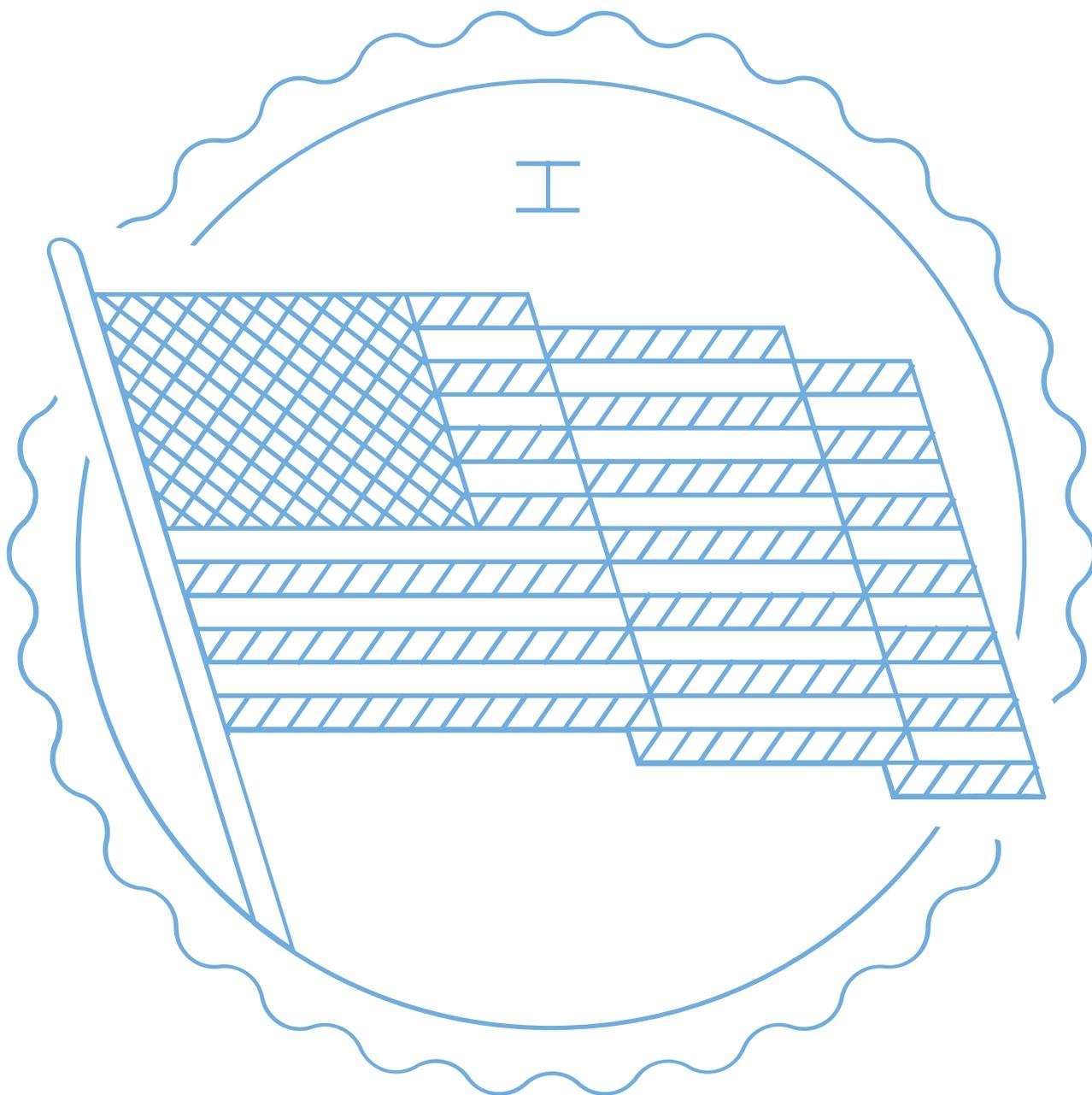


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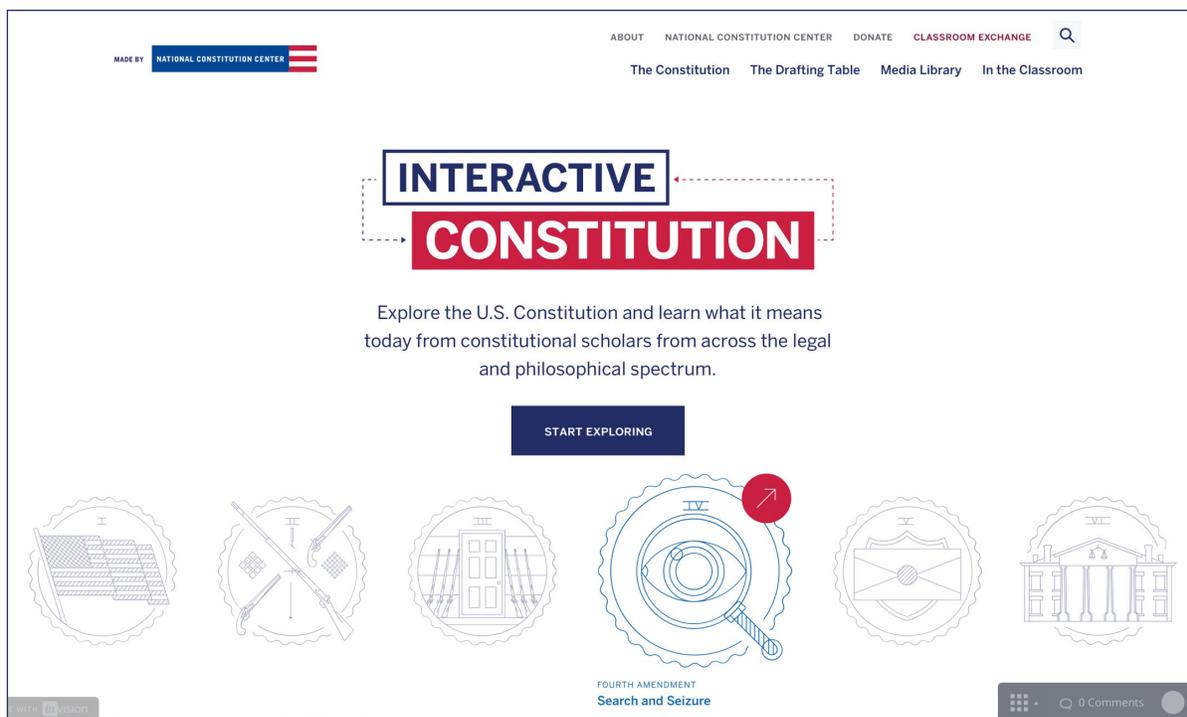
CONSTITUTION

The First Amendment Plan of Study



The First Amendment Project

The National Constitution Center and the College Board collaborated to create the *Interactive Constitution: The First Amendment Project*, an online tool that assists educators in teaching the First Amendment to high school students across the country. In creating this tool, the two institutions are working to ensure high school graduates have a command of the First Amendment before they enter college and the workforce.



<https://constitutioncenter.org/interactive-constitution>

About

The First Amendment Project

A student is not prepared for citizenship without an understanding of the First Amendment and command of the freedoms it protects. Knowledge of the Constitution is an essential component to every young American's learning experience. Yet across America, understanding of the historical, philosophical, and constitutional principles underlying the First Amendment is in critical need. **The First Amendment Project** is a new classroom initiative to examine the First Amendment through a nonpartisan, constitutional lens; to ask students to think critically about what the Founding generation intended when writing the amendment; and to build deep understandings of how the amendment has influenced modern constitutional debates. The project provides classrooms with a two-week plan of study that helps teachers introduce each of the four clauses of the First Amendment, discuss the concepts in a modern context, and examine scholarly debates surrounding their interpretation. The materials supplement overall classroom instruction with videos, lesson plans, activities, podcasts, and resources to learn about the First Amendment. The foundational tool in this project is the National Constitution Center's **Interactive Constitution** (IC). The IC supplies classrooms with essays on the Constitution from legal scholars, exploring areas of agreement and disagreement about nearly every clause of the Constitution. The plan of study also incorporates the Center's **Writing Rights** interactive tool, allowing students to compare and contrast primary source material to evaluate the relationships between Founding Era legal texts, James Madison's draft proposals for a bill of rights, and congressional variations of what would become the First Amendment. This project is a starting point to introduce another initiative from the National Constitution Center: **Constitutional Exchanges**, where students participate in online discussions with peer classrooms across the country about constitutional provisions that affect Americans' everyday lives.

The College Board/National Constitution Center Citizenship Readiness Initiative

The College Board and the National Constitution Center have teamed up on the development of this vital initiative to introduce students to a closer inspection of the First Amendment through civil dialogue. Throughout the two-week plan, students will read the *Interactive Constitution's* "Common Interpretation" essays on the First Amendment, which present the history and Supreme Court cases relating to each of the five freedoms of the First Amendment: religion, speech, press, assembly, and petition. After each lesson on one of the five freedoms, students will engage in a healthy, civil, and thought-provoking discussion based on scholarly "Matters of Debate" essays around significant First Amendment questions. Through this innovative, two-week unit plan, all Advanced Placement students will be introduced to the best arguments on all sides of the ideological spectrum pertaining to fundamental First Amendment issues, preparing them to participate in informed, civil discourse based on constitutional reasoning—rather than passion and politics—that will secure the future of American democracy.





The Interactive Constitution: America's Leading Platform for Constitutional Education

The *Interactive Constitution* is a free, online tool that delivers scholarship from top constitutional experts right to classrooms. It allows students to explore the history behind each article, section, and amendment of the U.S. Constitution. For each part of the Constitution, a different pair of legal scholars reaches across the partisan divide to co-author a "Common Interpretation" essay explaining the areas in which they agree— including historical origins and analysis of relevant Supreme Court opinions. Then, the same scholars write individual "Matters of Debate" essays outlining leading viewpoints across a range of perspectives on how that part of the Constitution can or should be interpreted going forward. The *Interactive Constitution's* nonpartisan foundation and ideologically balanced opinions help teachers and students have informed, respectful, up-to-date discussion and debate about the Constitution.

For more information on the

Interactive Constitution: constitutioncenter.org/constitution

Writing Rights: constitutionalrights.constitutioncenter.org/app/home/writing

Classroom Exchanges: constitutioncenter.org/learn/constitutional-exchanges

Constitution in the Classroom

The National Constitution Center brings innovative teaching tools to your classroom. Our unique approach to constitutional education emphasizes historical foundations through storytelling, constitutional questions, and civil dialogue and reflection.

