

**State of the Art & Annenberg/CPB
MAKING CIVICS REAL: A Workshop for Teachers**

SHOW 1: FREEDOM OF RELIGION

FINAL SCRIPT – 5/9/03 – p. 1 of 32

:16 Annenberg/CPB Funding Logo (include :15 fades)

:06 SOTA Logo (includes :15 fades)

Open Sequence

Velazquez: If we're going to talk about citizenship, democratic participation, then we have to tailor our lessons to model that kind of behavior.

Title: **Making Civics Real: A Workshop for Teachers**

Student: *May I please introduce the president of the United States...*

Narrator: **Engaged, reflective, concerned and collaborative – these are qualities we hope for in our citizens and in our classrooms. Constructivism is a theory of teaching and learning that helps teachers instill these qualities while also imparting real skills and knowledge.**

Borges: A constructivist teacher is someone who builds on students' previous knowledge and previous experience.

Johnson: *Petitioner will go first ...*

Narrator: **Constructivism incorporates a number of teaching strategies you are probably already familiar with like: simulations, debate, small group work, and socratic questioning.**

Chandler You prepare a lesson that will allow students to bring reality to what they are learning.

Johnson: Each child brings something different and has looked at the material in a different way.

Martin: But they also build on what other students are saying.

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Student: And here we have the lack of family which I think is the most important...

Velazquez: The most challenging thing is being comfortable with letting students find their own way

Borges: If you make this decision, how will it affect high school students all around the country?

Narrator: This workshop profiles teachers who are effectively using constructivist strategies to address standards and cover diverse content areas. Cooperative learning appears throughout, but you will also see strategies like role playing, consensus building and service learning. The goal of this workshop is to give teachers new resources and ideas to reinvigorate civic education.

Show Title: Freedom of Religion

EXT school busses

NARR: Minneapolis, Minnesota may seem a long way from the Federal Supreme Court in Washington, DC, but students at Southwest High School are about to bridge that distance. This week, Kristen Borges' 9th grade Arts and Humanities Civics class will finish their study of the legal system by holding a mock trial. Their challenge is to argue and decide a recent Supreme Court case concerning a student their age on the freedom of religion.

GFX: ACTIVITY ONE: ATTORNEYS AND JUSTICES PREPARE FOR TRIAL

Borges: Hey Thomas. Thank you sir.

Thomas: You're welcome

Borges: How are you?

Thomas: Fine.

Borges: Welcome.

Thomas: Thank you.

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Borges: Good to see you today. You ready?

Thomas: Yeah.

Borges: You sure?

Thomas: Yeah.

**L3: KRISTEN BORGES, 9TH GRADE ARTS AND HUMANITIES
CIVICS**

Borges: We spent a significant amount of time in my ninth grade civics class looking at the documents that our government is based on. They have looked at the Declaration of Independent, the US Constitution and specifically the Bill of Rights. The students have looked at how the judicial branch is structured in their federal government. And they've looked at our systems of courts.

And for this particular lesson, we're going to be focusing on the US Supreme Court, and how that is the final say when there are controversial issues involving the US Constitution. So what we're going to be doing is looking at a freedom of religion case that was recently tried by the United States Supreme Court.

Borges: The families ... you be a lawyer.

**GFX: SANTA FE INDEPENDENT SCHOOL DISTRICT V. JANE
DOE, ETC ETC**

Narr: The case Ms. Borges' students will argue is Santa Fe Independent School District vs. the families of Jane Doe. The dispute began over the practice of having a student-led prayer before football games.

Borges: Justices, school board, family.

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Narr: Students in Ms. Borges' class will choose one of three roles related to the case - lawyer for the school district, lawyer for the families or supreme court justice.

Taisha: I am with the school board.
Kurtis: I am for the families and we're going to win.

Borges: Because they've significantly studied the Bill of Rights, they're going to look at the issues and the facts of the case, and then link it to the document, and to see if there's a violation of individual rights in this case. They're building upon knowledge that we started back in September, interpreting documents, what was the original intent of our founders for our US government, and how can a document that was written more than 200 years ago, be applied to today's society.

Borges: Good morning you guys. Quote an agenda up on the board, please get that down. "The constitutional freedom of religion is the most inalienable and sacred of all human rights". What did my friend TJ mean by that?

John: It's like the most old and important one.

Borges: Okay, what is inalienable mean? That's your vocab. word from way back at the beginning of the year. What does inalienable mean?

Destinee: Can't take them away.

Student: Yeah.

Borges: Destiny, nice and loud

Destinee: You can't take them away.

Borges: So what is Thomas Jefferson saying here about the freedom of religion?

Borges: Many of my students in my class are special education students and there are many students with low reading levels and low writing skills that have not been identified as special education students. With all of my primary source reading in the classroom, no matter what the reading level is for the kids, we always do vocabulary component to it. And I've worked really hard at basic writing skills with them

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Borges: It's one of the most important rights that we have. That's why we're so lucky to have our Supreme Court justices here to solve this problem for us. Should we allow students to lead a public prayer before a football game, at a public school, over the microphone? Attorneys for the school, raise your hand. Attorneys for the families, raise your hand.

Borges: Today you'll see the students divided into three groups. One group will be representing the US Supreme Court justices.

Borges: We're very happy that you've joined us today, to hear our case.

Borges: The other two groups will represent the lawyers, that will be presenting their arguments to the Supreme Court.

Rather than just doing background information, I'm asking the students to actually participate in the process themselves, to take on the role as lawyers and Supreme Court justices, and practice this mock Supreme Court hearing.

