

Sports and Speech: First Amendment Exercise and the Ali story

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INTRODUCTION

This character education unit focuses on conflict and power in society, and the significance of free speech in a democratic society. Related subtopics introduced in this unit include censorship, the limiting of speech, the debate regarding equal protection under the Fourteenth Amendment, the political implications of ideological speech, and the problem of hate speech. In particular, this unit will examine how celebrated athletes can exploit media attention and advance their ideologies.

Always, however, the significance of such expression is open to cultural interpretation. For example, George Foreman's waving of the American flag in the ring following his gold medal performance in the 1968 Olympics was interpreted by many as an intentional counter protest to the Black Power salutes of track medallists Tommie Smith and John Carlos. Foreman naively insisted he was "just doing his thing" (Sammons, 222). Yet regardless of the symbolism, Foreman, like so many other athletes, seized his moment in the gladiatorial spotlight to make a political comment. This social behavior is the topic of this unit.

Muhammad Ali represents one of the most notable models of this behavior. Examining some events in the life of Muhammad Ali is primarily intended to help students appreciate the complexities of the modern First Amendments theory. Additionally, this unit should inform student about a culture conflicted between individualism and conformity, or rather *the American cultural dialogue* (Spindler and Spindler, 359).

Students should investigate whether the interaction of sports celebrity and the media may offer individuals privileged status for expressing their particular ideological concerns. Likewise, Ali's autobiography will engage students in discussion regarding Ali's identity as *the people's champion*

PURPOSE, CONTENT, AND GOALS

The content of this unit is approached through the lens of *critical pedagogy*. This approach involves dealing directly and explicitly with issues of injustice and oppression and the privileging of mainstream knowledge and perspectives as they come up in the curriculum and in the reported daily experiences of students (Zou and Trueba, 48). The concept of life stories will be explained with examples of biographies as well as the autobiography of Muhammad Ali.

Functioning as cultural mediators, teachers assist students in their formation of a worldview and self-identity. With this unit, students will learn how Muhammad Ali used his celebrity to advance certain ideological positions. Students can then evaluate those positions with respect to First Amendment guarantees, the privileging effects of celebrity status, and their own opinions.

Providing a multicultural context for critical evaluation of speech and ideologies, encouraging participation in a democratic republic, and providing a forum for self-expression are all goals of this unit. My intention is to guide students to an awareness of the Constitution and the Bill of Rights, with a concentration on the debate involving the Fourteenth Amendment's equal protection clause and the First Amendment's guarantee of unrestricted speech. Students should appreciate the purpose and complexities of the constitutionally protected rights and be encouraged to speak responsibly.

Teachers of English as second language (ESL) and minority populations will value this unit because it provides students with a multicultural context for self-expression and reflective thought.

OBJECTIVES AND MODALITY

This unit integrates viewing, representing, and reading objectives described in the Project CLEAR Curriculum with social studies content. Photographs and articles from the popular press as well as documentary and feature films are included as resources. Documentary film is valuable since identifying with the athlete is an intended outcome of this unit. One feature film *Amadeus* will serve to introduce the concept of life stories and will be contrasted to documentary film. The media, and its role in creating and perpetuating celebrity, are important aspects of this unit and are discussed below.

This unit also targets reading and language arts objectives described in the Project CLEAR Curriculum. Students will be engaged in reading sections of Muhammad Ali's autobiography as they interpret the meaning of certain events. The teacher will explore the phenomenon of celebrity and engage students in critical discussions regarding how the beliefs and values important to these individuals provide them with motivation for expressing themselves when the opportunity presents itself. The students will keep a reflection journal (learning log) with opportunities to write comparisons, narratives, poetry, and explanations of abstract social studies concepts such as liberty, freedom, capitalism, democracy, civil rights, and civil responsibility.

Students will examine the life of Muhammad Ali, focusing on the use of his celebrity for the purpose of advancing an *ideology*, the body of ideas reflecting the social needs and aspirations of an individual, group, class, or culture. The teacher will contrast Muhammad Ali's political orientation with George Foreman's more commercial orientation. Students will identify the ideology being promulgated, and then evaluate its

appropriateness and relevance to their lives. Students will articulate a position statement on the importance of both civil liberties and civil rights.

