

GLCE/HSCE and Verb	5.3.2 Describe the rights protected by the First Amendment, and <u>using</u> case studies and examples, <u>explore</u> the limit and scope of First Amendment rights.
Knowledge (K)	<p>The first government of the United States was called the Articles of Confederation. It functioned as a “firm league of friendship” that bound the states together for common defense and little else. Problems, especially those related to paying the debts of the American Revolution, cropped up almost immediately and the Founding generation quickly realized that a more robust government was needed.</p> <p>Representatives from each of the states (except Rhode Island) met in Philadelphia during the summer of 1787 with the initial task of revising the Articles of Confederation. They soon realized that the current government could not be salvaged so they began the creation of an entirely new government.</p> <p>Many compromises were necessary in the formation of this new government. One of the most important compromises regarded whether or not the new federal constitution should include a Bill of Rights. Some said it was not necessary due to the fact that each of the individual state constitutions included such a listing of rights. However, others believed that there should be a list protecting the citizens from actions of the national government that could not be constrained by mere state constitutions.</p> <p>Many of the states requested in their ratification action that a Bill of Rights be added to the new U.S. Constitution and gave a large number of suggestions as to which rights should be included in said document. Father of the Constitution, James Madison, steered these amendments through the first Congress, and ten of them were eventually ratified by the young states. The First Amendment contains a total of five rights - religion, speech, press, assembly, and petition - which have become the foundation of our belief about what freedom means in the United States.</p>
Understand (U):	Students will understand how the interpretation of the five rights protected by the First Amendment have been limited and/or expanded by the Supreme Court of the United States.

<p>DOL: Demonstration of Learning (DO):</p>	<p>In small groups, students will be assigned a landmark First Amendment U.S. Supreme Court case. They will identify and explain the compelling question in their assigned case, the two (or more) sides to the case's argument, how the issue has changed over time/whether or not it is currently contested, and construct an argument as to whether or not they believe the current situation is what was intended by the Founders.</p>
<p>Vocabulary:</p>	<p>Establishment Clause - The first part of the constitutional guarantee of religious freedom, which prohibits the government from establishing a state religion</p> <p>Free Exercise Clause - The second part of the constitutional guarantee of religious freedom, which guarantees to each person the right to believe whatever he or she chooses to believe in matters of religion</p> <p>Free Speech - The constitutional guarantee of free expression, in the spoken word, which guarantees a full, wide-ranging discussion of public affairs</p> <p>Pure Speech - Expression through spoken word</p> <p>Symbolic Speech - Expression by conduct; communicating ideas through facial expressions, body language, or by carrying a sign or wearing an armband</p> <p>Free Press - The constitutional guarantee of free expression, in the written word, which guarantees a full, wide-ranging discussion of public affairs</p> <p>Freedom of Assembly - The constitutional guarantee of the right to peacefully gather with one another to express views on public matters</p> <p>Petition - The constitutional guarantee of the right to bring views to the attention of public officials through written petitions</p> <p>Civil Liberties - The guarantees of the safety of persons, opinions, and property from the arbitrary acts of government, including freedom of speech and freedom of religion</p> <p>Civil Rights - A term used for those positive acts of government that seek to make constitutional guarantees a reality for all people, e.g., prohibitions of discrimination</p> <p>Slander - False and malicious use of spoken words</p> <p>Libel - False and malicious use of printed words</p> <p>Prior Restraint - The government cannot curb ideas before they are expressed</p>
<p>I can:</p>	<p>I can explain points of agreement and disagreement associated with a compelling question.</p> <p>I can gather evidence from numerous sources and guide my research to select those sources which are the most relevant.</p>