Borges: ... so what we're going to look for is that you participate and initiate discussions in your group. We're also going to look for you to develop a persuasive argument that relates [unint.] ...

ARCHIVAL PHOTO (1)

Borges: I first decided to become a teacher because I wanted some kind of skill that I could travel with, that I could go around the country with, and not really worry about finding a job. And it was really the step that I wanted to do, until I really wanted to figure out what else I would do in my life.

Social studies was a natural fit, because I always enjoyed social studies as a student, and I studied that in college. Once I started teaching and discovered the opportunity that you have to sit around and talk about

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real world events, makes the social studies really come alive for me, and makes this a job that I know I want to do forever.

Borges: If you make this decision, how is that going to affect high school students around the country? You want to think about that. Okay?

Borges: Direct teaching and lecturing is very effective to deliver background information to students, and I rely on that for introductions to different types of topics that we'll explore. There's time that a teacher just needs to deliver some information in order for the students to start with some ground work that they can then build on.

Borges: And we know that our First Amendment has five rights in it. Can someone tell me what those five rights are?

DesJohnna: Freedom of religion, freedom of the press, freedom of assembly, freedom of ...

Borges: A constructivist teacher is someone who builds on students' previous knowledge and previous experience in the classroom, and is able to support them in what their knowledge is, and then help them build new knowledge in the classroom.

Borges: Okay, so what I'd like you to do now is to go through our packets with each other and start discussing the issues of this case. Come up with your arguments, attorneys ...

Borges: For the first lesson, you'll be seeing a lot of cooperative group work, and I'll be going from group to group, asking questions and helping the students go through some of the background information, narrow down some of the information that they've received.

L3: SUPREME COURT JUSTICES

Kaila: It wasn't a big deal when she said the prayer, because a lot of the community cheered for her, and it was a very religious community.

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Heather: Not everyone at the game was religious, because there was the other team that, they weren't religious.

Thomas: Were there just a couple people there who didn't like it or ...

Kaila: If it is kind of like a religious public school, then it probably wouldn't offend the people that go to this school, but the other team ...

Borges: With my Supreme Court justices, they're really grappling with these complex issues that they haven't really faced before, and so they're seeing it from both sides that they feel stuck in the middle, and so it's at the beginning, taking a long time for them to go.

Borges: Does everyone agree with Zeb? You all agree with him? Oh, this is going to be an easy court. This is going to be one big consensus.

Narrator: **Though much of the work in a mock trial is initiated and completed by the students themselves, Kristen Borges uses questioning strategies to keep students engaged and to encourage them to go deeper into the material.**

Borges: Oftentimes students feel that they don't really know the answer, and sometimes it just takes a little wait time for them to get started, but if that doesn't happen, just a leading question can really get the student engaged with the discussion.

Borges: So you need to figure out what way you're going to interpret this case. Are you going to be more narrow and say generic god is okay, or are you going to be more broad and say, god is not okay at all, okay? Jump onto the last one ...

Borges: Another challenge that I think that I'll have is helping students be able to effectively articulate their position. Many times the students will be able to state their opinion, but have more difficulty with the support, the evidence that would make their opinion that much stronger, their argument that much stronger.

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Borges: Yeah? Why?
Kaila: That's public. I mean, some people practice Halloween, and it's a festival.

L3: FAMILIES' ATTORNEYS

Kurtis: The school is permitting a prayer that's a violation of the Constitution because it say separation of church and state. Really to me, regardless it's still like a school paid stadium government ran, so I think that ...
John: After school ...
Jessie: It is after school, but it's still on the school property, it's a school based event.
Borges: What about the fact that students don't have to attend the football game?
Jessie: But then the students that are playing and the families that have people playing do have to attend it.
John: They're not going to a football game, expecting to hear a prayer said over the intercom.
Kurtis: If they're not like, um, Christian, and they ... like they don't believe in Jesus, then a lot of people can be offended by that.
Destinee: It shouldn't be allowed because you're going to see a football game, not to hear a prayer.
Borges: You want to make sure you keep throwing out some of these ideas that you've discussed, and write them down, okay?
Kurtis: Okay.
Borges: Do students have to be at football games?

Ina: No, it's voluntary.

L3: SCHOOL BOARD ATTORNEYS

DesJohnna: I mean, you can come after she prays or something. It doesn't matter. You're free to go whenever you want.
Borges: But what about the football players? Do they have to be there?
Augustine: Yeah, they're the ones who are playing.
Borges: So what if there's a football player who is against this public prayer?

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Augstine: He's going to just have to stand there and listen. He has to be there for the game.

Borges: Yeah, so, how are you going to defend that?

Augstine: I have no idea.

Borges: That one's a hard one, huh? Okay. And what did she say over the speaker that you're jumping in on, Ina?

Ina She did not say, she said, after asking God to watch over us, she said in Jesus' name I pray. She asked God. Their god could be a piece of paper with god on it, for all we know.

Taisha And when she said in Jesus' name, I pray, meaning herself only, so the other people should have nothing to do with that, you know.

DeOnna: Okay, they're going to bring up the fact that it's not separation of church and state,

Ina I can be in this facility right now after school and me and Taisha can sit here and have a Christian group, they wouldn't say anything about that.

Borges: How do you know that you can do that, that you can go after school? Is there something that would support that?

Ina In 1990-the court held that allowing religious groups access to school facilities does not violate the establishment clause, because there is no government endorsement of religion.

Borges: Okay, so the Supreme Court ruled that in 1990. How does that connect to what the decision that you have to defend tomorrow?