FREEDOM OF SPEECH

Elementary educators continually cope with the challenge of socializing students into an increasingly diverse democratic society. In the multicultural classroom, hateful speech is not allowed to compromise school success and the development of any student's strong sense of identity. Nevertheless, the rising incidences of hate speech in American society, particularly in its universities, have alarmed educators and policy makers alike. In response, an estimated 70% of American universities have adopted some form of speech code (Carnegie Foundation). Proponents of speech codes argue that the Fourteenth Amendment guarantees an equal opportunity for learning in an environment free of hostility. The narrative below informs teachers implementing this unit regarding the discourse on freedom of speech and avoids taking a position.

The First Amendment's broad rule operates from the presumption against the validity of governmental attempts to punish or regulate speech, particularly as the speech relates to matters of public policy. In practice, the broadening of this rule predates the Constitution as American colonists regularly protested English rule with challenges, including the famous "no taxation without representation" slogan (Heumann and Church, 20). Acts of civil disobedience, the Boston Tea Party for example, occasionally accompanied such speech. Additionally, prosecution of individuals such as critical essayist and New York publisher J.P. Zenger in 1735 for seditious libel became the background for the First Amendment agenda.

Following the Revolution, the Alien and Sedition Act of 1798 made Constitutional controversy a recurring issue in American culture and politics. Despite the objections of James Madison and Thomas Jefferson, Congress passed the Alien and Sedition Act, incorporating much of the English law of seditious libel.

The Alien and Sedition Act became the legacy of the Federalist Party, which prosecuted a number of well-known Republican newspaper editors in the 1800s. It was also mustered as support for criminal anarchy and conspiracy laws and federal and state sedition laws in efforts to suppress the expressions of religious minorities, feminists, labor organizers, pacifists, and leftwing radicals. Abolitionists in Virginia during the Civil War faced a one-year prison term for refusing to acknowledge the slave owners' entitlement to maintain their property. Following the Civil War, passage of the Fourteenth Amendment revolutionized the legal relationship of the federal courts and the states (Heumann and Church, 19).

Limiting Speech and Fourteenth Amendment Controversy

Whereas the *general rule* is a presumption against the validity of governmental attempts to punish or regulate expression (particularly expressions related to public policy), arguments favoring limiting speech on the university campus originate from the rationale that the Fourteenth Amendment guarantees equality of educational opportunity unimpeded by hateful speech. Increasingly, conventional arguments against speech codes are being challenged by the newer, sociologically motivated arguments in favor of them.

The controversy over the First and Fourteenth Amendments was illustrated when in 1990 the Civil Liberties Union of Massachusetts convened to discuss the adoption of speech codes on campus universities. The members' evenly split opinion was representative of what was happening in civil liberties chapters across the nation. Often the dialogue in these chapters became heated, with calls for compliance coming from both sides of the ideological aisle, and both factions claiming First Amendment constitutionality.

Understanding the current conflict over establishing campus speech restrictions on the university or college campus is helpful to implementing this unit, and a review of significant legislation is included below. Teachers are encouraged to consider an extended study of civil liberties while providing their students a forum for an accompanying discussion of civil rights.

Celebrity, Scandal, and Privileged Access to Media

Media play a significant role in shaping public opinion. Media tend to identify an event, weigh its cultural relevance, and interpret its meaning. In practice, individuals become held to an imagined, idealized standard of social conduct.

The most extreme example of media moralizing is the media scandal that occurs when a societal moral baseline is perceived to be challenged. Private acts that disgrace or offend the idealized, dominant morality of a community are made public and narrated by the media, producing a range of ideological and cultural effects. The scandal is shaped and "given force by the technological means through which information is transmitted to the public as news." In this way, media become "reflexive agents," representing those interests served by the constant reassertion of dominant modes of thought (Lull and Hinerman, 11).

The case of Muhammad Ali followed a *star typology* in so far as Ali enjoyed name recognition and had a celebrity image system, or a constructed transgression that reads against a popular image (Lull and Hinerman, 20). Cassius Clay, the heavyweight sensation the press had dubbed "the Louisville Lip," now identified himself with the Nation of Islam, adopting with his new identity an ideological framework mainstream America considered "un-American." If this were not enough to upset the status quo, Ali

took a stand as a conscientious objector to the Vietnam when he was ordained as a minister in the Nation of Islam. The single greatest consequence of these decisions was the media scandal that erupted and followed Ali throughout the rest of his career, ironically serving to transform him from a villain into an “American legend” (*Time* cover).