How We Teach the Constitution

The National Constitution Center's approach provides a strong foundation in Founding stories and judicial interpretations of the Constitution; teaches learners of all ages to separate political views from constitutional views, asking not what the government should do but what it constitutionally may do; and teaches students to think like constitutional scholars by providing platforms to support civil dialogue within classrooms and across communities.



The First Amendment

Plan of Study

Unit Calendar:

Promoting Citizenship Readiness via Civil Dialogue

Unit Objective:

Students will analyze primary and secondary source documents via the *Interactive Constitution* to discuss and evaluate the common and divergent viewpoints on the First Amendment of the Constitution from legal scholars, the Founding generation, and fellow students through a civil dialogue that allows students to determine their own points of view and why they hold those viewpoints.

Enduring Understanding:

EU: LOR-2: Provisions of the Bill of Rights are continually being interpreted to balance the power of government and the civil liberties of individuals.

EU: LOR-3: Protections of the Bill of Rights have been selectively incorporated by way of the 14th Amendment's due process clause to prevent state infringement of basic liberties.

EU: CON-6: The Supreme Court's interpretation of the U.S. Constitution is influenced by the composition of the Court and citizen-state interactions. At times, it has restricted minority rights and, at others, protected them.

Topical/Unit EQ:

- How has the First Amendment been interpreted to balance government power and individual rights?
- To what extent have Supreme Court interpretations of the First Amendment reflected a commitment to individual liberty?
- In what ways do legal scholars agree and disagree about First Amendment protections?



Learning Objectives

- Students will be able to compare and contrast scholars' varying viewpoints on the clauses of the First Amendment.
- Students will be able to generate articulate position statements in response to First Amendment constitutional questions.

Freedom of Speech

- Students will be able to analyze controversies involving the First Amendment provision protecting freedom of speech.
- Students will be able to evaluate competing interpretations of the First Amendment provision protecting freedom of speech.
- Students will be able to apply varying interpretations of the First Amendment provision protecting freedom of speech to controversial issues involving speech.
- Students will be able to identify high and low value varieties of speech.
- Students will be able to identify conditions under which speech can be limited.

Freedom of the Press

- Students will be able to analyze controversies involving the First Amendment provision protecting freedom of press.
- Students will be able to apply varying interpretations of the First Amendment provision protecting freedom of press to controversial issues involving speech.
- Students will be able identify conditions under which press can be limited.

Freedom of Religion

Establishment Clause

- Students will understand the types of cases that most often raise issues addressed by the Establishment Clause.
- Students will understand how the interpretation of the Establishment Clause has developed over time and the cases that led to the changes.
- Students will be able to take the text, history, and interpretation of the Establishment Clause and apply it to current issues.
- Students will be able to understand the current questions that surround religious freedom rights.

Freedom of Religion

Free Exercise Clause

- Students will understand the Supreme Court standards that have been set in cases dealing with the Free Exercise Clause.
- Students will be able to take the text and history of the Free Exercise Clause and apply it to current issues.
- Students will be able to understand the modern questions that surround religious liberty.

Assembly and Petition

- Students will understand the historical significance of the rights to assemble and to petition.
- Students will be able to compare and contrast the viewpoints of constitutional scholars relating to the rights to assemble and to petition.
- Students will be able to participate in a civil dialogue about the rights to assemble and to petition in the modern era.
- Students will be able to evaluate their own understanding of the rights to assemble and to petition.
- Students will be able to formulate ways the rights to assemble and to petition can be used by citizens in the modern era.

Required AP U.S. Government & Politics Supreme Court Cases:

The following is a list of the Supreme Court cases that are required by the AP U.S. Government and Politics course. It does not include all cases addressed in *The First Amendment Project* Plan of Study. Links to additional cases can be found within the essays, videos, lesson plans, and podcasts hosted on the Interactive Constitution.

- *Engel v. Vitale* (1962)
- *Tinker v. Des Moines Independent Community School District* (1969)
- *New York Times Co. v. United States* (1971)
- *Schenck v. United States* (1919)
- *Citizens United v. Federal Election Commission* (2010)

The First Amendment Plan of Study

Snapshot

Day 1	<i>Preparation for Class: View First Amendment Overview Videos</i> Introduction to the First Amendment, overview day	p. 16
Day 2	Civil Dialogue Primer	
Day 3	<i>Preparation for Class: Watch Speech and Press Videos</i> Freedom of Speech	p. 26
Day 4	Freedom of the Press	p. 34
Day 5	Civil Dialogue on Speech and Press	
Day 6	<i>Preparation for Class: Watch Religion Videos</i> Freedom of Religion: Establishment Clause	p. 41
Day 7	Freedom of Religion: Free Exercise Clause	p. 47
Day 8	Civil Dialogue on Freedom of Religion	
Day 9	Assembly and Petition Clause	p. 52
Day 10	Constitutional Exchanges	



Day 1

Introducing the First Amendment

The First Amendment Project begins with the introduction of the First Amendment and the understanding of “Freedom of Conscience.” Through educational videos, specifically developed for this plan of study, students will engage with deep and fundamental understanding of this freedom. Highlighted in this video are National Constitution Center President and CEO Jeffrey Rosen and U.S. Supreme Court Associate Justice Elena Kagan who tell the story of the First Amendment to students—its protections and its safeguards—and how the Supreme Court, legal scholars, and citizens have interpreted it over time. This introduction teaches students about today’s legal discourse surrounding the First Amendment by highlighting areas of common interpretation and debate.

The associated classroom materials engage students in examining primary sources that record the development of the First Amendment through the *Writing Rights* interactive. This tool presents students with James Madison’s original proposals for what became the First Amendment—as well as the legal texts that preceded Madison’s drafts and the revisions to Madison’s proposals made by the First Congress. Day 1 lays the groundwork for later classes by helping students to build understandings of the relationships between the freedoms protected by the First Amendment. The lesson plan also demonstrates for the students that disagreement about the interpretation of the First Amendment is as old as the amendment itself, while modelling the ability to reach consensus on contentious questions. In subsequent lessons, students will focus in-depth on the individual clauses of the amendment.

Constitutional Questions

- Why and how do the clauses in the First Amendment protect fundamental rights?
- What is the big idea behind these freedoms, and why do they represent the core elements of American democracy?
- Why are those five freedoms important today?

Preparation for Class: View First Amendment Overview Videos

Day 2

Civil Dialogue Primer

A fundamental aspect of the First Amendment Project is civil dialogue. Materials are provided to empower students to have and host civil dialogues. The Day 2 lesson begins with a video of U.S. Supreme Court Associate Justice Stephen Breyer talking about what it means to have a civil dialogue and how the justices of the Supreme Court keep their deliberations civil and productive—even with some of the most difficult cases. Students use this video lesson to establish classroom norms for discussion, creating a foundation for conducting their own civil dialogue. Then they are ready to engage in specific content and civil dialogues on the clauses of the First Amendment. On Day 3 they will begin by exploring Freedom of Speech.



Day 3 Freedom of Speech

On Day 3 students examine the historical context and the drafting of the First Amendment by examining the motivations of what the Founding generation. Students will also examine various types of “speech,” such as symbolic speech, hate speech, and political speech, to address the scope of protections promised by the First Amendment and learn that speech can only be limited when it is intended to and likely to cause imminent violence. In each instance, students will explore when the government has some authority to restrict speech; areas of consensus among scholars, judges, and citizens; the strongest constitutional arguments on each side of contested issues; and U.S. Supreme Court cases that have addressed free speech rights. Students will use the National Constitution Center’s *Interactive Constitution* to look at the viewpoints of legal scholars on free speech, where they agree and where there are matters of debate. This lesson pairs with the lesson on Day 4 (Freedom of the Press) to prepare students for a civil dialogue on Day 5.

Constitutional Questions

- How does the First Amendment of the U.S. Constitution protect Freedom of Speech?
- When and why can the government limit certain types of speech?
- How has the protection of speech changed over time?

Preparation for Class: Watch Speech and Press Videos

Day 4 Freedom of the Press

Students explore the scope and limitations of the First Amendment provision that protects Freedom of the Press. The lesson poses a hypothetical scenario involving student journalists handling private information. After a brief class discussion, students investigate the history, various interpretations, and modern relevance of First Amendment Freedom of the Press protections in the *Interactive Constitution*. The lesson builds on the Day 3 (Freedom of Speech) lesson plan by asking students to compare and contrast the freedoms of speech and press through discussion questions including: How are speech and press related? and How are speech and press key to democratic functions? Students will demonstrate understanding by applying Supreme Court decisions, including the AP Government and Politics required case *New York Times Co. v. United States*, to evaluate the scenario presented earlier in the lesson.

Constitutional Questions

- Does the First Amendment of the U.S. Constitution protect the Freedom of Press?
- Why is the protection of the press important in a democracy?
- Why was the protection of the press so important to the Founders? Why does it remain important to American democracy today?



Day 5 Introducing Civil Dialogue on Freedom of Speech and Press

Evaluating arguments and understandings developed in Day 3 and 4 lessons on freedom of speech and press are then used by students to address the constitutional questions presented in the lessons and engage in a classroom dialogue. The goal is to support students in constitutional thinking skills through the application of fundamental practices for civil dialogue. Students discuss complex ideas to build common understanding and dispositions for a respectful exchange of ideas. Students will reiterate norms and procedures for civil discussion established in the Day 2 lesson plan. Time permitting, students may also begin to discuss how to extend the conversation beyond the classroom period and what attributes they can use to promote healthy dialogues outside the classroom.

Discussion Questions

- When does the First Amendment allow the government to limit or restrict speech? Does it depend on the kind of speech, or expression, involved? Why?
- Can a principal punish you for criticizing her on social media?
- Can a public university disinvite a controversial speaker?

Day 6 Freedom of Religion: Establishment Clause

The First Amendment has two clauses related to religion: one preventing the government establishment of religion (the “Establishment Clause”) and the other protecting the ability to freely exercise religious beliefs (the “Free Exercise Clause”). Students examine the First Amendment’s Establishment Clause—why it was included in the Bill of Rights, the issues it addresses, and how the Supreme Court has interpreted it over time.

Constitutional Questions

- Why was the Establishment Clause important to the Founding generation?
- How has the Establishment Clause shaped the role of religion in our government and society?
- How has the Supreme Court’s interpretation of the Clause provided a legal framework for evaluating these issues?

