

The First Amendment and Freedom of the Press

Overview

Freedom of the press is an important first amendment privilege because it protects a citizen's right to publish information. An informed citizenry is essential in a republican government and freedom of the press allows information to be published so people can make informed decisions, especially in regards to public officials running for office. Thomas Jefferson once remarked in 1787, "Were it left to me to decide whether we should have a government without newspapers or newspapers without government, I should not hesitate for a moment to prefer the latter." In this lesson students will examine what is meant by a free press and how the Supreme Court has interpreted freedom of the press cases.

Recommended Grade Level

Middle School (Grades 6-8)

Time Allowed

Two class periods (45 minutes each)

Essential Question

What is meant by "freedom of the press" and how has the Supreme Court interpreted the first amendment with regards to a free press?

Objectives-Students will understand:

1. The meaning of the first amendment, especially with respect to freedom of the press.
2. A free press allows citizens to understand different points of view on a topic, thus enabling them to form their own views.
3. A free press allows for civic engagement so citizens can make informed decisions about candidates running for public office.
4. How the Supreme Court has interpreted the first amendment and freedom of the press.

Standards

CCSS.ELA-LITERACY.RH.6-8.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

CCSS.ELA-LITERACY.RH.6-8.6

Identify aspects of a text that reveal an author's point of view or purpose (e.g., loaded language, inclusion or avoidance of particular facts).

CCSS.ELA-LITERACY.RH.6-8.8

Distinguish among fact, opinion, and reasoned judgment in a text.

Warm-up/Bell-Ringer

Ask students how they get their news and how their parents get their news. Discuss how technology is changing the way people receive their news.

Show students controversial social media posts and ask the following:

1. Do you think it is legal to say and post such things?
2. Should the writers of these posts have repercussions, and if so, what kind?
3. How much government interference should there be with regards to social media?

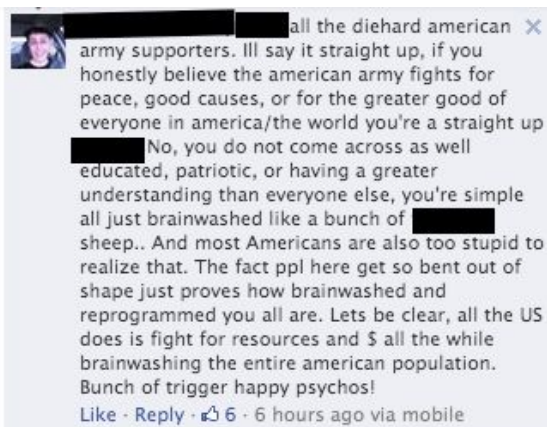
Examples:



Trump is a [REDACTED] joke. this is all a sham. i wish someone would just shoot him outright. 🤖

7/28/17, 8:10 PM

1 Retweet 3 Likes



Background Information

First Amendment: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

Materials Needed

Hazelwood School District v. Kuhlmeier (1988) [Website](#)

Near v. Minnesota (1931) [Website](#)

New York Times v. United States (1971) [Website](#)

New York Times Company v. Sullivan (1964) [Website](#)

Procedures

1. (Students work with a partner or in a small group) Read and analyze the first amendment. What does it say about the press? Why is a free press important?
2. Jigsaw different Supreme Court cases about freedom of the press to student groups. Students will read about the case and familiarize themselves with arguments on both sides.
3. On a large piece of paper or a large sticky pad students will write down the facts of the case and the arguments for each side, as well as the constitutional question being addressed.
4. Groups present their Supreme Court case to the class. Each student will summarize the case on the provided handout.
5. After each group presents, students will debate each case and decide what the outcome should be if they were a Supreme Court justice. Students will write their own decisions on the handout provided.
6. The decision is read aloud and students write if they agree with the decision or if the decision seems fair.

Assessment

Explain what is meant by a free press and how the Supreme Court has historically viewed the first amendment with respect to a free press. Students choose one of the following to answer:

- Write a CER (claim-evidence-reasoning)
 - Create a one-pager
 - Cornell Notes
 - Write a DBQ essay (document based question)
- Video options (students record their thinking)

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Extensions

1. Student groups write/act the facts of their Supreme Court case, with lawyers on both sides and Supreme Court justices.
2. Write an essay about this question, “Is a free press essential to a republican form of government? Explain.”
3. Students vote on the outcome of the Supreme Court case, using tools such as Google Classroom, www.mentimeter.com, or www.polleverywhere.com/
4. Socratic Seminar about what a free press means and the different Supreme Court cases analyzed.

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Case	Facts of the Case	Your Decision	Supreme Court Decision	Do you agree with the decision? Why or why not?
<i>Hazelwood School District v. Kuhlmeier</i>				
<i>Near v. Minnesota</i>				
<i>New York Times v. United States</i>				
<i>New York Times Company v. Sullivan</i>				