Culturally, Ali symbolized an “America under siege” (Sammons, 197). An increasingly embittered and frustrated urban black population engendered a “new black consciousness of the sixties,” as well as activism and militancy. Meanwhile, a significant white population began to rethink their positions on racism, the atomic bomb, poverty, and American involvement in Vietnam. Ali’s image on television, and the controversy that surrounded him, made him a cultural icon (Sammons, 197).

Criminal Speech

The beginning of the twentieth century saw greater numbers of regulations and prosecutions of speech related “crime.” Margaret Sanger was arrested in 1912 for lecturing on birth control. Meanwhile, trade unions were being banned, and across the country courts were prohibiting strikes. World War I protesters were silenced with jail time and many states outlawed symbolic armbands. Author Upton Sinclair was arrested for reading the First Amendment at a union rally, as were many members of a number of blacklisted organizations.

However, in 1919 the Supreme Court ruled on free speech for the first time in the case of *Schenk v. United States* and updated the prevailing *bad tendency test* that suggested speech could be punished if it had a tendency to bring about undesirable consequences. The Supreme Court upheld Schenk’s conviction for violation of the Espionage Act for mailing anti-war leaflets. The American Civil Liberties Union was founded the following year in response to these perceived excesses of governmental power (Heumann and Church, 56).

THE DEVELOPMENT OF MODERN FIRST AMENDMENT THEORY

The court cases included below set forth doctrine informing the debate, although they were not necessarily intended to mandate educational policy. The cases are most useful in considering the complexities involved when trying to establish rules of conformity for speech.

Tests of Speech

For the most part, the Constitutional framers held to John Locke's views that “[No] opinions contrary to human society, or to those moral rules which are necessary to the preservation of civil society, are to be tolerated by the magistrate.” As a result, while the wording of the First Amendment reflected the libertarian ideals held by James Madison,

the primary architect of the Constitution, it was the *moral test* that was used to interpret this broad rule (Heumann and Church, 19).

The 1833 Supreme Court decision in *Brown v. Baltimore* restricted the scope of the Bill of Rights, placing most governmental conflicts with individual liberties outside the protection of the Constitution and the federal courts and freeing state officials from federal constitutional restrictions. The passage of the Fourteenth Amendment after the Civil War revolutionized the relationship between state and federal courts, yet it would take a century of contentious argument and arbitration to renew and broaden the protection of individual civil liberties. As the pivotal defense and principal rationale behind the Civil Rights Movement of the 1960s, the Fourteenth Amendment's Equal Protection Clause authorized, as a national objective, the establishment of equitable treatment of all people by the state. Likewise, the "incorporation" of the Bill of Rights by Due Process Clause is the accepted Constitutional doctrine protecting, among other rights, the freedom of speech.

Hate Speech

The test to distinguish between speech that incited illegal action and speech that merely advocated illegal action, the "clear and present danger test," was the product of the first Supreme Court ruling pertaining to free speech. Articulated by Justice Oliver Wendell Holmes in the 1919 *Schenk v. United States* case, this test represented a far more protective stance than the predominant conceptualization used in the 1925 "bad tendency test" of *Gitlow v. New York*. Rather than punishing speech for its tendency to lead to undesirable outcomes (as in *Gitlow*), Justice Holmes suggested "evil" arising from the speech must be immediate and substantial to warrant punishment.

The question in every case is whether the words used are used in such circumstances and are of such nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. (Heumann and Church, 57)

For many, particularly those belonging to traditionally marginalized groups, the essence of Justice Holmes' opinion had profound sociological implications. In the years following *Schenk*, courts decided on tests evocative of the Fourteenth Amendment that would guarantee the rights to equal protection under the law for perceived victims of hate speech. These later cases would determine what criteria would be used to identify speech that posed this threat to society and helped identify an individual's motives, distinguishing between incitement of criminal action and its mere advocacy. The 1969 *Brandenburg v. Ohio* case yielded the "Brandenburg test" and most recently defined the constitutional limits on the punishment of speech advocating illegal behavior "except where such advocacy is directed to inciting or producing imminent lawless action" (Heumann and Church).

