts of symbolic speech, like liberty trees and poles, served as powerful protest symbols in colonial America against British tyranny. Depicted here is an illustration from the "Illustrated History of England" by John Cassell titled "The Colonists Under Liberty Tree." c.1865. (Wikimedia Commons)

Duration: Approximately 2 hours

Note: *Time frame can be adjusted to meet needs of specific classes; discussion questions or activities can be omitted as needed*

For graduate, undergraduate, or AP-level students

Objectives

- Discuss the difference between government and private restrictions on speech as they relate to the First Amendment.
- Explore how the First Amendment protects “expressive conduct” and “symbolic speech”.
- Describe the historical support for “expressive conduct” and “symbolic speech” in America’s founding period.
- Articulate why the government cannot compel people to salute the American flag or otherwise engage in patriotic activities.

Prior to Class Meeting

1. Select a source to provide context on the issue of NFL protests. Options could include:

- <https://www.nytimes.com/2017/09/24/sports/trump-national-anthem-nfl.html>
- <https://www.npr.org/sections/live-updates-protests-for-racial-justice/2020/06/05/871290906/nfl-on-kneeling-players-protests-we-were-wrong-commissioner-says>
- <https://theundefeated.com/features/nfl-boycotts-from-both-sides-over-anthem-protests/>
- <https://www.independent.co.uk/topic/nfl-protests>
- <https://www.vox.com/2018/8/15/17619122/kaepernick-trump-nfl-protests-2018>
- <https://www.washingtonpost.com/news/fact-checker/wp/2017/10/05/the-nfl-and-the-first-amendment-a-guide-to-the-debate/>
- <https://firstamendmentwatch.org/deep-dive/from-liberty-tree-to-taking-a-knee-americas-founding-era-sheds-light-on-the-nfl-controversy/>
- <https://firstamendmentwatch.org/deep-dive/are-professional-sports-players-protected-by-the-first-amendment-when-they-engage-in-political-protest-on-the-field//>

2. Students should review Teacher Guide content prior to class meeting.

3. Students should review the context articles you select prior to class meeting.
4. Students should review the following links, which specifically address symbolic speech and the First Amendment issues pertaining to the protests:

A. First Amendment Watch Deep Dive 1:

<https://firstamendmentwatch.org/deep-dive/from-liberty-tree-to-taking-a-knee-americas-founding-era-sheds-light-on-the-nfl-controversy/>

B. First Amendment Watch Deep Dive 2:

<https://firstamendmentwatch.org/deep-dive/are-professional-sports-players-protected-by-the-first-amendment-when-they-engage-in-political-protest-on-the-field//>

C. Washington Post’s Guide to the Debate about NFL Protests and the First Amendment:

<https://www.washingtonpost.com/news/fact-checker/wp/2017/10/05/the-nfl-and-the-first-amendment-a-guide-to-the-debate/>

5. Students can prepare for class meeting by considering the discussion questions following each section of the Teacher Guide.

Note: *should you prefer to provide students with the link to the teaching guide, students will be asked to register before they can download the guide.*

Class Overview

(Can be used with either of the teaching options discussed below. 15 minutes)

1. Students can review Teacher Guide content in small groups or together as a class

Note: *First Amendment Watch’s video lesson “Talking Across Differences” may be useful to you as you set your ground rules for difficult conversation. It is available here: [Talking Across Differences - First Amendment Watch](#)*

Note: *For virtual class meetings, Zoom breakout rooms can be used to facilitate small group discussion.*

Teaching Option 1:

Discussion Questions (75-90 minutes)

This Teacher Guide presents the major First Amendment Issues associated with expressive conduct and symbolic speech. Each section of the Teacher Guide concludes with discussion questions. We suggest the following process to structure discussion:

- Assign students to small groups to review each key point.
- Discuss students' first impressions of the issue and significance of each key point.
- Answer discussion questions associated with that key point as a class (approximately five minutes per question).

Upon completion of all discussion questions around the points, consider concluding the class with the following question:

- How are the NFL protests related to symbolic speech and the First Amendment?

Writing Activity

Should you wish to assign a writing activity or are seeking examination questions, consider the following options:

- Use or adapt any of the guide's discussion questions, which can support writing assignments between 750 to 1,500 words.