Preparation for Class: Watch Religion Videos



Day 7 Freedom of Religion: Free Exercise Clause

Students will examine the protections enshrined in the First Amendment's Free Exercise Clause. Students will use the *Interactive Constitution* to examine the Free Exercise Clause's text and history and how the Supreme Court has interpreted it over time. In this lesson, students compare and contrast the questions, opinions, and dissents in a series of Supreme Court cases to define when the Free Exercise does and does not limit government action.

Constitutional Questions

- Why did the Founders write the Free Exercise Clause into the Constitution?
- How has the Supreme Court's application of the Free Exercise Clause changed over time?

Day 8 Freedom of Religion: A Civil Dialogue on Establishment and Free Exercise

Students will apply the fundamental skills of civil dialogue from previous lessons to discuss the Establishment and Free Exercise clauses of the First Amendment and explore where constitutional scholars agree and where there are matters of debate. Students will reiterate norms and procedures for civil discussion established in the Day 2 lesson plan. Time permitting, students may also begin to discuss how to extend the conversation beyond the classroom period and what attributes they can use to promote healthy dialogues outside the classroom.

Sample Discussion Questions

- What do you think the clause means when it refers to the establishment of a religion?
- Can your town council lead off its sessions with sectarian prayer?
- Can your public school give a religious group access to the school's classrooms for meetings outside of school hours?



Day 9 Freedom of Assembly and Petition

Students explore the Founding era legacies of assembly and petition and how those legacies informed the creation of these often-overlooked aspects of the First Amendment. They will complete a close reading activity to compare and contrast ideas presented in the *Interactive Constitution* and describe the ways these rights have been interpreted by the Court and used by citizens at various points throughout U.S. history. They will evaluate the constitutionality of assembly and petition rights in the modern era through an in-class, civil dialogue addressing questions about time, place, and manner restrictions; counter-protests; protests on college campuses; and other relevant assembly and petition questions.

Constitutional Questions

- Why were the rights to assembly and petition so important to the Founders of the Constitution?
- What current issues exist relating to these rights?
- How should we balance the right to collective action with the need for public order?

Sample Discussion Questions:

- How has the Supreme Court changed the rights to assembly and petition with its expansive speech right, known as “freedom of expression?”
- In what ways has technology changed the way we petition our elected officials?
- When does the government have the ability to restrict collective activity in order to keep public order and safety?

Day 10 A National Civil Dialogue-Classroom Exchange

Students will apply the fundamental skills they have learned from previous lessons to discuss how the freedoms enshrined in the First Amendment of the U.S. Constitution apply in their world. Supported by the National Constitution Center, students will actively participate in a live, online Classroom Exchange. In the exchanges, classrooms across the United States are paired with one another to discuss a constitutional question that students have addressed in class. The exchange provides opportunities to discuss varying constitutional viewpoints with peers from across the country. Students are given opportunity to now embody the norms they previously established for a civil dialogue and engage in an inter-classroom discussion. Classroom Exchanges are moderated by legal professionals who are trained and approved by the National Constitution Center to engage students for healthy dialogue on the First Amendment.

Constitutional Question (CQ): *Schools will be able to sign up for a CQ on the First Amendment or any clause they choose to discuss.*



Civil Dialogue Toolkit

Extending the Conversation, Beyond the Classroom

Warning: Students will engage in the civil dialogue and will not likely want to leave when the period is over. This is a perfect opportunity to speak with students about how to extend the conversation beyond the classroom walls and use their passion and energy on the subject to further engage their classmates (and others) in the civil dialogue they have started during class.

The tools presented in the Civil Dialogue Toolkit <https://constitutioncenter.org/learn/constitutional-exchanges/think-like-a-constitutional-scholar> outline ways students may choose to engage with their fellow citizens by acting to share their points of view outside the classroom walls. As teachers, this is also a great opportunity to use electronic tools like Google Classroom or Edmodo to allow students to continue the conversation online. For example, teachers may open a debate question or topic on Google Classroom, where students may choose to share points of view and comment on posts from other students. Or perhaps a teacher posts a discussion on the Edmodo Classroom for students to respond and comment on each other's posts in an effort to further the class discussion beyond the class period. All of these are possible ways to extend the classroom discussion.

However, some students may wish to share their points of view on the subject with the greater community outside of school by creating a podcast, writing a letter to the editor of a local newspaper, or posting news stories on social media. These are valuable occasions for students to find their voice and utilize their roles within the community to share their opinions and make their voices heard. Bringing these actions and activities back to the classroom for further elaboration is also a unique way for students to make the connections between academic focus and citizenship that we strive for our students to achieve.

About the National Constitution Center

The [National Constitution Center](https://constitutioncenter.org) in Philadelphia brings together people of all ages and perspectives, across America and around the world, to learn about, debate, and celebrate the greatest vision of human freedom in history, the U.S. Constitution. A private, nonprofit organization, the Center serves as America's leading platform for constitutional education and debate, fulfilling its congressional charter "to disseminate information about the U.S. Constitution on a nonpartisan basis." As the Museum of We the People, the Center brings the Constitution to life for visitors of all ages through interactive programs and exhibits. As America's Town Hall, the Center brings the leading conservative and liberal thought leaders together to debate the Constitution on all media platforms. As a Headquarters for Civic Education, the Center delivers the best educational programs and online resources that inspire citizens and engage all Americans in learning about the U.S. Constitution. For more information, call 215-409-6700 or visit constitutioncenter.org.

About the College Board

The College Board is a mission-driven, not-for-profit organization that connects students to college success and opportunity. Founded in 1900, the College Board was created to expand access to higher education. Today, the membership association is made up of over 6,000 of the world's leading educational institutions and is dedicated to promoting excellence and equity in education. Each year, the College Board helps more than seven million students prepare for a successful transition to college through programs and services in college readiness and college success— including the SAT and the Advanced Placement Program. The organization also serves the education community through research and advocacy on behalf of students, educators and schools. For further information, visit www.collegeboard.org.



Meet the Authors

Dr. Kerry Sautner, Ed.D., is the chief learning officer at the National Constitution Center. In her current role, she oversees all aspects of the public's on-site experience and leads the Center's national education efforts. Through various platforms, Sautner drives the development and distribution of programs and online offerings that make the Center the nation's leading constitutional education resource. Sautner also leads the development of interactive programs for students, teachers, and the public; theatrical productions; educational videos; and standards-based classroom materials available on-site and online.

Tim Rodman is a National Board Certified Social Studies Teacher and teaches Advanced Placement American Government, Microeconomics and Macroeconomics at Walter Johnson High School in Maryland. He was awarded the Maryland Social Studies Teacher of the Year Award in 2010 and works with students as the Youth & Government and Model United Nations advisor at WJHS. He graduated from the University of Maryland College Park with a masters degree in Social Studies Curriculum & Instruction. Tim is a founding member of the National Constitution Center's Teacher Advisory Board and enjoys sharing the US Constitution's treasures with students each year.

Dr. Jim Kearney is Assistant Director of Teaching and Learning for Radnor Township School District near Philadelphia, Pennsylvania. He holds a bachelor's degree in Secondary Social Studies Education from The Pennsylvania State University, a master's degree in History from Villanova University, a Supervisor of Curriculum and Instruction certificate through Lehigh University, and a doctorate in Educational Leadership from Drexel University.



First Amendment: Historical Foundations

Lesson Plan

GRADE LEVELS:

11th and 12th

NUMBER OF CLASS PERIODS:

1 (approximately 55 minutes)

AUTHOR:

Mike Adams, Director of Education

Mike Adams serves as Director of Education at the National Constitution Center where he oversees educator outreach and professional development programs; the creation of instructional resources; design and assessment of student workshops; and other key educational initiatives. He holds an M.S. of Education and a B.S. of Secondary Education Social Studies from Temple University as well as teaching certifications in secondary Social Studies and English Language Arts. He previously taught middle and high school students in the classroom setting in the Council Rock School District, in Bucks County, Pennsylvania.

INTRODUCTION/LESSON OVERVIEW:

The First Amendment enshrines, in the U.S. Constitution, protections for a number of individual and collective rights, or freedoms. These include: freedom of religion, freedom of speech and press, and the freedom to peaceably assemble and to petition the government. Why did the Founding generation protect these freedoms in the First Amendment? Why were these freedoms grouped together in a single amendment? What do these freedoms have in common? This lesson helps students construct answers to these questions by examining primary sources that record the development of the First Amendment through the *Writing Rights* interactive.

This tool presents students with James Madison's original proposals for what became the First Amendment as well as the legal texts that preceded Madison's drafts. Through small group investigation and a jigsaw-style activity, students compare and contrast a range of excerpted, Founding Era texts to uncover the relationships between the freedoms protected by the First Amendment.

The lesson plan also demonstrates for the students that disagreement about interpretation of the First Amendment is as old as the amendment itself, while modelling the ability to reach consensus on contentious questions.

Essential Questions:

- What are the freedoms protected by the First Amendment?
- Why did the Founding generation choose to protect the freedoms listed in the First Amendment?
- How was the text of the First Amendment influenced by earlier legal texts?
- What similarities between the freedoms of the First Amendment may have caused the First Congress to combine them in a single amendment?



Objectives:

- Students will be able to use the *Writing Rights* interactive tool from the National Constitution Center to identify and analyze legal texts from the Founding Era.
- Students will compare and contrast primary sources to understand the origins of the legal protection of the freedoms in the First Amendment.
- Students will participate in discussions to understand the relationships between the freedoms protected in the First Amendment.
- Students will be able to predict areas of disagreement in the meaning of the First Amendment over time and in the present.

Materials:

- Warm Up activity (included)
- Access to the *Writing Rights* interactive tool (online)
<http://constitutionalrights.constitutioncenter.org/app/home/writing/1>
- “Madison’s Proposal 4” handout, 2-pages (included)
- “Madison’s Proposal 5” handout, 2-pages (included)
- “Madison’s Proposal 6” handout, 2-pages (included)

Procedures:**1. Warm Up/Activation of Prior Knowledge**

The teacher will display or provide printed copies of the following excerpt of the preamble to the Bill of Rights and explain to students that this text appeared at the top of the list of amendments that were sent to the states for ratification as additions to the Constitution in 1789.

Congress of the United States,

begun and held at the City of New-York, on

Wednesday the Fourth of March, one thousand seven hundred and eighty nine.

The Conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution...

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States...



Students should read the excerpt and answer the following questions:

- What reason(s) did the First Congress list for passing the amendments that would become known as the Bill of Rights?
- Why might representatives of “a number of States” have “expressed a desire” to add amendments to the Constitution?

The teacher should ask students to share their responses to these questions.

2. Preparing for Group Activity

The teacher should introduce the main activity by clarifying that the First Congress created the Bill of Rights because multiple state conventions, during the ratification of the Constitution, expressed what they saw as the need to protect specific rights, or freedoms, from abuse by the new federal government. Among these freedoms are those protected by what became the First Amendment. The teacher should display, or read, the text of the First Amendment:

Congress shall make no law respecting the 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.

The teacher will explain that the First Amendment was the result of dozens of proposals and revisions during the First Congress, in 1789, and ratified by the states in 1791; but that the ideas in the amendment existed long before the amendment itself. In this class period, students will use resources from the National Constitution Center’s *Writing Rights* tool to explore the origins and ideals behind the First Amendment.

The teacher will display the Writing Rights online interactive (<http://constitutionalrights.constitutioncenter.org/app/home/writing/1>). After selecting the First Amendment from the dropdown menu in the upper-left-hand corner, students and teachers can select the texts listed under the headings “Historical Sources,” “Madison’s Original Proposal,” “The House’s Proposals,” and “The Senate’s Proposals.” By clicking on “Madison’s Proposal 4,” the teacher can show students the relationships between various versions of the ideas that would be incorporated into the First Amendment. The interactive also highlights the percentage of legally significant words shared between the selected document and the final text of the amendment. The teacher will show students the relationships between the “Historical Sources” and “Madison’s Proposals 4, 5, and 6” to understand the context of the primary source texts they are going to investigate.

3. Small Group Investigation

Students will be divided into three groups. One group will get individual copies of the “Madison’s Proposal 4” handout, one group will get individual copies of the “Madison’s Proposal 5” handout, and one group will get individual copies of the “Madison’s Proposal 6” handout. Students should read all of the historical sources provided in their handouts. After reading all their assigned sources, students should revisit the texts to circle or highlight repeated and related words and phrases. Space is also provided to take notes about or summarize each text.

At the bottom of the graphic organizer, students should summarize the main ideas reflected in the historical texts: what are the texts about, what rights do they protect, from whom does it protect those rights, etc.?

4. Jigsaw

Students should regroup themselves to form triads with classmates who read different sources. (Each triad should have one student who explored Madison’s Proposal 4, one student who explored Madison’s Proposal 5, and one who explored Madison’s Proposal 6.) In their triads students will complete page 2 of the handout and address the following prompt:



How are Madison's three proposals related? What central idea(s) do they have in common that might explain why the First Congress combined the three proposals into a single amendment?

5. Whole Group Discussion:

By now, students should know why the Bill of Rights was proposed, where the ideas in specific amendments originated, and how the First Amendment was formed. The teacher will lead a brief discussion to check for understanding. Discussion questions can include:

- How are Madison's three proposals related?
- What central idea(s) do they have in common that might explain why the First Congress combined the three proposals into a single amendment?
 - How might combining Madison's three proposals into a single amendment have effected (and continue to effect) interpretation of the First Amendment?

The teacher will wrap up the discussion by explaining to students that the ideas in Madison's proposals—the ideas that became the First Amendment—are often collectively referred to as “freedom of conscience” or “freedom of expression.” They are considered among the most fundamental rights protected by the U.S. Constitution, but the meaning of those rights has been continually redefined throughout history.

5. Wrap-up/Conclusion:

Exit Ticket: What questions about “freedom of conscience” do you think are unanswered?

6. Extension Activity:

As an extension activity, students can further explore the Writing Rights interactive by tracing the lifespan of Madison's proposed amendments through the House of Representatives and the Senate, to the final version of the First Amendment that was ratified by the states.

Students can compare the proposed language from House of Representatives and Senate iterations of the amendment to the final version of the First Amendment by answering the following questions:

- How were Madison's three proposals combined into two proposals by the House of Representatives? What does that combination tell us about what the First Amendment would become?
- How did the language in the House proposals compare to the final version of the First Amendment? What are some ideas or words that are the same or different between the two documents? Why are those choices significant?
- How does the Senate's final proposal compare to the final version of the First Amendment? What are some ideas or words that are the same or different between the two documents? Why are those choices significant?



Madison's Proposal 4

Primary Source	Date	Text	Notes
Laws of West New Jersey	1681	The Liberty of Conscience in Matters of Faith and Worship towards God, shall be granted to all People within the Province aforesaid; who shall live peaceably and quietly therein; and that none of the free People of the said Province, shall be rendered incapable of Office in respect of their Faith and Worship.	
North Carolina Declaration of Rights	1776	That all Men have a natural and unalienable Right to worship Almighty God according to the Dictates of their own Conscience.	
Virginia Ratification Convention	June 27, 1788	That religion or the duty which we owe to our Creator, and the manner of discharging it can be directed only by reason and conviction, nor by force or violence, and therefore all men have an equal, natural and unalienable right to the free exercise of religion, according to the dictates of conscience, and that no particular religious sect of society ought to be favored or established by Law in preference to others.	
New York Ratification Convention	July 26, 1788	That the People have an equal, natural and unalienable right, freely and peaceably, to Exercise their Religion according to the dictate of Conscience, and that no Religious Sect or Society ought to be favoured or established by Law in preference of others.	
Madison's Proposal 4	June 8, 1789	The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext infringed.	
Summary			

Madison's Proposal 4 is about...

Madison's Proposal 5 is about...

Madison's Proposal 6 is about...

The text of the First Amendment is the result of the First Congress combining ideas from dozens of historical documents through a process of debate and revision. How might combining Madison's three proposals into a single amendment have effected (and continue to effect) interpretation of the First Amendment?

Exit Ticket: What questions about "freedom of conscience" do you think are unanswered?

Madison's Proposal 5

Primary Source	Date	Text	Notes
Virginia Declaration of Rights	1776	That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotick governments.	
Massachusetts Constitution	1780	The Liberty of the Press is essential to the security of freedom in a States, it ought not, therefore, to be restrained in this Commonwealth.	
New Hampshire Constitution	1783	The Liberty of the press is essential to the security of freedom in a State; it ought therefore, to be inviolably preserved. The freedom of deliberation, speech and debate in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution, in any other court or place whatsoever.	
Pennsylvania Constitution	1790*	That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of government: And no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write and print on any subject.....	
Madison's Proposal 5	June 8, 1789	The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable.	
Summary			

**The Pennsylvania Constitution of 1790 was written after Madison's Proposal 5 but before the First Amendment was ratified. This text demonstrates one way states were protecting specific rights before the First Amendment was added to the Constitution.*

Madison's Proposal 4 is about...

Madison's Proposal 5 is about...

Madison's Proposal 6 is about...

The text of the First Amendment is the result of the First Congress combining ideas from dozens of historical documents through a process of debate and revision. How might combining Madison's three proposals into a single amendment have effected (and continue to effect) interpretation of the First Amendment?

Exit Ticket: What questions about "freedom of conscience" do you think are unanswered?

Madison's Proposal 6

Primary Source	Date	Text	Notes
English Bill of Rights	1689	That it is the right of the subjects to petition the King and all commitments and prosecutions for such petitioning are illegal. And that for redresse of all grievances, and for the amending strengthening and preserving of the lawes Parlyaments out to be held frequently.	
Declarations and Resolves of the First Continental Congress	1774	That they have a right peaceably to assemble, consider of their grievances, and petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.	
Massachusetts Constitution	1780	The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good: Give instructions to their representatives; and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.	
North Carolina Ratification Convention	1788	That the people have a right peaceably to assemble together to consult for the common good, or to instruct their representatives; and that every freeman has a right to petition or apply to the Legislature for redress of grievances.	
Madison's Proposal 6	June 8, 1789	The people shall not be restrained from peaceably assembling and consulting for their common good; nor from applying to the Legislature by petitions, or remonstrances for redress of their grievances.	
Summary			

Madison's Proposal 4 is about...

Madison's Proposal 5 is about...

Madison's Proposal 6 is about...

The text of the First Amendment is the result of the First Congress combining ideas from dozens of historical documents through a process of debate and revision. How might combining Madison's three proposals into a single amendment have effected (and continue to effect) interpretation of the First Amendment?

Exit Ticket: What questions about "freedom of conscience" do you think are unanswered?

First Amendment: Freedom of Speech

Lesson Plan

GRADE LEVELS:

11th and 12th

NUMBER OF CLASS PERIODS:

1 (approximately 55 minutes)

AUTHOR:

Staci Garber, National Constitution Center Teacher Advisory Board Member

Staci Garber is a 20-year veteran of the classroom. She holds a master's degree in political science, another in economic education and entrepreneurship, and a third in international relations and global governance. Staci currently teaches global studies and psychology at a small private school in Bear, DE.

INTRODUCTION/LESSON OVERVIEW:

Students examine the historical context and drafting of the First Amendment through consideration of the motivations of the Founding generation. Students will also examine various types of “speech,” such as symbolic speech, hate speech, and political speech, to address the scope of protections promised by the First Amendment. In each instance, students will explore when the government has some authority to restrict speech; areas of consensus among scholars, judges, and citizens; the strongest constitutional arguments on each side of contested issues; and U.S. Supreme Court cases that have addressed free speech rights. Students will use the National Constitution Center’s *Interactive Constitution* to look at the viewpoints of legal scholars on free speech, where they agree and where there are matters of debate.

When does the First Amendment allow the government to limit speech?

Essential Questions:

- How does the First Amendment of the US Constitution protect the Freedom of Speech?
- When and why can the government limit certain types of speech?
- How has the protection of speech changed over time?

Objectives:

- Students will be able to analyze controversies involving the First Amendment provision protecting freedom of speech.
- Students will be able to evaluate competing interpretations of the First Amendment provision protecting freedom of speech.
- Students will be able to apply varying interpretations of the First Amendment provision protecting freedom of speech to controversial issues involving speech.
- Students will be able to identify high and low value varieties of speech.
- Students will be able identify conditions under which speech can be limited.