Ina She has a free exercise clause, and she has her freedom of religion, and she has her freedom of speech. And she has three rights, and she used all of them.

Borges: Let's hear from you guys. I haven't heard. So what do you think? How are you going to defend this?

L3: INA, ATTORNEY FOR THE SCHOOL BOARD

Ina: I knew some rights existed, but I didn't actually know there was a piece of paper that told us our rights. I knew it was the law, but I

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didn't know anything about the Bill of Rights and the Amendments ...
and it was just the law.

Borges: Have you gone through the guidelines of the lemon test yet?
Kurtis: No, we're doing that right now.

L3: FAMILIES' ATTORNEYS

Borges: You're doing that one now? Okay. So what if the other side says, well, you know, we set up this policy to just have this pre-game ceremony where we're going to encourage good sportsmanship and it was up to the student whether they wanted to do that or pray.

Jessie: Well back in the Supreme Court in 1980, they found that posting of the Ten Commandments in public schools was unconstitutional.

Destinee: In Ray v. Curlette, blah, blah, blah, the court finds forcing a child to participate in Bible reading and prayer is unconstitutional. When they say the prayer over the intercom, isn't that just the same thing that they're doing right here, even if it is a teacher saying it

John: The school board will probably say, they weren't forcing the child to participate but...

Destinee: But they were advancing it.

John: Yeah, they were advancing it.

Destinee: It kind of goes ... uh, I don't know what I'm talking about, but um, if it's a heavily Baptist community, what if it still was a heavily Baptist community, but they were like, okay, in Buddha's name we pray, or something like that. How would the Christians feel against that, if they were at the game?

L3: DESTINEE, ATTORNEY FOR THE FAMILIES

Destinee: When you work in these groups it gives you a different perspective of whatever they've been thinking so then you kind of switch gears and you think well maybe this person thinks differently than me so maybe I should kind of think in their shoes so I can see where they're coming from.

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L3: SUPREME COURT JUSTICES

Borges: So, what does the Constitution tell us? How is the Constitution going to help us out with this?

Kaila: It's not going to help, because it's separation of church and state and it's public, so you really can't do much with that, because you can't bring a specific religion into a public school.

Borges: So Kaila, what clause do you see as being violated here?

Kaila: Well, a person ... well ... it's like, you're taking away their freedom of religion, but it's... I don't know, it's kind of difficult, because you're taking away the First Amendment of freedom to practice religion.

Borges: So free exercise ...

Borges: I think they feel that they probably have the most complex job, that it's not an easy decision to make over this issue. It's so controversial, and so many people have different opinions about it.

Borges; What if I don't believe in God? What if I don't believe in God?

Yehwah: That's your own problem then, because everybody else believe in God, so if you don't believe in it, it's just your own problem.

Borges: One of the most difficult things that I think will happen with this lesson is having the Supreme Court justices keep an open mind, and try not to be influenced by any kind of beliefs that they might have about religion in public settings, and to not allow that bias to influence their decision.

L3: SCHOOL BOARD ATTORNEYS

Borges: But there's been a history of kids feeling excluded, right, kids feeling intimidated?

DesJohnna: You can't please everybody.

Borges: You're going for that common good, huh?

DesOnna: President Bush is Christian right, and most of the United States isn't Christian, but he had a priest at the inauguration say a prayer and at the end of the prayer didn't they say in Jesus' name I pray, amen?

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Borges: Yeah, Jesus was mentioned in his inauguration speech [unint.].
DeOnna: If people don't want to sit there and listen to the inauguration, can't they change the channel? Can't you get up and leave from a football game if you don't want to hear a prayer?
Taisha: I think people shouldn't get offended by it. They should just respect other's religion, you know? Because I'm quite sure they would want us to respect theirs if they just bust out and say some kind of stuff we don't know about.
DeOnna: If I'm in an evolution class, I don't believe in that, because I believe God created me, and I'll sit there and listen, you know, but I'm not going to believe it, if it's not my religion, you know.
Borges: Okay, figure out how you're going to present tomorrow. Who is going to go first, who is going to say what. Figure out that strategy.
DeOnna: Well our strategy needs to be, okay, we're going to up, because we go first, we're going to say our case, you know, lay out what we think is right, then we're going to hear them out, write down what we hear ... you know, what comebacks we can have prepared, you know.
DesJohnna: They're going to bring up the establishment clause. That might hurt us, though we can still argue against it, but mainly we want to fight for the free exercise clause.

L3: FAMILIES' ATTORNEYS

Kurtis: I think that plan of attack, they going start with the little 14th Amendment thing, but I got a backup for that, just in case that come up in the case.
Borges: What's your backup?
Kurtis: Well I'll ... if they bring up the 14th Amendment case, I'm going to bring up the little amendment where separation of church and state ...
Borges: When you put the First Amendment against the 14th Amendment, who has the most power, the state or the federal government?
Jessie: Federal government.

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Borges: The federal government. So even if the state of Texas decides that they're going to pass a law, that they won't allow public prayer in their schools ...

Jessie: They can't because the federal government has more power.

Borges: And the 14th Amendment gives the federal government that power.

Jessie: Yes, it does.

Borges: You need to look at the policy, the school board policy that they've created. Now, does that policy violate the establishment clause.

L3: SCHOOL BOARD ATTORNEYS

DesJohnna: So the separation of church and state is the establishment clause?

Okay, yeah.

Borges: And the 14th Amendment is what tells the people that the federal government has the final say, that a state can't create a different law that's going to go against freedom of religion.