APPLICATION

This unit attempts to increase student awareness of the Constitution and the Bill of Rights, particularly the history and implications of the debate between the First and Fourteenth Amendments, and includes Muhammad Ali's autobiography as a case study for examining some of the issues. The plan for this unit includes an examination of some events in the life of Muhammad Ali and the role of the media in perpetuating Ali's celebrity. As such, there are several aspects of this social studies unit to consider.

The Constitution and the Bill of Rights

The Constitution and the Bill of Rights are new concepts introduced in the fifth grade, yet their relevance to students' lives cannot be understated. The lesson plans below provide students with several opportunities to read these documents, interpret them, and discuss their significance. Activities include reading the *Houston Chronicle* to identify examples of individuals who students believe are exercising their right to freedom of speech, or those who may have been denied that freedom.

In other activities, students will write speeches patterned after Muhammad Ali's proclamation, "I am the greatest" (Ali, 20). Every student will explain why they are the greatest and will support their position with a reasonable argument and examples. Students will present their speeches to the class and analyze similar interests and concerns in other students' speeches. Students will be grouped according to their predominant interests. The teacher will work with each group to develop an ideological position in support of the school improvement plan. Students will write speeches articulating their position, compromise on conflicting opinions, vote on possible agendas, and cooperate to develop an action plan for campus improvement.

Popular Culture and Critical Media Literacy

Critical media literacy is a term originating in sociology and cultural studies and refers to the process of providing students access to understanding how various print and non-print texts help to construct their knowledge of the world and the various social, economic, and political positions they occupy within it. Critical media literacy involves creating communities of active readers and writers who can be expected to exercise some degree of agency in deciding what textual positions they will assume or resist as they interact with their environment (Alvermann, Moon, and Hagood, 2). This unit will engage students in reading texts, analyzing popular magazines, and viewing films in order to build background knowledge, generate questions, and develop critical media literacy.

For example, to introduce the concept of a life story, students will view the opening scenes of the feature film *Amadeus* as described in the lesson plans below. When students view Muhammad Ali's documentary footage and read passages from Ali's autobiography, they should be able to contrast and distinguish a biography from an autobiography.

Additionally, students will view magazine essays and pictorials, and engage in critical evaluation of the media that create celebrity, discuss freedom of speech, and express their thoughts in narratives.

BOXING AND MUHAMMAD ALI

Prizefighting has been characterized as a true test of skill, courage, intelligence, and manhood. Historically, boxing champions have become symbols of national and racial superiority. Black challengers have been perceived as threats to white and national superiority and, ever since Frederick Douglas described the way black slave boxers were used to deter insurrection, scholars have become interested in the implications of boxing as a reflection of American culture (Sammons, 31). This unit will evaluate social justice in America within the context of the Muhammad Ali story.

The film *Ali: The Whole Story* opens with Cassius Clay winning the heavyweight championship from Sonny Liston and then chronicles Ali's transition from an Olympic amateur champion to a professional champion. Clay's subsequent name change is significant to the student's conception of self-identity. Following the viewing, the students will discuss the nature of boxing and observe how Muhammad Ali "transformed the world of boxing with his interjection of theology and politics in the ring" (Singer, 135). Students will summarize this discussion in their learning logs.

With the creation of a timeline, students will map the significant events in the life of Muhammad Ali that will be covered in this unit and gain experience with this social studies concept. For instance, Cassius Clay fought his first professional bout on October 29, 1960. As he continued winning he became increasingly vocal about his successes and began to be referred to in the press as the "Louisville Lip" and "Mighty Mouth." By 1964 Clay had recorded nineteen professional wins and had earned the chance to challenge heavyweight champion Sonny Liston. Although considered a serious underdog, Clay predicted an eighth round knock out. When Liston failed to come out of his corner in the seventh round, 22 year-old Cassius Clay became the world heavyweight champion. Shortly thereafter he proclaimed himself "the greatest," converted to Islam, and assumed the name Muhammad Ali. In 1967, during the Vietnam conflict, Ali refused induction to the army on the grounds that he was a Black Muslim minister and a conscientious objector (Sammon, 203).

Consequently, Ali was "stripped" of his title and banned from fighting in the United States. In 1970, after a number of appeals, Ali was allowed to return to the ring to fight the current champion, Joe Frazier. Frazier defeated Ali and, later that year, the Supreme Court overturned his Ali's conviction for draft evasion.