Materials:

- Warm Up Worksheet of Speech Hypotheticals (included)
- Access to the *Interactive Constitution* (online) or printed copies of the following essays:
 1. **Common Interpretation “Freedom of Speech and of Press”** by Geoffrey R. Stone and Eugene Volokh (VŌ-luck)
 2. **“Fixing Free Speech”** by Geoffrey R. Stone
 3. **“Free Speech Frontiers”** by Eugene Volokh(Essays accessible at: constitutioncenter.org/interactive-constitution/amendments/amendment-i/the-freedom-of-speech-and-of-the-press-clause/interp/33)
- Essay Analysis Questions (included)
- Exit Ticket Prompt (included)

Procedures:**1. Warm Up/Activation of Prior Knowledge**

Students will read the First Amendment provision that protects Freedom of Speech and interpret its meaning in 10 hypothetical controversial situations. In each situation, they will decide if the government is able or unable to limit the speech in question. To do this, they will use a five-point scale assigning values in the following way:

- **1** = *unable to limit the speech*
- **2** = *rarely able to limit the speech*
- **3** = *(students are truly torn or unsure)*
- **4** = *usually able to limit the speech*
- **5** = *always able to limit the speech*

Students should mark an “x” in the appropriate column. Each student will total her or his score at the bottom of the page. (See worksheet below.)

After approximately 5-7 minutes, students will use the totals to line up from least restrictive interpretation (lowest total score) to most restrictive interpretation (highest total score) of the First Amendment provision protecting speech. Students may be asked to explain or explain their reasoning. After lining up, students should be divided into three evenly sized groups: lowest scores, middle scores, and highest scores.

(If the classroom lacks space to line up students, this may be done in seats, with the totals being used to mathematically divide the class into three groups for the small group investigation step. Students with total scores of 10-25 will be Group A. Students with total scores of 25-35 will be Group B. Students with total scores of 35+ points will be Group C. Ranges can be adjusted as needed to make three evenly-sized groups.)

2. Preparing for Individual Investigation

Assign each student a letter and a number. Numbers can simply be sequential to represent a third of the class. For example, a class of 27 students will have 1A-9A, 1B-9B, and 1C-9C. These numbers and letters will be used to assign groups and tasks for the small group investigation later in the class.

The teacher should discuss varying interpretations of the First Amendment Speech Provision. This discussion should include some historical context of why the Founding Generation thought that the freedom of speech was important.



Additionally, students should be able to brainstorm reasons that free speech is important to democracy—citizens need to be able to speak freely in order to make effective electoral decisions, oversee government actions, participate in the policy making process, and hold politicians accountable to their actions. The teacher should reinforce the idea that speech is considered a fundamental liberty under American law and that even speech that is hateful or offensive is protective unless it leads to “imminent lawless action.” (Brandenburg v. Ohio, 1968)

3. Individual Investigation

Students will access the *Interactive Constitution* online or will be provided printed copies of the following essays from the *Interactive Constitution* in order to answer the questions below. All students will independently read and annotate the Common Interpretation essay, “Freedom of Speech and of the Press,” by constitutional law scholars Geoffrey R. Stone and Eugene Volokh.

While reading the essays students will individually respond to the following questions and prompts (also found in the materials section at the end of the lesson):

1. **According to the essay, why is it important to protect speech, even if that speech is unpopular? Provide evidence.**
2. **According to the essay, what kinds of actions are included in the term “speech” as it is found in the First Amendment? Provide evidence.**
3. **How has the understanding of what is protected speech changed as technology has changed? Provide evidence.**
4. **According to the essay, when is it acceptable under the First Amendment to limit or punish speech? Provide evidence.**
5. **According to the essay, how has the Supreme Court addressed free speech during the 100 years since the end of World War I, and what is the status of free speech protections today? Provide evidence.**

When students have completed the reading, have them revisit the hypotheticals. If any answers have changed, the students should mark their new answers with a check mark.

4. Small Group Investigation/Discussion

Students will meet in triads in which each viewpoint on appropriate restriction of speech is represented. This can easily be accomplished by asking students to report to their “number groups.” In other words: 1A, 1B, and 1C will form a group; 2A, 2B, and 2C will form a group, etc.

- **All As should be directed to or provided with the essay “Fixing Free Speech” by Geoffrey R. Stone.**
- **All Cs should be directed to or provided with the essay “Free Speech Frontiers” by Eugene Volokh.**
- **All Bs should re-read the Common Interpretation essay (“Freedom of Speech and of the Press”) and be prepared to act as group discussion leaders and note-takers.**

Students will discuss the answers to the questions, noting areas of agreement between student answers and filling in any individual areas of weakness. Students should scan the Stone and Volokh essays for areas of agreement and disagreement in order to answer the question below. As a small group, the students should answer the final essay analysis question:

- Why is it difficult for scholars, judges, and lawmakers to balance robust speech protections with the necessity of maintaining a peaceful society? Provide evidence.**



As a group students should revisit the hypotheticals a third time, marking with a circle any answer that has changed for each student from the previous two rounds. Students in small groups should place a star or an asterisk near the hypotheticals on which the team disagrees.

5. Whole Class Review/Debrief

Small groups should report out on their conversations. **What were the points of agreement? What were the points of disagreement? Which of the hypotheticals remained unclear or difficult to determine? Why is it difficult?**

6. Optional Extension Activity—Take a Stand

Choose one hypothetical or one broad statement such as **“Public school students should be able to criticize school personnel and policies on social media.”** Have one student take a stand for the statement. Have another student take a stand against the statement. Each of the students will make a brief speech in support of his or her statement. Other students, one at a time, will join the two sides, making additional arguments to support or refute the statements until all students are standing. Students are allowed and encouraged to switch sides as they are swayed.

7. Closure/Exit Ticket

Before leaving class students should record answers to the following:

1. Identify at least three ways in which speech can be regulated or limited?

- a. Answers may include time, place and manner restrictions
- b. Answers may include distinctions between high and low value speech.
- c. Answers may vary but must address issues discussed in the essays

2. Describe two areas in which there is some debate over whether or not speech can be regulated.

- a. Answers may include social media commentary, bullying, and harassment types
- b. Answers may include low value, campaigning, or speech that costs money
- c. Answers may include advocating violence, terroristic threats, and artistic speech
- d. Answers may include speech on high school and college campuses

3. Explain one way in which your understanding of the speech provision of the First Amendment has changed over the course of today's lesson.

- a. Students who are stuck may use their warm up worksheets to check how their attitudes changed after reading the essay and/or after talking to others.
- b. Students may explain any way in which their understanding has changed including differences between high and low value speech, the lack of protection that citizens have against corporations or employers, the actions that have been interpreted as speech, or anything else they may have learned over the course of the lesson.



Freedom of Speech

Warm-Up

Read the text of the First Amendment of the U.S. Constitution as it refers to speech. Read each of the hypothetical situations and decide whether or not the government can limit or punish the speech contained in each of the situations.

Place an "X" in the box that best matches the amount you think the government can limit the speech.

1 means the government may **not** limit or punish the speech.

2 means that the government can limit or punish the speech **under rare conditions**.

3 means you are **unsure when and how** the government can limit or punish the speech, but you think there may be **good arguments on both sides**.

4 means that the government can **usually limit or punish** this type of speech.

5 means that the government can **always limit and punish** this type of speech.

“Congress shall make no law...abridging the freedom of speech.”

Hypothetical Situation	1	2	3	4	5
A person burns an American flag in protest of government policies.					
A person creates a website asking people to support an anti-war agenda.					
A person writes and publishes an essay about the superiority of his or her race.					
A person criticizes the US President on a blog site about public policy.					
A person makes up malicious lies about a political candidate during an election.					
A public school student criticizes the principal and teachers on social media.					
A public school student starts a website for students to say hateful things about other students.					
A student threatens violence against his school on social media in the form of a poem.					
A person posts online that someone should assassinate Supreme Court Justices.					
A person creates a pro-terrorist website that asks people to join terror groups in overthrowing the US government.					

Total Points

Individual

Essay Analysis Questions

To Be Answered Individually:

1. According to the essay, why is it important to protect speech, even if that speech is unpopular? Provide evidence. Laws that restrict speech are “thought to be especially problematic because”...
2. According to the essay, what kinds of actions are included in the term “speech” as it is found in the First Amendment? Provide evidence. “The Supreme Court has interpreted “speech” and “press” broadly as covering”...
3. How has the understanding of what is protected speech changed as technology has changed? Provide evidence.

4. According to the essay, when is it acceptable under the First Amendment to limit or punish speech? Provide evidence.
“There are generally three situations in which the government can constitutionally restrict speech:

1.

2.

3.

5. According to the essay, how has the Supreme Court addressed free speech during the 100 years since the end of World War I, and what is the status of free speech protections today? Provide evidence.
In 1925, the Supreme Court held that...

“Starting in the 1920s”...

“Today, the legal protections offered”...



To Be Answered in Small Groups

6. Why is it difficult for scholars, judges, and lawmakers to balance robust speech protections with the necessity of maintaining a peaceful society? Provide evidence.

Exit Ticket

1. Identify at least three ways or places in which speech can be regulated or limited.
2. Describe two areas in which there is some debate over whether or not speech can be regulated.
3. Explain one way in which your understanding of the speech provision of the First Amendment has changed over the course of today's lesson.

First Amendment: Freedom of Press

Lesson Plan

GRADE LEVELS:

11th and 12th

NUMBER OF CLASS PERIODS:

1 (approximately 55 minutes)

AUTHOR:

Staci Garber, National Constitution Center Teacher Advisory Board Member

Staci Garber is a 20-year veteran of the classroom. She holds a master's degree in political science, another in economic education and entrepreneurship, and a third in international relations and global governance. Staci currently teaches global studies and psychology at a small private school in Bear, DE.

INTRODUCTION/LESSON OVERVIEW:

Many Americans struggle to understand the Constitution, especially the rights included in the First Amendment. While many Americans, like many in the Founding generation, can agree that freedom of the press should be protected, there are disagreements over when, why, and how freedom of the press may be limited. This lesson encourages students to examine their own assumptions and to deepen their understanding of current accepted interpretation of freedom of the press under the First Amendment.

Essential Questions:

- How does the First Amendment protect the Freedom of Press?
- Why was the protection of the press important to the Founders, and why does it remain vital to American democracy today?

Objectives:

- Students will be able to explain why the Constitution protects freedom of the press.
- Students will be able to analyze controversies involving the First Amendment provision protecting freedom of press.
- Students will be able to apply varying interpretations of the First Amendment provision protecting freedom of press to controversial issues involving speech.
- Students will be able explain the very limited conditions under which freedom press can be restricted and why those conditions are so limited.



