

American Government & Politics: A Christian Worldview.
Jury Duty – First Amendment Cases (12–15 Minutes)

TEACHER INSTRUCTIONS

Goal

Students, as members of a jury, apply the First Amendment to two cases.

Instructions

Have students individually complete the handout (give them 8–10 minutes), then discuss as a class.

Key

Answers will vary, but guide students toward recognizing these concepts:

- These are private companies that have the right to run things the way they want to, since it's their company and their private property (e.g., the airplane).
- That doesn't mean that everyone will see the companies' actions as "fair," but especially in the case of the airline, they tried to do their best to make things just by refunding the ticket price and paying for the customer's taxi.
- **Key point: *The First Amendment applies to the U.S. government, not to private individuals!***
Again, many would see these companies' actions as "unfair," but they have the right to run things the way that they want to, as long as they are not committing violence or theft against others. Even in the case of the social media company—whose actions seem biased (this is based on Facebook's actions against those several years ago), it's still a private company.

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Jury Duty – First Amendment Cases

Okay, time to check the mail....

Let's see what we've got here...a credit card offer...a gutter-cleaning flyer...another credit card offer...an electric bill...a restraining order...another credit card offer...a jury duty notice...an offer for a new credit card....”

A jury duty notice?

That's right—what a happy, fortuitous day this is for you! This time, as a potential juror, you have been asked by your state to help decide on two court cases, and both involve individuals who say that their First Amendment rights were violated.

Case #1:

A senior officer for Gamma Airlines told the plaintiff (someone who sues someone else: the defendant), Mrs. Sharon Smith, that she had to remove her facial covering for security purposes before the flight in which she was a passenger took off. Mrs. Smith refused, stating that her religion forbade her from removing her face covering in public, so Gamma Airlines ordered her off the plane. (The airline did agree to refund her entire ticket price and pay for a taxi to take her back home.)

Mrs. Smith sued Gamma Airlines for damages, saying that the airline violated her freedom of religion, as protected by the First Amendment.

Case #2:

PhizTome, a popular social media web site, repeatedly removed dozens of posts by plaintiff Jack Davis for being, according to the company, “controversial and untrue.” Mr. Davis countered that PhizTome allows many other posts on its site that are controversial and/or questionable, and that the company is censoring him only because it disagrees with his opinions.

Davis sued PhizTome for damages, asserting that the company violated his right to free speech, as protected by the First Amendment.

Guilty or Not Guilty?

As a juror, should you find Gamma Airlines and/or PhizTome guilty...or not guilty? (And why did you decide that way?)

As you think about each case, remember (a) what the true, moral purpose of the law is, and (b) what we've learned about the Constitution.



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JURY SUMMONS
YOUR CIVIC DUTY: YOUR COMMUNITY: YOUR JUSTICE

YOU ARE HEREBY SUMMONED TO SERVE AS A JUROR.
Your name was randomly selected from a list of registered voters (or driver's license holders).
Jury service is a vital part of our justice system and a civic duty we all share.

DATE TO APPEAR: MONDAY, JUNE 16, 2025
TIME TO APPEAR: 8:30 A.M.
LOCATION: ANYWHERE COUNTY COURTHOUSE
JURY ASSEMBLY ROOM, 2ND FLOOR
123 JUSTICE WAY
ANYTOWN, STATE 12345

WHAT TO DO:

- Report to the location above on the date and time specified.
- Bring this summons with you.
- You may be required to serve for up to 1 day or longer.
- Parking and other information: www.anywherecounty.gov/jury
- To complete the jury questionnaire online or request an excusal or postponement, visit www.anywherecounty.gov/jury or call (555) 555-1234.
- Please do not bring firearms, cell phones, or irritatingly yappy small dogs into the courtroom.

FAILURE TO RESPOND MAY SUBJECT YOU TO PENALTIES.

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