In 1974, Ali fought Foreman for the heavyweight title in Zaire. The resulting documentary film, *When We Were Kings*, will be presented to students in support of this unit's content.

Emergent Culture

The obvious limitation of a timeline is that it often does not sufficiently explain the impact of certain events or relate the milieu in which those events occur. Teachers who explain the significance of certain events and offer contextual meaning function as "cultural gatekeepers," making explicit cultural implications and broadening student understanding (Spindler and Spindler, 206). Students with this type of experience will begin to understand that their culture is emergent rather than fixed and that it is sensitive to their own subjectivity.

Such crucial issues as the Vietnam War, the Kent State tragedy, the Civil Rights Movement, race relations, the exploited boxer, Black Muslims, public attitudes, and the legal system determined the culture that emerged for Muhammad Ali. Without this milieu Ali might not have achieved symbolic meaning and become "an American cultural icon."

In 1959, Mike Wallace's documentary, *The Hate That Hate Produced*, aired on primetime television and perpetuated the associations many Americans made between the Black Muslims, Malcolm X, and hate speech. At this time mainstream America was becoming familiar with the goals and separatist ideology of the Nation of Islam, whose leadership sought a "more dependable protection" for their "interests than came from sharing the white man's power." The approach alienated many blacks and threatened many whites (Sammons, 195).

Added to this concern was America's involvement in Vietnam. Classified 1-Y—mentally incompetent to serve in the armed forces—Cassius Clay gained national attention when Malcolm X led him to the Nation of Islam in 1963. Boxing became highly politicized as Cassius Clay announced his new name was Cassius X; however, the 1964 visit of Malcolm X to the Cassius X training camp as he prepared for Liston resulted in outcry. Promoters nearly cancelled the bout when they learned of Clay's conversion.

Following the fight, Malcolm X left the Nation of Islam and the once radical agenda shifted conservatively toward social welfare for blacks. Subsequently, Elijah Muhammad changed Cassius X's name to Muhammad Ali and ordained him to preach. Muhammad Ali was to become the mouthpiece for the Nation of Islam. It was a responsibility Ali took very seriously, much to the dismay of "the boxing world." Ali's earning potential from endorsements was also affected by his Muslim affiliation, with his losses estimated in the millions of dollars.

In 1967, the hegemonic influences of the dominant group generated hateful sentiment toward the "un-American" war protestors. Network television discredited the anti-war movement by trivializing events, polarizing the audience, and distorting the facts. A small faction of congressmen called Ali's selective service status "an insult to every mother's son serving in Vietnam." Muhammad Ali's reclassification to 1-A status was an

effect of sustained pressure upon the Selective Service. Ali refused induction in April of 1967, which gave his critics the opportunity they had been seeking (Sammons, 203).

Subsequently, Ali was stripped of his championship title and denied a boxing license. A federal court found Ali guilty of draft evasion, sentenced him to five years imprisonment, and levied a \$10,000 fine. Faced with incarceration, revocation of his passport, unfavorable press coverage, and public hostility, Ali found comfort in his religion and among close friends as he began the appeal process.

Meanwhile, the 1968 North Vietnamese Tet offensive functioned to shift public opinion and the media to a more liberal position. A splintering public opinion supporting the war was evidenced at the Democratic convention that year. Television cameras chronicled volatile debates on the convention floor and documented Chicago police brutalizing protestors gathered outside the convention grounds. This shift in mainstream sentiment, along with the growing political power of blacks in the South, was responsible for the eventual granting of Ali's boxing license, first in Atlanta and Birmingham and later in New York. Yet despite the media's readiness to support the anti-war movement, the conservative Supreme Court under Chief Justice Warren Burger was not easily moved.

Heavily influenced by the Nixon administration's pro-war campaign, the Supreme Court had previously refused to hear Muhammad Ali's draft evasion case. However, with the reinstatement of his boxing career came greater public interest in settling the matter and determining whether or not Ali would go to jail for his conviction.