DeOnna: Because the 14th Amendment says that the federal government has the last say.

Borges: What questions do you have for the lawyers tomorrow?

L3: SUPREME COURT JUSTICES

Yewah: Why didn't you tell her to use a generic god that we all pray to?

Vincent: Why did she have to pray over the school microphone, when she was praying to herself?

Thomas: If they can pray in schools, like in private ... not public schools, what prayer would they say?

Kaila: The questions I have, mostly for school board, would be why they choose invocation and/or the message for the questions.

Student: For the school board, I was going to ask why did they pray to a specific god if they're doing a public football game?

L3: FAMILIES' ATTORNEYS

Kurtis: Yes, when you go home, just think, you're not on this team no more. Act like you're on the other team, and just like read, try to get defenses. And

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when you like think of so many defenses, take a piece of paper and be like, okay, if they bring this up, how can I defend this, and just write down what you think you can say that will bring you back out at them

L3: SCHOOL BOARD ATTORNEY

Taisha: Don't slip and bring up a topic that will go against us, because they will get us by that. you know ...

DeOnna: We need to recognize what stuff is going to be for us, and what stuff is going to be against us, so we know what not to bring up, and then to be prepared to know what to say, if they do bring that up.

Ina: We know that the government is not supposed to associate, say with church and state, but also, when they ruled up on this case, you know, if they rule to this case right here, that we could have after school activities and religious groups after school, that right there opened that up for us.

Jessie: Well, [unint.] know it, because then [unint.] ...

Borges: Hey ladies and gentlemen, I want to bring your attention back, because the bell is about to ring. Tonight for homework finish up your packets, prepare your argument if you're an attorney, and develop some more questions if you're a Supreme Court justice ...

Borges: For the attorneys that means they have to have an argument, they have to have evidence to support that argument, they need to be persuasive, and they also need to anticipate what the other side is going to say. For the Supreme Court justices they have to develop questions that are going to challenge the arguments they are anticipating.

**GFX: ACTIVITY TWO: ATTORNEYS ARGUE BEFORE THE
SUPREME COURT**

Borges: I am going to have the school board on this side, the families on that side, and then the Supreme Court justices up here in the front.

Kaila: I am telling you right now it is so hard to choose, right now.

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L3: KRISTEN BORGES AGAIN

Borges: I think for students to be able to be successful in this type of experience, early on in the year, the teacher has to really be able to establish a sense of community in the classroom, and to work toward that sense of community in all of their teaching. The students need to be able to really get to know each other, and to be able to learn how to work well with each other, no matter what the personality differences might be, no matter how controversial the issue, and how far apart on the issue they may be. It's important for teachers to be able to start on a small scale by having perhaps weekly discussions or weekly activities that the students get used to being responsible for their own learning.

Borges: You see that the classroom has been transformed today, and it's been transformed today into our courtroom ...

Borges: There's time to have your foundations and to have students be in the books, or listen to a lecture, to get some basic information. But when then they can take that basic information and turn into this creative process, and allow themselves to become performers, I think it's more valuable for them.

Borges: How are we all doing, good? Good? We ready? It's going to be fabulous. It's going to be real good. Okay everyone, Kurtis, let's go.

Emily: Oh yea, oh yea, oh yea, all persons having business before the honorable, the Supreme Court of the United States are admonished to draw near and give their attention for the court is now sitting. God save the United States and this honorable court.

Borges: By putting them into these roles, where they are actually performing. The students, I think, become more motivated to participate. They buy into their role.

L3: CHIEF JUSTICE

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Kaila: We'll hear the arguments in case number 6372, Santa Fe Independent School District versus the families of Jane Doe.

Borges: But at the same time it's rooted in a discipline and it's rooted in specific civics education. It's rooted in learning about the foundations of our government. So they're taking information that might seem very sterile to them, or foreign to them in a textbook, and making it come alive, by actually role playing.

L3: SCHOOL BOARD ATTORNEYS

Ina: Today, we're going to be talking a lot about our rights, and we're going to be talking about ... a lot about the policy, because the policy, they're going through two words. There people are having a dispute about, which is invocation and solemnize, and we want to tell you what the words mean. Invocation means to bring to a higher power. A higher power could be good luck, it could even be "I wish," you know, saying, "I hope" and solemnize ... solemnize means to ...

Taisha: She needs to know what solemnize means.

Dejohnna: It means to make formal, to make a ceremony formal.

DeOnna: You don't have to say that, I'm saying that in mine ... she's saying that.

Borges: Our challenge as teachers is to make what they're learning in the classroom relevant to the real world. And even though students that I teach are only 14 years old, and are not yet able to participate in our Democratic process, what they do begin to learn is that they can influence that process.

Daniel: Why use the word Jesus in a loud voice?

Ina: She was basically praying over them, like your mom would pray for you if you stay out too late, she'll start worrying, you know what I am saying, her prayer for you. So that's basically what she was doing. She was praying over the game, you know, saying before the game.

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L3: SCHOOL BOARD ATTORNEYS

Dejohnna: Let's talk about the lemon test. In 1971, you established a three part test determining whether an action of government violates the separation of church and state Amendment. Okay, let's see if the policy passes that test. Number one. The purpose of the policy is to promote good sportsmanship and establish an appropriate environment for the competition. Is that the main purpose of the policy? I think that's the main purpose.

Kaila: The pre-game ceremony is at home varsity football games, you did use the invocation and/or message and solemnize words. What made you choose those specific words?