	<p>I can explain how the U.S. government is limited and how those limits have been contested and changed over time.</p> <p>I can construct an argument that uses evidence from multiple sources and acknowledges counterclaims.</p>
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<p>Dimension 1: (D1.2.9-12)</p> <p>Explain points of agreement and disagreement experts have about interpretations and applications of disciplinary concepts and ideas associated with a compelling question.</p>	<ul style="list-style-type: none"> ● Students will identify the compelling question in their assigned U.S. Supreme Court case, as well as the two or more sides to the case, and will explain the rationale behind all sides of the case ● Suggested cases: <ul style="list-style-type: none"> ○ <i>Tinker v. Des Moines</i> (1969) [Does a prohibition against the wearing of armbands in public school, as a form of symbolic protest, violate the students' freedom of speech protections guaranteed by the First Amendment?] ○ <i>Santa Fe Independent School District v. Jane Doe</i> (2000) [Does the Santa Fe Independent School District's policy permitting student-led, student-initiated prayer at football games violate the Establishment Clause of the First Amendment?] ○ <i>Hazelwood School District v. Kuhlmeier</i> (1988) [Did the principal's deletion of the articles in the school newspaper violate the students' rights under the First Amendment?] ○ <i>Westside Community Schools v. Mergens</i> (1990) [Was Westside's prohibition against the formation of a Christian club consistent with the Establishment Clause, thereby rendering the Equal Access Act unconstitutional?] ○ <i>Bethel School District v. Fraser</i> (1968) [Does the First Amendment prevent a school district from disciplining a high school student for giving a lewd speech at a high school assembly?] ○ <i>Morse v. Frederick</i> (2007) [1) Does the First Amendment allow public schools to prohibit students from displaying messages promoting the use of illegal drugs at school-supervised events? 2) Does a school official have qualified immunity from a damages lawsuit under 42 U.S.C. 1983 when, in accordance with school policy, she disciplines a student for displaying a banner with a drug reference at a school-supervised event?] ○ <i>Schenck v. United States</i> (1919) [Are Schenck's actions/words/expression (suggesting that the WWI draft was a wrong motivated by capitalism) protected by the free speech clause of the First Amendment?]
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	<ul style="list-style-type: none"> ○ <i>Near v. Minnesota</i> (1931) [Does the Minnesota "gag law" violate the free press provision of the First Amendment?] ○ <i>Brandenburg v. Ohio</i> (1969) [Did Ohio's criminal syndicalism law, prohibiting public speech that advocates various illegal activities, violate Brandenburg's right to free speech as protected by the First and Fourteenth Amendments?] ○ <i>New York Times v. United States</i> (1971) [Did the Nixon administration's efforts to prevent the publication of what it termed "classified information" violate the First Amendment?] ○ <i>West Virginia State Board of Education v. Barnette</i> (1943) [Did the compulsory flag-salute for public schoolchildren violate the First Amendment?] ○ <i>Texas v. Johnson</i> (1989) [Is the desecration of an American flag, by burning or otherwise, a form of speech that is protected under the First Amendment?] ○ <i>Miller v. California</i> (1973) [Is the sale and distribution of obscene materials by mail protected under the First Amendment's freedom of speech guarantee?] ○ <i>Minersville School District v. Gobitis</i> (1940) [Did the mandatory flag salute infringe upon liberties protected by the First and Fourteenth Amendments?] ○ <i>Wisconsin v. Yoder</i> (1972) [Did Wisconsin's requirement that all parents send their children to school at least until age 16 violate the First Amendment by criminalizing the conduct of parents who refused to send their children to school for religious reasons?] ○ <i>United States v. American Library Association</i> (2003) [Does Congress have the authority to require libraries to censor internet content in order to receive federal funding?] ○ <i>Engel v. Vitale</i> (1962) [Does the reading of a nondenominational prayer at the start of the school day violate the "establishment of religion" clause of the First Amendment?] ○ <i>New York Times v. Sullivan</i> (1964) [Did Alabama's libel law, by not requiring Sullivan to prove that an advertisement personally harmed him and dismissing the same as untruthful due to factual errors, unconstitutionally infringe on the First Amendment's freedom of speech and freedom of press protections?] ○ <i>Snyder v. Phelps</i> (2010) [Does the First Amendment protect protesters at a funeral from liability for intentionally inflicting emotional distress on the family of the deceased?] ○ <i>Pierce v. Society of Sisters</i> (1925) [Did the Compulsory Education Act violate the liberty of parents to direct the education of their children?]
<p>Dimension 2: (D2.Civ.4.9-12)</p>	<ul style="list-style-type: none"> ● Students will identify and explain how the interpretation of the issue has changed over time and whether or not it is still contested today.

<p>Explain how the U.S. Constitution established a system of government that has powers, responsibilities, and limits that have changed over time and that are still contested.</p>	<ul style="list-style-type: none"> ● Teachers should choose a sample case and take students through the research portion of the activity. (A good example might be <i>Plessy v. Ferguson</i> (1896) [Is Louisiana's law mandating racial segregation on its trains an unconstitutional infringement on both the privileges and immunities and the equal protection clauses of the Fourteenth Amendment?] and how it was overturned by <i>Brown v. Board of Education</i> (1954) [Does the segregation of children in public schools solely on the basis of race deprive the minority children of the equal protection of the laws guaranteed by the 14th Amendment?]) <ul style="list-style-type: none"> ○ Describe the issues that brought the case to the Court from the point of view of both the petitioner and the respondent ○ Model how to find information on the suggested websites ○ Explain similar cases before or after the sample case that affirmed, altered, or overturned the Court's decision ○ Discuss whether or not the case includes an issue that our society is currently struggling to solve
<p>Dimension 3: (D3.1.9-12)</p> <p>Gather relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection.</p>	<ul style="list-style-type: none"> ● Students will use multiple sources to gather information about their assigned case. ● Examples include: <ul style="list-style-type: none"> ○ The Oyez Project http://www.oyez.org/ ○ Street Law Landmark cases http://www.streetlaw.org/en/landmark/home ○ U.S. Courts Supreme Court Landmarks http://www.uscourts.gov/about-federal-courts/educational-resources/supreme-court-landmarks ○ Bill of Rights Institute https://billofrightsinstitute.org/educate/educator-resources/landmark-cases/ ○ Cornell Law https://www.law.cornell.edu/supct/cases/topic.htm
<p>Dimension 4: (D4.1.9-12)</p>	<ul style="list-style-type: none"> ● Students will construct an argument that uses relevant evidence from multiple sources that explains how their issue has changed over time and what are their predictions for the issue in the future.

Construct arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses.

- Projects could take the form of a magazine/newspaper, multimedia presentation, poster, etc.