Materials:

- Warm Up “Press Scenario Case” worksheet (included)
 - Access to Oyez.org or printed copies of the following case briefs:
 1. *Near v. Minnesota*, 283 US 697 (1931)
 2. *New York Times Company v. United States*, 403 US 713 (1971)
 3. *Hazelwood School District v. Kuhlmeier*, 484 US 260 (1988)
 - Case Interpretation worksheet (included)
 - Exit Ticket worksheet (included)
-

Procedures:**1. Warm Up/Activation of Prior Knowledge (15 minutes)**

Students will read the First Amendment provision that protects Freedom of Press and interpret its meaning in the context of a hypothetical scenario involving student journalists handling private information.

After approximately 5-7 minutes, students will take a stand on whether the student journalists are within their rights as protected by the First Amendment. Choose one side of the classroom and direct students who support the student journalists to stand on that side. Students who support the action of the administration should stand on the opposite side. Students may be asked to explain or defend their reasoning. Students in the middle should be encouraged to move to one side or the other in response to the strength of the arguments made. If the teacher lacks space to line up students, this may be done in seats. (Tip: If no students support the administration, the teacher may want to assign students to “act as lawyers” and represent the positions of the administration for a more balanced discussion.)

The teacher should discuss varying concepts involved in the interpretation of the First Amendment Press Provision. This discussion should include some historical context of why the founders thought that the freedom of press was important, including that some of their generation had been charged with treason for criticizing their former government. Additionally, students should be able to brainstorm reasons that free press is important to democracy. The press needs the ability to freely cover and critique government actions so that citizens can make effective electoral decisions, oversee government activities, participate in the policy-making process, and hold public officials accountable. The discussion should include the fact that the government may not engage of Prior Restraint of press actions by preemptively punishing or prohibiting publication. Also, while people can sue publications for printing materials that are false and published with malicious intent, these types of cases are often very hard to win.

Remind students of their previous work on the First Amendment Freedom of Speech provision and their previous interactions with the *Interactive Constitution*. You may want to ask guiding questions such as:

Q: How are speech and press related?

A: Both press and speech are fundamental expressive rights that citizens have under the United States Constitution.

Q: How are speech and press key to democratic functions?

A: Both rights are necessary for citizens to remain informed and actively involved in the democratic system—including the ability to criticize, or “check,” the government.

Q: Why is it important for the press and the people to be able to criticize government action?

A: If people are to act as the ultimate check on government power, they must retain the right to criticize government action.

Q: Who counts as press? Is it important to distinguish between the press and the general public in terms of First Amendment protections?

A: The Constitution does not make an official designation, it only protects the right to publish sentiments.

Q: How has modern technology changed the view of press freedoms?

A: If one considers blogs to be the modern equivalent of newspapers, then any person with internet access could technically be considered press.

2. Small Group Investigation (15 minutes)

Students should be divided into didactic pairs based on their responses to the warm up activity. In essence, each student should, if possible, be paired with a student who disagrees about how the case should be decided under the First Amendment's Free Press provision. Students will access Oyez.org or be provided printed copies of the following briefs from Oyez.org in order to fill in the Case Interpretation worksheet.

- *Near v. Minnesota*
www.oyez.org/cases/1900-1940/283us697
- *New York Times Company v. United States*
www.oyez.org/cases/1970/1873
- *Hazelwood School District v. Kuhlmeier*
www.oyez.org/cases/1987/86-836

While reading the articles, students will fill in the Case Interpretation worksheet (included) by determining how each Supreme Court case could be used to support each argument. After the pairs have worked through the graphic portion of the worksheet, each pair should come to a conclusion about whether or not the student journalists are protected by the First Amendment Free Press clause. Each pair should provide evidence from the briefs and should be ready to report out to the whole group.

3. Whole Group Investigation/Discussion (20 minutes)

Students will report out to the whole class on whether the Supreme Court briefs caused their pairs to side with the student journalists or with the administration. Each pair should provide their strongest piece of evidence. The teacher should keep a tally of how many pairs support each side and of the strongest arguments in support of each side.

As a whole group, the class should discuss the following:

1. Why do trained Constitutional scholars disagree about the application of Constitutional principles to different cases?

New issues arise under the Constitution as modern situations test the principles enshrined in our nation's charter. And scholars and citizens alike disagree over the meaning and application of important rights like the free speech and a free press. It is the job of the Supreme Court to clarify and consistently apply the Constitution to new cases.



2. How are school environments different from the general public in regards to the interpretation of Constitutional principles?

Over time, the Court has defined the public school as a unique environment that students are coerced by law to attend. Under those conditions, school acts as a limited open public forum in which school officials can limit speech to protect students from speech acts that might disrupt the educational setting. In that, public schools are government sponsored entities, speech and press can be regulated when the speech or publication can be considered “school sponsored.”

3. Why is it important to be able to criticize people in power?

In a democracy, the people are the final check on the authority of government institutions. Citizens have a responsibility to be informed and active in order to check government abuse. The press plays a vital role in keeping citizens informed of government action. That includes the right of the press to openly criticize public officials.

4. Optional Extension Activity—Current Event Investigation

Encourage students to generate current event examples that may test the freedom of the press. Examples may include satirical pieces, comedy news programs, WikiLeaks, Edward Snowden, and other instances in which government actions are being either misrepresented or government classified information is being exposed. Instruct students to write a brief defense for media outlets involved in exposing government secrets. How does the freedom of the press protect blogs, satirical works, and publishers of stolen government secrets?

5. Closure/Exit Ticket (5 minutes)

Have students record answers to the following:

1. What is prior restraint?

Answers should indicate an attempt by government to stop something from being printed prior to its publication.

2. How has the Supreme Court treated prior restraint by state or federal governments?

Answers should indicate that the Court has rejected arguments that governments should be able to cease the printing of false, defamatory, and even classified information.

3. How has the Supreme Court treated prior restraint in a school setting? Why?

Answers should indicate that the Court has allowed for prior restraint in school settings, especially where the privacy of students is considering an overriding concern.

4. Why is the freedom of the press important to democratic principles?

Answers should state that the role of the press is to keep citizens informed of government actions so that citizens can perform their duties as informed individuals.



Press Case Scenario

Directions: Read the Text of the First Amendment of the United States Constitution as it refers to press. Read the scenario and decide whether or not the government can limit or punish the publication by the student group in the scenario. Answer the question at the bottom of the page.

“Congress shall make no law...abridging the freedom... of the press...”

Scenario:

Students at General Public High School are in charge of broadcasting the morning announcements via closed circuit television and a live streaming link. All students in the school are instructed to remain quiet and to carefully pay attention to these announcements. The script for the morning announcements is approved by the administration each morning. One of the student journalists was given screen shots of a text message conversation between six building and district administrators. In the conversation, the administrators were openly mentioning specific students and teachers by name, making disparaging remarks about these individuals. The administrators called one student an “idiot.” They referred to a teacher as an “imbecile.” The student journalist transferred all of the screen shots into a PDF and carefully redacted the names of the students and teachers by highlighting each with a black bar. The student preserved the names of the administrators involved in making the disparaging remarks. Without adding the story to the script for approval, the student disrupted the broadcast of the morning announcements and began displaying the PDF of the group text conversations live and on the air. A building administrator ordered that the broadcast be ended immediately. As a response, the student journalist immediately sent an email to every student in the school using the school email system. The email included the story and the PDF of the screenshots from the conversation. Unbeknownst to the student journalist, anyone in possession of the email could delete the redactions by simply removing the black highlight bar over each word.

Can the administration of the school punish the student for the publication of sensitive student information?

Case Interpretation Worksheet

Case Name	Summarize the decision	How the decision supports the students	How the decision supports the administrators	Which side is better supported by this decision?
<i>Near v. Minnesota</i>				
<i>New York Times Company v. United States</i>				
<i>Hazelwood School District v. Kuhlmeier</i>				

Which side students or administrators' is better supported by the existing caselaw? Provide three facts that support your argument.

Exit Ticket

1. What is prior restraint?
2. How has the Supreme Court treated prior restraint by state or federal governments?
3. How has the Supreme Court treated prior restraint in a school setting? Why?
4. Why is the freedom of the press important to democratic principles?

First Amendment: Establishment Clause

Lesson Plan

GRADE LEVELS:

11th and 12th

NUMBER OF CLASS PERIODS:

1 (approximately 55 minutes)

AUTHOR:

Nick Hegge, National Constitution Center Teacher Advisory Board Member

Nick Hegge has taught American History and U.S. Government at Logan View Public Schools in Nebraska since 2010. He graduated from Briar Cliff University, in Sioux City, in 2010, with a bachelor's degree in History and Secondary Education. He works with students as a National History Day advisor, *We the People* coach, and sponsor of the Junior Class trip to Washington D.C. every school year. When teaching about the Constitution, Nick enjoys seeing students wrestle with difficult issues and develop their own conclusions about Constitutional interpretation.

INTRODUCTION/LESSON OVERVIEW:

The First Amendment has two clauses related to religion, specifically preventing the establishment of religion and the ability to freely exercise religious beliefs. The goal of this lesson is for students to gain a deeper understanding of the Establishment Clause of the First Amendment. They will do this by understanding the history of the clause, as well as the relevant Supreme Court cases that will help students interpret how this clause has been applied. Students will also use scholarly essays and the text of the U.S. Constitution to evaluate current issues and cases that involve the Establishment Clause.

Essential Questions:

- How has the Establishment Clause provided a legal framework for resolving disagreements about the public role of religion in our society?
- How can we balance the right of religious liberty with laws passed by the elected branches?

Objectives:

- Students will understand the types of cases that most often raise issues addressed by the Establishment Clause.
 - Students will understand how the interpretation of the Establishment Clause has shifted and the cases that lead to the changes.
 - Students will be able to take the text and history of the Establishment Clause and apply it to current issues.
 - Students will be able to understand the modern questions that surround religious liberty.
-



Materials:

- Access to the *Interactive Constitution* (online or mobile app) or printed copies of the Common Interpretation essay “The Establishment Clause” by Marci A. Hamilton and Michael McConnell
 - <https://constitutioncenter.org/interactive-constitution/amendments/amendment-i/the-establishment-clause-hamilton-and-mcconnell/interp/31>
- Student Handout 1: Warm-Up Handout (included)
- Student Handout 2: Establishment Clause Graphic Organizers (included)
- Access to Constitution Daily Blog (online) or printed copies of the following blog posts:
 - <https://constitutioncenter.org/blog/ex-football-coach-loses-federal-appeal-over-prayer-case>
 - <https://constitutioncenter.org/blog/supreme-court-rules-for-church-in-playground-materials-case>

Procedures:**1. Warm Up/Activation of Prior Knowledge**

Student will begin by reading over the text of the Establishment Clause. They will then read the scenarios presented on the Warm-Up handout and answer the first question, “Do you think this violates the Establishment Clause based on the text of the Amendment?”