DesJohnna: All they were really trying to do was to make the football pre-game ceremony formal. Is that not what solemnize means? Invocation, to bring a higher power. Can the higher power be hope, inspiration, good luck ...

Kaila: Why can't you use some other words that won't put you in this sort of situation?

DesJohnna: Just because some people might think, might interpret them wrong, or what the policy what is trying to really mean, does it mean that we shouldn't be able to use those words?

L3: DEONNA & DESJOHNNA, ATTORNEYS FOR THE SCHOOL BOARD

Desjohnna: I am learning so much more in this class than I did for a full year of Civics already. And it's, it's more fun and you learn more when you are working with other people and you know seeing what other people values are.

Borges: You have two minutes.

L3: SCHOOL BOARD ATTORNEYS

DeOnna: How is a girl praying over a loudspeaker different from a KKK member rallying around non-white races on a mike? If it is constitutional for a

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KKK member to rally, then it's constitutional for a girl to pray at a football game. Every day we use money that's printed "in God we trust" on it. And every day someone says, "so help me God," in front of a courtroom. Even Emily today, when she was opening up, used the word "God."

Thomas: Are they going to take the time out of our education just to say all the religion's prayers? Because they're so many religions.

DeOnna: We're not talking about during school. That's something you guys have to understand, is that it was after school.

Thomas: But it was on school property.

DeOnna: Okay, and ... yeah, you still have a choice to come.

Zeb: If you're coming to a football game, you don't necessarily expect there to be a prayer before the game. You just go to watch the game, and you don't expect anything like that, so ...

DeOnna: Okay, if I'm walking down the street, and I see someone rallying against different races, or if I see someone preaching something that I don't want to hear, did I know I was going to see that? No, but I still have to hear it, because it's their freedom of speech.

DeOnna: Well for one, because the students voted for her to give a message and she chose to use a prayer. And doesn't she have freedom of religious speech?

Zeb: Did the other team know that she was going to say a prayer, did they have no say on it?

DeOnna: Did the other team know that there was going to be a message at all? No, but ... you risk every day walking down the street hearing somebody pray or say something that you don't want to hear. You're going to hear it anyway, so let's wake up, pull the eye, the shades that have been pulled over our eyes, wake up, okay, there's other religions out there.

Borges: So now we can hear from the families.

L3: FAMILIES' ATTORNEYS

Kaila: The response may step up and say ... state their argument.

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Kurtis: Before we start, I'd just like to deliver an invocation. Buddha, please watch over those that's present and inspire [unint.] ... and inspire good courtsmanship [ph.]. In Buddha's name I pray.

John: All right, how do you feel right now from what Kurtis just said? I bet you feel upset, right? Well, that's just what happened to the Jane Doe families and that's how they felt on the fall of 1999. People might think, well, they could just get up and leave the football game, but if they felt offended, but did you expect them to like run out a football game or sit there covering their ears? No

Kaila: Those kids that are football players and cheerleaders, they volunteered to be cheerleaders and football players.

John: They shouldn't have to go to a public school event, have to go there feeling offended. The Constitution says separation of church and state, which means the government can't have any one religion supported by saying that there's a specific god.

L3: ATTORNEY FOR FAMILIES

Destinee: Good morning. As we all know, religion in Santa Fe, Texas is a rather common thing at high school football games. But in the case of a student led prayer, is it considered the right thing to do. Invocation, I know they gave part of a definition, but the whole definition was, um, "a means to call upon a deity [a deity is known as a god or a goddess] for aid protection, and protection." The calling upon any deity should be considered unconstitutional, because what about somebody who believes in nothing?

They mentioned KKK members, and how would it be different, if they were doing that, or if you saw somebody praying on the street? This is public school property. It's not meant to be used for religion. This is time and effort and money put in by the government so we can have public schools, with the freedom of religion in them. And KKK members have permits to do this. They have the freedom of assembly, but they have permits. They don't do this ...

L3: DESTINEE, ATTORNEY FOR THE FAMILIES

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Destinee: It surprised me that our group worked well together because some of the people in that group don't get along and like me Kurtis don't get along at all.

Kurtis In the lemon test. I am on question number two it does advance a religion because it say Jesus.

Destinee: He is kinda a goofy class clown type of guy and I was really surprised that he was being really serious with this case and he took it to the extremes and he really, really worked on this. And it was really easy for us to work together.

Kurtis If I go to the office right now, I'm pretty sure that a lot of people would like to hear me talk about Buddha or whatever and then say I, me, myself, believe this. You know what I'm saying? I'm pretty sure you would be offended. Or if I went on the thing and said, I hate white people. Would you be offended? Would you be offended?

Kaila: Yes.

Kurtis: Okay, now Jesus ...

Kaila: But that's a different story.

Kurtis: Huh?

Kaila: That's a different story.

Kurtis: Hold on. If I ... if I don't like Jesus, and I feel Jesus is offensive, and I'm at a game and I don't want to hear nobody talking about Jesus and him to inspire good sportsmanship, it's like you wouldn't like to hear me say I hate white people or something like that, or I hate Hispanics or I hate ...

Borges: You have to let go of a lot when you have this kind of process in your classroom. One thing that's a challenge sometimes is losing that control, where you as the teacher are responsible for every single minute in the hour.

Kaila: She was just expressing herself.

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Kurtis: Okay, I hear what you're saying, so, would it be all right for me, if they saw me to deliver a brief invocation or message, and I came on the loud mic and like, okay, I feel that f this ...

Borges: So much of performance based learning depends upon how the students use it, and where they take it. And so there will be times when you'll have a student, you know, not go in the direction that you really anticipated them going. But the teacher's ability to be flexible with that is probably the greatest challenge for a teacher.