In 1971, Chicago lawyer Chauncey Eskridge argued Ali's case before the Supreme Court. The resulting deadlock created a situation where Ali would be sent to jail without a written decision. This prospect was unacceptable for Justice Potter Stewart who came up with the alternative plan of setting Ali free on the grounds of a technical error. The plan had two advantages in that the ruling would set no precedent nor would it broaden the categories of the conscientious objector status. Ali gratefully accepted the ruling (Sammons, 214).

CONCLUSION

A critical way to conceptualize the story of *the people's champion* is to see it as a response to a perceived loss of collective identity or marginalization resulting from colonial domination (Zou and Trueba, 198). Ali trespassed colonial boundaries by articulating cultural resentment as he abandoned his "slave name" and rejected the draft. Yet it was celebrity status and public scrutiny that empowered Ali's actions with symbolic meaning, transforming Muhammad Ali from a common religious fanatic and convicted draft dodger into a martyr in the fight against oppression and censored speech. Consequently, the Muhammad Ali story exemplifies resistance and resilience to hegemonic forces, particularly the media.

The public sanctions that followed Ali's conviction for draft evasion are an indication of the effects of media scandal. Verbal assaults, death threats, and hate speech directed at Ali may also be attributed to the notoriety he generated. Whether fans paid to see Ali win or to see him lose, there is little disagreement regarding Ali's contribution to the history of boxing. Although many celebrities have exercised their freedom of speech from a privileged position in the media spotlight, Muhammad Ali is distinguished as an embodiment and symbol of a revolutionary cultural change in the movement toward ethnic power and identity. As such, the Ali story provides an interesting context for the investigation of the complexities of the First and Fourteenth Amendments.

SAMPLE LESSON PLANS

Lesson One

This lesson introduces the concept of life stories (biography and autobiography) to fifth graders. Students should also gain experience in evaluating media.

Objectives: English Language Arts, Viewing and Representing

The students will:

- understand the concepts of biography and autobiography.
- analyze and critique the significance of visual images, messages, and meanings.
- refine their writing skills as they compare and contrast biography and autobiography.

Materials

Amadeus, the film and a unit library consisting of various biographical books.

Procedure

View the opening scenes of *Amadeus* and question students to check for comprehension. For example, Who is the old man? Where is he? To whom is he speaking? and Why? The teacher should be prepared to explain this scene and help students distinguish the difference between a biography and an autobiography. In a written composition, the students will compare and contrast biography and autobiography. Extend this lesson by assigning book reports from the unit library.

Lesson Two

This lesson involves students in analyzing speech, particularly comments made by sports celebrities. Students will be challenged to identify speech that advances an ideological position and enunciate that position.

Objectives: Reading, Viewing and Representing

The student will:

- offer observations, make connections, react, speculate, interpret, and raise questions in response to texts.
- describe how the author's perspective or point of view affects the text.
- compare and contrast print, visual, and electronic media.

Materials

The film, *Ali: The Whole Story*, a variety of sports magazines, and the daily newspaper.

Procedure

Students will search a variety of popular texts and view documentary footage of Muhammad Ali to extract examples of ideological speech. Students will prepare a written report of the results of their investigation, with consideration of the speaker's point of view. They will speculate on the speaker's ideological message and interpret possible meanings.

Lesson Three

This lesson focuses on students having read the Constitution and the Bill of Rights. Students will gain familiarity with new words and the significance of these documents in preparation for active citizenship. Teachers should facilitate student understanding with discussion, vocabulary support, and questions. This lesson builds upon the students' background knowledge, introduces them to the rights and responsibilities of citizenship, and appraises the importance of literacy to a democratic republic.

Objectives: Social Studies, Reading

- Interpret the Preamble of the Constitution and establish the purpose of the Constitution.
- Summarize the reasons for the creation the creation of the Bill of Rights.
- Describe the rights given to individuals in the Bill of Rights.
- Interpret the text from various responses.
- Summarize a variety of written texts.

Materials

Fifth grade social studies textbook or copies of the Constitution and the Bill of Rights.

Procedure

The teacher begins this lesson by questioning the class about their knowledge of laws. Students will provide examples of laws and explain their purposes. The teacher will direct student reading of the Preamble, summarize the reasons for the creation of the Bill of Rights, discuss unfamiliar concepts, and guide student learning. The teacher will relate rights and responsibilities as the students read and compare the First and Fourteenth Amendments. The students will summarize the text they read and provide their interpretations of the text in narrative form.

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