2. Preparing for Group Activity

The teacher should introduce the text of the Establishment Clause from the First Amendment and discuss why the Framers of the U.S. Constitution thought such text was necessary. The teacher can use this excerpt from the *Interactive Constitution*.

“During colonial times, the Church of England was established by law in all of the southern colonies, while localized Puritan (or “Congregationalist”) establishments held sway in most New England states. In those colonies, clergy were appointed and disciplined by colonial authorities and colonists were required to pay religious taxes and (often) to attend church services. Dissenters were often punished for preaching without a license or refusing to pay taxes to a church they disagreed with. Delaware, New Jersey, Pennsylvania, Rhode Island, and much of New York had no established church.

After Independence, there was widespread agreement that there should be no nationally established church. The Establishment Clause of the First Amendment, principally authored by James Madison, reflects this consensus. The language of the Establishment Clause itself applies only to the federal government (“Congress shall pass no law respecting an establishment of religion”). All states disestablished religion by 1833, and in the 1940s the Supreme Court held that disestablishment applies to state governments through the Fourteenth Amendment.”

3. Jigsaw Activity

Students should be divided into four groups, each group representing one of the topics covered in the Establishment Clause graphic organizer. Once in their groups, students should receive the graphic organizer and the excerpt of the common interpretation essay that corresponds to their group.



Once students have read their excerpts and completed their portion of the graphic organizer, they will get into new groups made up of one expert from each area and fill in the remainder of the graphic organizer with their new team members.

After completing all four areas of the graphic organizer, students will revisit the scenarios listed in the Warm-Up Handout. They should answer, “Do you think this violates the Establishment Clause based on the scholars’ interpretation?” and discuss their answers with their group.

4. Small Group Activity

Students will either return to their original groups or choose partners to read and discuss the two blog posts relating to the scenarios on the Warm-Up handout. After reading the posts, they will answer and discuss the final question on the handout, “How did the Supreme Court rule on this case?”

5. Wrap-up/Conclusion:

Exit Ticket: Students will answer the question, “Do you agree with the Court’s ruling? Why or why not?” before leaving class. As an extension activity, students can also read the Maters of Debate essays for the Establishment Clause and the class can participate in a civil dialogue on issues involving religion and the First Amendment.



Warm-Up

“Amendment I. Congress shall make no law respecting an establishment of religion...”

Scenario 1:

A football coach at a public high school was put on paid administrative leave and was not allowed to coach the football team after leading students in voluntary prayers before and after games. Does a coach leading voluntary prayers violate the Establishment Clause?

Do you think this violates the Establishment Clause based on the text of the First Amendment?

Do you think this violates the Establishment Clause based on the scholars’ interpretation?

How did the Supreme Court rule on this case?

Scenario 2:

A state constitution prohibits state funding from going to religious institutions. A religiously operated school applies to receive funding to receive materials made from used tires for a playground, arguing that the specific benefit has no relation to religion. Can the state prevent the religiously operated school from receiving the playground materials?

Do you think this violates the Establishment Clause based on the text of the First Amendment?

Do you think this violates the Establishment Clause based on the scholars’ interpretation?

How did the Supreme Court rule on this case?

Establishment Clause Graphic Organizer

Students should read the excerpts of the common interpretation essay of the Establishment Clause and fill out the graphic organizer to understand the history and modern application of the Establishment Clause.

Aid to Religious Institutions

Main Idea:	
Case Name/Description:	Outcome:

Government Sponsored Prayer

Main Idea:	
Case Name/Description:	Outcome:

Accommodation of Religion

Main Idea:	
Case Name/Description:	Outcome:

Government Sponsored Religious Symbols

Main Idea:	
Case Name/Description:	Outcome:

First Amendment: Free Exercise Clause

Lesson Plan

GRADE LEVELS:

11th and 12th

NUMBER OF CLASS PERIODS:

1 (approximately 55 minutes)

AUTHOR:

Nick Hegge, National Constitution Center Teacher Advisory Board Member

Nick Hegge has taught American History and U.S. Government at Logan View Public Schools in Nebraska since 2010. He graduated from Briar Cliff University, in Sioux City, in 2010, with a bachelor's degree in History and Secondary Education. He works with students as a National History Day advisor, *We the People* coach, and sponsor of the Junior Class trip to Washington D.C. every school year. When teaching about the Constitution, Nick enjoys seeing students wrestle with difficult issues and develop their own conclusions about Constitutional interpretation.

INTRODUCTION/LESSON OVERVIEW:

The First Amendment has two clauses related to religion, specifically preventing the establishment of religion and the ability to freely exercise religious beliefs. The goal of this lesson is for students to gain a deeper understanding of the Free Exercise Clause of the First Amendment. They will do this by understanding the history of the clause, as well as the relevant Supreme Court cases that will help students interpret how this clause has been applied. Students will also use scholarly essays and the text of the U.S. Constitution to evaluate current issues and cases that involve the Free Exercise Clause.

Essential Questions:

- How has the Supreme Court's application of the Free Exercise Clause changed over time?
- How can we balance the right of religious liberty with laws passed by the elected branches?

Objectives:

- Students will understand the Supreme Court standards that have been set in cases dealing with the Free Exercise Clause.
- Students will be able to take the text and history of the Free Exercise Clause and apply it to current issues.
- Students will be able to understand the modern questions that surround religious liberty.

Materials:

- Access to the *Interactive Constitution* (online or mobile app) or printed copies of the Common Interpretation essay “The Free Exercise Clause” by Frederick Gedicks and Michael McConnell
 - <https://constitutioncenter.org/interactive-constitution/amendments/amendment-i/the-free-exercise-clause/interp/32>
- Student Handout 1: Warm-Up Handout (included)
- Student Handout 2: Free Exercise Graphic Organizer (included)
- Access to Constitution Daily Blog (online) or printed copies of the following blog posts:
 - <https://constitutioncenter.org/blog/supreme-court-rules-in-obamacare-challenge-case/>
 - <https://constitutioncenter.org/blog/supreme-court-rules-for-baker-in-wedding-cake-dispute>

Procedures:**1. Warm Up**

Student will begin by reading over the text of the Free Exercise Clause. They will then read the scenarios presented on the Warm-Up handout and answer the first question, “Do you think this violates the Free Exercise Clause based on the text of the Amendment?”

2. Preparing for Group Activity

The teacher should introduce the text of the Free Exercise Clause from the First Amendment and discuss why the Framers of the U.S. Constitution thought such text was necessary. The teacher can use this excerpt from the *Interactive Constitution*:

“Many settlers from Europe braved the hardships of immigration to the American colonies to escape religious persecution in their home countries and to secure the freedom to worship according to their own conscience and conviction. Although the colonists often understood freedom of religion more narrowly than we do today, support for protection of some conception of religious freedom was broad and deep. By the time of Independence and the construction of a new Constitution, freedom of religion was among the most widely recognized ‘inalienable rights,’ protected in some fashion by state bills of rights and judicial decisions. James Madison, for example, the principal author of the First Amendment, eloquently expressed his support for such a provision in Virginia: ‘It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent both in order of time and degree of obligation, to the claims of Civil Society.’”

3. Jigsaw Activity

Students should be divided into four groups, each group representing one of the Supreme Court cases/federal legislation included in the Free Exercise graphic organizer. Once in their groups, students receive the graphic organizer and copies of or access to the Common Interpretation essay “The Free Exercise Clause” from the *Interactive Constitution*.

Once students have read the passages from the essay relating to their assigned portions of the graphic organizer, they will get into new groups made up of one expert from each section and fill in the remainder of the graphic organizer with their new team members.



After completing all four areas of the graphic organizer, students will revisit the scenarios listed in the Warm-Up Handout. They should answer, “Do you think this violates the Free Exercise Clause based on the scholars’ interpretation?” and discuss their answers with their group.

4. Small Group Activity

Students will either return to their original groups or choose partners to read and discuss the two blog posts relating to the scenarios on the Warm-Up handout. After reading the posts, they will answer and discuss the final question on the handout, “How did the Supreme Court rule on this case?”

5. Wrap-up/Conclusion

Exit Ticket: Students will answer the question, “Do you agree with the Court’s ruling? Why or why not?” before leaving class. As an extension activity, students can also read the Maters of Debate essays for the Free Exercise Clause and the class can participate in a civil dialogue on issues involving religion and the First Amendment.



Warm-Up

Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...

Scenario 1

A family owned for-profit company wants an exemption from a federal healthcare requirement that they provide coverage for medicines or procedures that violate the company's religious beliefs. Can the company receive an exemption?

Do you think this violates the Free Exercise Clause based on the text of the First Amendment?

Do you think this violates the Free Exercise Clause based on the scholars' interpretation?

How did the Supreme Court rule on this case?

Scenario 2

A baker refuses to bake a wedding cake for a same-sex marriage citing deeply held religious beliefs and a violation of free speech. The state punishes the baker for violating state anti-discrimination laws. Is the baker required to make the wedding cake?

Do you think this violates the Free Exercise Clause based on the text of the First Amendment?

Do you think this violates the Free Exercise Clause based on the scholars' interpretation?

How did the Supreme Court rule on this case?

Free Exercise Clause Graphic Organizer

Reynolds v. United States (1878)

Issue/Question:

Standard Set:

Effect on Free Exercise:

Wisconsin v. Yoder (1972)

Issue/Question:

Standard Set:

Effect on Free Exercise:

Employment Division v. Smith (1990)

Issue/Question:

Standard Set:

Effect on Free Exercise:

RFRA/RLUIPA

Issue/Question:

Standard Set:

Effect on Free Exercise:

First Amendment: Freedom of Assembly and Petition

Lesson Plan

GRADE LEVELS:

11th and 12th

NUMBER OF CLASS PERIODS:

1 (approximately 55 minutes)

AUTHOR:

Nick Hegge, National Constitution Center Teacher Advisory Board Member

Nick Hegge has taught American History and U.S. Government at Logan View Public Schools in Nebraska since 2010. He graduated from Briar Cliff University, in Sioux City, in 2010, with a bachelor's degree in History and Secondary Education. He works with students as a National History Day advisor, *We the People* coach, and sponsor of the Junior Class trip to Washington D.C. every school year. When teaching about the Constitution, Nick enjoys seeing students wrestle with difficult issues and develop their own conclusions about Constitutional interpretation.