L3: SCHOOL BOARD REBUTTAL

Ina: We have access to after school activities and a facility that does not violate the establishment clause.

Borges: If we are expecting our students to become productive members of our society, and responsible citizens, it's very important to allow room for the student voice in your classroom. It's very important to allow an opportunity for students to exchange ideas, and to be able to present their opinions. And it's the job of the instructor to make sure that they have the skills to be able to reach informed opinions, and to be able to access information that would then help their own ideas grow.

Borges: You have one minute.

L3: SCHOOL BOARD ATTORNEYS

Taisha: The law didn't say, you have to stay and listen to the prayer

Kaila: Why pay money for a football game for me to leave? I mean, why ...

Taisha: Hey, but you're getting your money back, though.

Borges: Time's up, time's up, time's up. We're going to have an opportunity to discuss this in more open forum tomorrow, but as far as the hearing is concerned, arguments have been presented by both sides, and now the time is up.

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Borges: I know when the lesson is working, when my students are engaged so much that when the bell is ringing, they're still having the discussion about the lesson, when they're going home and having discussions with their families about what they're learning in class, and asking questions about the issues that were discussed in class, beyond the bell schedule.

DeOnna: Because the policy is what needs to pass the lemon test, not the prayer.

Kurtis: Well the policy don't either because it says ... what's that word ... Invocation.

Borges: And when I see students go on and take on community projects or even just school wide projects, and present some leadership skills that I didn't necessary identify early on in my class, but now they may possess, to me, I think I've been effective as a civics teacher.

DeOnna: As long as she wasn't forcing anyone else to pray ...

Kurtis: Well all I got to say is you guys' argument was all right, but you all already know who's going to win, all right.

DeOnna: Well, yours was wack, okay.

DesJohnna: We are going this way DeOnna, we are going this way.

**GFX: ACTIVITY THREE: SUPREME COURT DELIBERATION
AND DECISION**

Borges: I need to remind the Supreme Court justices that you need to remember the constitutional issue here. Go back to the Constitution. What does the Constitution say?

Borges: Today is the final day of my three day lesson, and the students have now prepared for, and participated in a Supreme Court hearing. Today the students will come into the classroom, and will focus in on the Supreme Court justices. And I'm asking the students who are the Supreme Court justices to discuss the case, discuss strengths and

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weaknesses that they saw from both sides of the argument, and to talk with each other about their opinions of the case.

- Kaila:* *These are families that are just trying to squeeze some money. I mean, come on, this is a waste of our taxpayer money. This shouldn't have not come all the way to Supreme Court. She's a student.*
- Thomas:* *She might be a minor, but people still take it offensive and it was on school grounds. And it shouldn't be in a public place, like for school, because you can't bring church and state together.*
- Yewah:* *She's just praying for herself, not for everybody else in the whole group.*
- Zeb:* *Even though she did say in Jesus' name I pray, she still advanced that ... the name Jesus, and to a lot of people that could be offensive.*
- Daniel:* *I don't know, the family said something about what if you don't believe in any god. My opinion about that is, if you don't believe in any gods, why would you care if they pray, then?*
- Vincent:* *The lemon test, I think she failed at, because that's raising ... she say Jesus, and that's like everybody knows it's a Christian religion, and I think she failed that.*
- Borges:* *Vincent brought up the lemon test, and so I would like to hear the justices' opinion, because both sides presented the lemon test to you, and said how it would support their argument. So look at the lemon test, and answer those questions yourself.*
- Kaila:* *I can see that it failed the test. It has a secular purpose. It has a primary effect ...*
- Borges:* *I was a little concerned at the beginning of the lesson with the way that the Supreme Court justices were having difficulties getting off the ground. I had to bring them back to the constitutional issues that they're assigned to look at.*
- Zeb:* *The school board did fail the second question when it says they did not advance... has a primary effect that neither advances nor inhibits religion, but they, by saying the name Jesus, they were advancing it.*

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Kaila: The law is that she's a minor, and it's ... I mean, it's not a big deal that she did this. I mean, no one is going to remember it.

Yewah: What does secular mean?

Borges: Non-religious. Does the school board policy have a non-religious purpose?

Thomas: We shouldn't have to go to a public game to listen to people pray on a ... in school.

Kaila: But this is after school.

Thomas: But it's still on school grounds.

Kaila: It may be on the school grounds, but you're able to use that. Like kids that are on football teams and ...

Borges: Kaila, let me interrupt for a second. You're talking about previous court cases. Is there a previous case that you know of that would support your position right now? What about the ones that the attorneys argued yesterday, that they presented to you?

Kaila: I mean, look at all these other previous cases. We didn't know it, but they all involved an adult. This is a minor.

Borges: Does the Constitution have an age stipulation, when they say freedom of religion?

Kaila: No.

Borges: So, does that ... is that relevant to this case, how old she is?

Kaila: I just think people get a little shaken [ph.] up over just a little name of Jesus.

Borges: They were missing the issue that they had at hand, and that was interpreting the Constitution, the main focus on the Supreme Court. And so they wanted to talk about their own opinions of the case. They wanted to talk about personal experiences. They wanted to talk about the age of the student. And a lot of their discussion was either not supported, or not really going back to the specific documents, the specific documents that I asked them to look at.

Borges: I'm sorry, I'm interrupting again. What you're doing is your interpreting what the meaning is of the Constitution. So in this

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Constitution, it says that you have freedom of religion, and you should not establish an official church. So based on that, does the school board policy endorse a specific religion, create a government church, and violate separation of church and state? That's your issue, and that's where you need to keep focused.

