

GLCE/HSCE and Verb	5.3.2 <u>Describe</u> 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, focusing specifically on the freedom of the press
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 freedom of the press protected by the First Amendment has been limited and/or expanded by the Supreme Court of the United States.
DOL: Demonstration of Learning (DO):	In small groups, students will be assigned a landmark Freedom of the Press 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>Vocabulary:</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>Free Press - The constitutional guarantee of free expression, in the written word, which guarantees a full, wide-ranging discussion of public affairs</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>	<ul style="list-style-type: none"> ● I can explain points of agreement and disagreement associated with a compelling question. ● I can gather evidence from numerous sources and guide my research to select those sources which are the most relevant. ● I can explain how the U.S. government is limited and how those limits have been contested and changed over time. ● I can construct an argument that uses evidence from multiple sources and acknowledges counterclaims.

<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</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>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>Near v. Minnesota</i> (1931) [Does the Minnesota "gag law" violate the free press provision of the First Amendment?] ○ <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>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
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with a compelling question.

factual errors, unconstitutionally infringe on the First Amendment's freedom of speech and freedom of press protections?]

- *Garrison v. Louisiana* (1964) [Does the Louisiana Criminal Defamation Statute unconstitutionally infringe on the First Amendment's protection of the freedom of speech/press?]
- *Curtis Publishing Co. v. Butts* and *AP v. Walker* (1967) [In light of the Court's ruling in *New York Times Co. v. Sullivan*, were the allegations made against Butts and Walker libelous?]
- *Nebraska Press Association v. Stuart* (1976) [Did the judge's order restraining members of the press from publishing or broadcasting accounts of confessions made by an accused person to the police violate the First and Fourteenth Amendments?]
- *Hustler Magazine, Inc. v. Falwell* (1988) [Does the First Amendment's freedom of speech/press protection extend to the making of patently offensive statements about public figures, resulting perhaps in their suffering emotional distress?]
- *Branzburg v. Hayes* (1971) [Is the requirement that news reporters appear and testify before state or federal grand juries an abridgement of the freedoms of speech and press as guaranteed by the First Amendment?]
- *Gertz v. Robert Welch, Inc.* (1974) [Does the First Amendment allow a newspaper or broadcaster to assert defamatory falsehoods about an individual who is neither a public official nor a public figure?]
- *Schenck v. United States* (1919) [Are Schenck's actions (words, expression) protected by the free speech clause of the First Amendment?]
- *Gitlow v. New York* (1925) [Is the New York law punishing advocacy to overthrow the government by force an unconstitutional violation of the free speech/press clause of the First Amendment?]
- *Time, Inc. v. Firestone* (1976) [Did the Florida court's judgment in favor of Firestone in a libel suit violate Time's First Amendment protections?]
- *Board of Education, Island Trees Union Free School District No. 26 v. Pico* (1982) [Did the Board of Education's decision to ban certain books from its junior high and high school libraries, based on their content, violate the First Amendment's freedom of speech/press protections?]
- *Pickering v. Board of Education* (1968) [Was Pickering's letter criticizing the school board's handling of bond proposals and allocation of funds constitutionally-protected free speech?]

<p>Dimension 2: (D2.Civ.4.9-12)</p> <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"> ● Students will identify and explain how the interpretation of the issue has changed over time and whether or not it is still contested today (there may be some overlap with cases on this portion of the assignment). ● 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

Dimension 4:
(D4.1.9-12)

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

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

Title of Case	
Compelling Question	
Petitioner's Side of the Case	
Respondent's Side of the Case	

<p>Additional Side(s) to the Case</p>	
<p>How has the Issue in the Case changed over time? Is this Issue currently contested in the United States?</p>	
<p>Do you believe the decision is consistent with the intent of the Founders? Why/why not?</p>	