INTRODUCTION/LESSON OVERVIEW:

Students explore the Founding Era legacies of assembly and petition and how those legacies informed the creation of these often-overlooked aspects of the First Amendment. They will complete a close reading activity to compare and contrast ideas presented in the *Interactive Constitution* and describe the ways these rights have been interpreted by the Court and used by citizens at various points throughout U.S. history. They will evaluate the constitutionality of assembly and petition rights in the modern era through an in-class, civil dialogue addressing questions about time, place, and manner restrictions; counter-protests; protests on college campuses; and other relevant assembly and petition questions.

Essential Questions:

- Why were the rights to assembly and petition important at the time of the Founding?
- What current issues exist relating to these rights?
- How should we balance the right to collective action with the need for public order?

Objectives:

- Students will understand the historical significance of the rights to assemble and to petition.
- Students will be able to compare and contrast the viewpoints of constitutional scholars relating to the rights to assemble and to petition.
- Students will be able to participate in a civil dialogue about the rights to assemble and to petition in the modern era.
- Students will be able to evaluate their own understanding of the rights to assemble and to petition.
- Students will be able to formulate ways the rights to assemble and to petition can be used by citizens in the modern era.



Materials:

- Access to the *Interactive Constitution* (online or mobile app) or printed copies of the following essays:
 - Common Interpretation: “Right to Assemble and Petition” by John Inazu and Burt Neuborne
 - Matters of Debate: “Beyond Speech and Association” by John Inazu
 - Matters of Debate: “Reading the First Amendment as a Whole” by Burt Neuborne

(Essays accessible at: <https://constitutioncenter.org/interactive-constitution/amendments/amendment-i/assembly-and-petition-joint/interp/34>)

Procedures:**1. Warm Up/Activation of Prior Knowledge**

Students will take five minutes, with a partner, to define the rights of assembly and petition and brainstorm a list of historical (and recent) events that come to mind when thinking of these rights.

2. Pair and Small Group Investigation

Students should be directed to, or provided copies of, the Common Interpretation essay “Right to Assemble and Petition” by John Inazu and Burt Neuborne. Individually or in pairs, students should work to identify the historical importance of assembly and petition rights as well as the current state of the rights, completing the provided graphic organizer.

Once students complete the graphic organizer, they should be organized into small groups respond to group discussion questions on key aspects of the rights to assembly and petition (included).

3. Individual Investigation/Close Reading

Students will then read each scholar’s Matters of Debate essay on the right to protest. They will take notes on the main points of each scholar. To prepare students for the individual investigation, share with the class the “Civil Dialogue Questions” they should be able to address at the end of the individual investigation:

- What restrictions can the government place on assemblies?
- Why can it be dangerous to give the government broad authority to place restrictions on assemblies?
- What responsibilities do governments have to protect protestors?
- When protestors and counter-protestors are both there legally, at what point are the police supposed to intervene to prevent violence without allowing counter-protestors to exercise a heckler’s veto?
- Why is it important to protect the rights of groups to protest, and what should cities be required to ensure that protests can take place and aren’t shut down by heckler’s vetoes?
- What reasonable time, place, and manner restrictions should cities adopt so protestors and possible counter-protestors can protest without shouting each other down?
- If a controversial speaker is coming to a college campus, how should their right to speak be guaranteed and at what point do you intervene and remove counter-protestors?
- Why is it important to protect the Constitution rights of groups we disagree strongly with and how can they be allowed to protest peacefully?



4. Civil Dialogue (time permitting):

Using the information provided by the scholars, students will participate in a civil dialogue on some of the important current issues surrounding the right to protest.

Review key definitions from the scholar's essays before beginning the discussion: Public forum doctrine, Heckler's veto, and the Brandenburg Standard.

(Brandenburg Standard: "a two-pronged test to evaluate speech acts: (1) speech can be prohibited if it is "directed at inciting or producing imminent lawless action" and (2) it is "likely to incite or produce such action." Source: Oyez.org)

Before beginning the class discussion, remind students to attempt to remove personal opinions and think about the issues based on what the scholars argue believe the Constitution permits the government to do and not do.

The civil dialogue should be started with the big, constitutional question: When does the government have the ability to restrict collective activity in order to keep public order and safety? To keep the dialogue moving, students should reference their notes on the Common Interpretation and Matters of Debate essays.

5. Wrap-up/Conclusion:

Exit Ticket: On a notecard, students should describe an issue in their community or state that they would like to see addressed and list the government organization they would go to in order to address the problem. They should explain how the rights to assemble and to petition are, or are not, relevant to that situation and the extent to which the rights might be utilized.



Extension Activity

*Examine the choice board listed below. Circle the extension activity you will complete.
Be prepared to share your experience with the class in a 3 to 5 minute presentation.*

Rights Around the World

Compare the rights of assembly or petition to two other countries around the world. One that has the right and one that does not. Create a presentation highlighting how the rights are interpreted different in other countries and what would be like without them.
<http://constitutionalrights.constitutioncenter.org/app/home/world>

Writing Rights

Using either assembly or petition students should create their own flow chart listing the historical sources that included the rights and tracing the important changes to the language of these rights in the House and Senate debates.
<http://constitutionalrights.constitutioncenter.org/app/home/writing>

Matters for Debate

Using the essays on the right of assembly and petition and the issue you listed in your exit ticket, create an action plan for your idea and trace how each right of the First Amendment would be an essential ingredient for advancing your idea. Consider what counter-arguments could be made against your plan based on the materials you have read for this assignment.

Letter to Elected Official

Using your exit ticket, write a letter to an elected official in which you introduce the topic you would like to see addressed. Summarize different perspectives and arguments. Take a position and support your argument with evidence. Email the letter to at least 3 elected officials.

Write-In Here

Write an Editorial

Using your exit ticket, write an editorial in which you introduce the topic you would like to see addressed. Summarize different perspectives and arguments. Take a position and support your argument with evidence. Email the editorial to at least 3 news outlet.

Matters for Debate

Using John Inazu's full essay create a presentation that explains the right to association. Be sure to use the two Supreme Court cases mentioned in your explanation. Try to come up with a modern hypothetical of a possible right to association case.

Create a Town Hall Poster

Using the National Constitution Center's Town Hall Poster as a model, create a poster that introduces the topic and arguments involved in your exit ticket. Summarize the evidence for different perspectives. Use post-its and ask others to post their ideas.

Create a Survey

Using your exit ticket, summarize arguments and evidence for different perspectives. Create survey questions that allow participants to share their ideas, Share the survey with at least 10 people. Analyze their responses.

Common Interpretation Graphic Organizer

	Assembly	Petition
Founding Ideology		
Historical Examples Listed		
State of the Right Today		

Common Interpretation Discussion Questions:

1. How has the Supreme Court changed understanding of the rights to assembly and petition with its expansive speech right, known as “freedom of expression?”
2. How has the understanding of the rights to assembly and petition changed over the course of history?
3. How does the right to petition differ from the right to instruct? In what ways has technology changed the way we petition our elected officials?

Matters of Debate Graphic Organizer

Questions to Consider	"Beyond Speech and Association" by John Inazu	"Reading the First Amendment as a Whole" by Burt Neuborne
<ul style="list-style-type: none"> • What restrictions can the government place on assemblies? 		
<ul style="list-style-type: none"> • Why can it be dangerous to give the government broad authority to place restrictions on assemblies? 		
<ul style="list-style-type: none"> • What responsibilities do governments have to protect protestors? 		
<ul style="list-style-type: none"> • When protestors and counter-protestors are both there legally, at what point are the police supposed to intervene to prevent violence without allowing counter-protestors to exercise a heckler's veto? 		
<ul style="list-style-type: none"> • Why is it important to protect the rights of groups to protest, and what should cities be required to ensure that protests can take place and aren't shut down by heckler's vetoes? 		

Matters of Debate Graphic Organizer

Questions to Consider	"Beyond Speech and Association" by John Inazu	"Reading the First Amendment as a Whole" by Burt Neuborne
<ul style="list-style-type: none">• What reasonable time, place, and manner restrictions should cities adopt so protestors and possible counter-protestors can protest without shouting each other down?		
<ul style="list-style-type: none">• If a controversial speaker is coming to a college campus, how should their right to speak be guaranteed and at what point do you intervene and remove counter-protestors?		
<ul style="list-style-type: none">• Why is it important to protect the Constitution rights of groups we disagree strongly with and how can they be allowed to protest peacefully?		

Common Core Standards

Addressed in this Plan of Study

History/Social Studies

CCSS.ELA-LITERACY.RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-LITERACY.RH.11-12.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-LITERACY.RH.11-12.4

Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines faction in Federalist No. 10).

CCSS.ELA-LITERACY.RH.11-12.10

By the end of grade 12, read and comprehend history/social studies texts in the grades 11-CCR text complexity band independently and proficiently.

English Language Arts

CCSS.ELA-LITERACY.RI.11-12.1

Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain.

CCSS.ELA-LITERACY.RI.11-12.2

Determine two or more central ideas of a text and analyze their development over the course of the text, including how they interact and build on one another to provide a complex analysis; provide an objective summary of the text.

CCSS.ELA-LITERACY.RI.11-12.3

Analyze a complex set of ideas or sequence of events and explain how specific individuals, ideas, or events interact and develop over the course of the text.

CCSS.ELA-LITERACY.RI.11-12.4

Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze how an author uses and refines the meaning of a key term or terms over the course of a text.

CCSS.ELA-LITERACY.RI.11-12.9

Analyze seventeenth-, eighteenth-, and nineteenth-century foundational U.S. documents of historical and literary significance for their themes, purposes, and rhetorical features.



Speaking and Listening

CCSS.ELA-Literacy.SL.11-12.1

Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

CCSS.ELA-Literacy.SL.11-12.2

Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.

CCSS.ELA-Literacy.SL.11-12.3

Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

CCSS.ELA-Literacy.SL.11-12.4

Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

CCSS.ELA-Literacy.SL.11-12.6

Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate.