Borges: I had to jump in more than I would have liked, and try to keep them focused on the issues at hand. Some of the students were able to reach a decision, but not really clearly articulate why they reached that decision.

Thomas: *But that's ... but still, she said Jesus.*

Borges: Next time I would do much more work with the Supreme Court justices in their preparation, and talk about the importance of their job, and really give them some background information on how difficult some of these decisions have been for Supreme Court justices. I also would probably make an effort to choose some of my more vocal students, and to put them on the court. This time around, most of my outgoing vocal students chose one of the lawyer's positions. And I allowed that to happen, but I think that I need those types of students with the energy and the leadership skills on the court as well, to engage the other justices.

Kaila: *We're going to take a final vote on whether we should have the school board or families win this court case. I stand on the school board.*

Thomas: *I stand on the family.*

Berit: *Um, I stand on family.*

Student Supreme Court Justice Member: *Family.*

Zeb: *I stand on the families.*

Daniel: *I stand on the school board.*

Yewah: *I stand on the school board.*

Heather: *I stand on the families.*

Vincent: *I stand on the families.*

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Kaila: Um, with a tie vote, it is a six to three, and the families have won the court case.

Borges: Now what we're going to do is we're going to ask the Supreme Court justices to join the larger circle, and I would like to lead a group discussion on the outcome of the case, and to get everyone's opinion of the case.

L3: JOHN, LAWYER FOR THE FAMILIES

John: I actually like learned like how like hard it is to make a decision on case that comes to the Supreme Court, and I also like learned like actually I've experienced it more, and like, we actually like heated conversations back and forth. And that made me think more, and made me want to win. So I actually went home and studied a little bit more on the case.

GFX: ACTIVITY FOUR: LARGE GROUP DISCUSSION

Borges: Allowing students to say a prayer at pre-game ceremony was a violation of the Establishment Clause. What I would like to do now is to open up the discussion to the larger group, and to allow the lawyers to chime in, and talk about their feelings of the outcome of this case. In addition to that, I would like you to comment on strengths and weaknesses from both sides, and actually try to argue from the other perspective, okay. Finally, I want you to remember the rules. The rules are, that first, no one talks while someone else is talking. So we go one at a time. The second is that you criticize ideas, not people. So, let's start with the basic questions. Do you agree or disagree with the case, the outcome of the case, and why?

Taisha: Okay, I just want to say no, I am not happy with the justices' decision, because in my personal mind, I think they don't know what they was talking about. They didn't know who to vote for. All I heard was, this is the same thing they kept bringing up, well, I vote for the families because it was on school property. Excuse me. Free exercise clause. I didn't hear nobody bring that up, okay?

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Jessie: I'm not trying to criticize them or anything but...
Borges: Excuse me Jessie. Ladies, you need to listen. You're getting assessed on how well you listen right now.
Student: Well I just did not hear him.
Borges: Okay good. Don't talk while you're listening.
Jessie: I'm not trying to criticize anybody or anything but ...
Borges: Good, because that's one of the rules, that you don't criticize anyone.
Jessie: Okay.
Borges: Good.
Jessie: I just feel they're kind of upset because they lost, and they are saying that, you know the people that voted for families didn't really back it up. Well, when we presented our case, we gave them, we went on the Internet and looked up previous court cases and we gave them previous court cases.
Borges: Emily, do you have a comment?
Emily: And the age thing, about her being a minor, that had nothing to do with it. What it had to do with was her being a student.
Ina: Basically the families' arguments was real weak, actually, because we actually shut everything they did down, but our justices were not listening very well ...

Borges: Ina. Be specific when you say the other side was weak. What specific arguments did you feel were weak from the families?
Ina: Okay, their lemon test was weak.
Borges: For the first part of the lemon test, it asked if the policy is secular in nature.

Ina: They gave their definitions, when you read into a dictionary they give you like five or six depending on what the word is. They used the ones that ... they used the ones that they thought were better suit them, instead of using the actual meanings of these words, for the policy.
Destinee: Our definitions were right. We looked them up the day before. You want to get the dictionary and get them down, and I'll read it to you.
Okay, can we?
Borges: Um hum.

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Ina: And I did not say that you alls were wrong. I said for our policy, they were wrong.

Kurtis: You pick the ones that suit your fit, and that's exactly what we did, so that means they're right, but we picked the ones that go on our benefit, and you guys picked the ones that go on your benefit.

Destinee: Invocation. The act of invoking or calling upon a deity, spirit, etc., for aid protection, inspiration or the like form of a prayer, invoking God's presence, said at the beginning of a public or religious ceremony.

Borges: So Destinee, how does that connect to the establishment clause of the Constitution?

Destinee: Yes, exactly. It's like ... hang on ... it's exactly what Kurtis said, the separation of church and state, they can't establish a certain religion at a public football game. When they're saying Jesus, they're establishing a religion.

Borges: Put it up against the lemon test, Destinee.

Destinee: Okay, well, go back to the lemon test in the first one, that has a secular purpose and not a religious purpose. And yes it does, but there also is a religious purpose involved in it, the way she used her speech.

Borges: Let her finish please.

Destinee: Invocation. It says a brief invocation.

Kurtis: It says, does it have a secular purpose? It has two purposes. An invocation or message, that's two.

DeOnna: Forget about the speech. We're talking about the policy.

Borges: Okay. We've got both sides out there, and you're going to just keep disagreeing with each other, so let's try to hear from a couple more people and what their opinion was, regarding the outcome of the case. You're hearing some people who are upset with the decision and some people who are pleased with the decision. Do the justices have any response to this?

Thomas: We all came up with something. We said that they broke the Amendment. That was something that we argued about. We argued that they can't bring religion into the government. And they can't say that we didn't listen, because we did.

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- Borges: Okay. You specifically looked at the First Amendment and said it's clear. No church in a public place. We have a separation of church and state. Okay. Thank you, Thomas.*
- Yewah: I think what Ina was saying about the justices not listening to what they were saying I think is wrong, because we were listening to them, and we're all taking notes about what they were saying. It was just kind of too hard to decide which one to win. And we just did, and we just students and not really Supreme Court justices.... we're just trying to ... doing this for our grades to get good grades.*
- Borges: Okay. You're right Yewah, it's a tough job. And that's why not any person off the street can just walk in and say, hey, I'd like to be a Supreme Court Justice choose me.*

L3: DESJOHNNA, LAWYER FOR THE SCHOOL BOARD

DesJohnna: Just reading out of a book, it doesn't explain to you that the Supreme Court justices have to be really open minded and you have to know way more stuff than you think they know. I mean, you respect them more after take ... taking a walk in their shoes.

Kaila: I did listen, but I didn't jot down a few notes, and that's one thing I erred on. But I tried. I have different views on this case. It's not my type of case, and there's no way in heck I'd ever become a Supreme justice or any kind of a justice.

Borges: The most surprising thing about today was the students' honesty in how difficult it is for them sometimes to see issues from many perspectives.

Borges: What did the other side do well?

Taisha: Nothing at all. I don't think they had a good argument.

Borges: It's a challenge to guide the students so that they don't take the argument so personally, and so that they don't internalize it and make it us against them. And I need to keep reminding them that we are

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just arguing an opinion here, and that everyone is entitled to an opinion, as long as they can support it.

Borges: Taisha, I really want you to stop for a second and think about this, because at the beginning of this case, you were siding with the families, so could you tell me what it was originally when you heard the case, that you thought was a good argument for the families' side?

Taisha Yes, I did want to go to the side of the family, because I knew they was going to win anyway.

Borges: Why?

Taisha: 'Cuz they ...

Borges: I'm hoping that students can start developing the skills to be more open minded and to see other positions or other perspectives of a specific issue that they may feel passionately about, that this type of activity I'm hoping will start building the skills to be more open to that. And hopefully with maturity and with more practice, that will be the end result.

Augstine: And like it has Buddha, I can believe in the monkey for all they care.

Borges: Yep, yep. But here's my question for you. Is school or school sponsored events the place for you to worship the monkey? Is it okay to have you say these prayers out loud at school, no matter how the deity is that you're worshipping?

L3: KURTIS, ATTORNEY FOR THE FAMILIES

Kurtis: I learned how to work together, and like, how to like take different points of view and how to accept what somebody's saying, and like try to get understanding of it. I really learned how to like listen to other people and listen to what they've got to say.

Kurtis: And just for the ... just for Kaila, the Chief Justice, Ms. they want to sue and get a little bit of money, we're not suing for money. We're suing to stop this prayer in school. We're suing to stop this prayer before games

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and to stop this prayer before graduation, basketball games, and all of that stuff. We're not suing for money.

Borges: Stop please. Kurtis, Kurtis, Kurtis, that's a really good point, because the Supreme Court is not making a decision on lawsuits that that are going to have some kind of monetary compensation. What the Supreme Court is making a decision on, is what is the meaning of the Constitution.

Borges: What I really like was after the students got some of their personal opinions out about the specific cases and the difficulties they had looking at the other side. Was talking about the whole process of the Supreme Court and whether that is an effective method to solve conflicts in our society and how that would affect the greater good of society.

Borges: What would have been some of the challenges to switch sides, and what would have been some of the advantages to switch sides?

DesJohnna: I have to learn how to open up my mind more, because even when I am arguing for this side, if I think about their strategies and stuff and how I could argue for them, then that's going to help me in my case. And I would learn more about myself and other people's perspectives. So I think that would help me, if I ... if I was, yeah ...

Borges: Good, good. Okay, Destinee? What did you think the school board did well in the arguments?

Destinee: I think they did really well, like organizing the cases and putting them together, and when they came up, they were really strong about what they felt, and they knew what they were talking about. And I think that was really strong.

L3: DESTINEE, ATTORNEY FOR THE FAMILIES

Destinee: Before I took the class, my perspectives on voting were a lot different. It was just kind of a day where you got to go and check off a ballot, and you get a sticker, and it was like whoo hoo. I get a sticker. But now it

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means a lot more, now that I know about what all the different branches do, and how the Constitution works, actually means something.

Borges: *So the case was argued on March 29, 1999, and it wasn't decided until a year later, June 19th, 2000. The real Supreme Court justices took a year to decide. A year, okay? At issue was freedom of religion, whether the state school district's policy permitting student led, student initiated prayer at football games violates the establishment clause of the First Amendment.*

And the decision was yes. It does violate the establishment clause. And the court voted the same exact way that class voted, six to three. Nice job. I have one last thing, and that is your written assignment this weekend, so I'm going to give you your sheets.

Borges; Finally, I will give them a written assignment, in which I ask the students to specifically in a five paragraph essay form, write out their opinion of the case, using evidence and its explanation on why they reached that decision, and then how that decision would benefit or impact society.

Borges: *You all did a fabulous job on this, excellent, excellent job.*

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