

*SPHERE SUMMIT 2020*

**BILL *of* RIGHTS**  

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**I N S T I T U T E**



**Pedagogy and Content**

***Free Speech and Civil Discourse in the Classroom***



Welcome!

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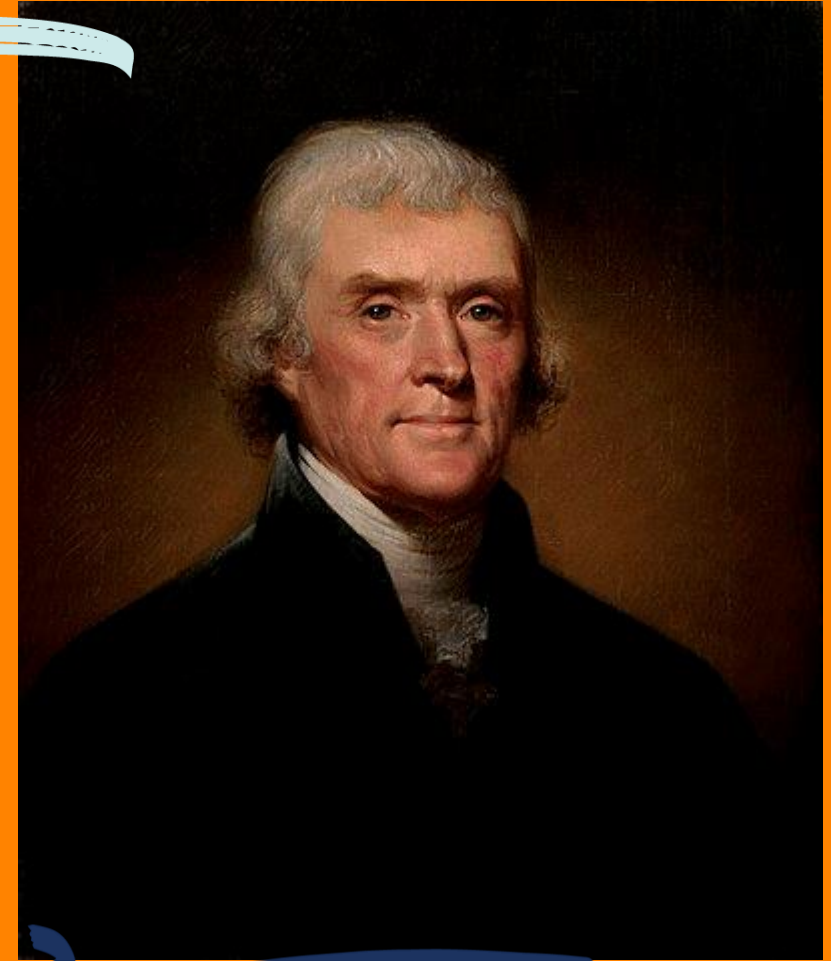
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**INSTITUTE**

“...every difference of opinion is not a difference  
of principle.”

“...These principles form the bright constellation  
which has gone before us and guided our steps  
through an age of revolution and reformation...  
and should we wander from them in moments of  
error or of alarm, let us hasten to retrace our  
steps and to regain the road which alone leads to  
peace, liberty, and safety...”

— Thomas Jefferson, 1<sup>st</sup> Inaugural Address, 1801



Thomas Jefferson, 1800;  
Rembrandt Peale

# The Bill of Rights Institute

engages, educates, and empowers individuals with a passion for the freedom and opportunity that exist in a free society.



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# BRI Resources:

## resources.billofrightsinstitute.org



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### Explore Our Curricula:

1. Being An American
2. Being An American ELL
3. Founders and the Constitution
4. Heroes and Villains
5. Preserving the Bill of Rights
6. Supreme Court Document Based Questions
7. Liberty and Security in Modern Times
8. Religious Liberty: An American Experiment
9. Congress and the Constitution
10. Immigration and Citizenship
11. Gilded Age and Progressive Era
12. Votes for Women
13. Additional Resources

### Explore Our American Portraits:

Engaging narratives from across American History that allow your students to step into the past and meet the men and women, both well-known and forgotten, who have helped shape our history.

- American Portraits Main Page
- Definitions of Virtue
- Narrative List

# Design

- Considerations
  - “**Have to**” and “**Get to**”
  - Standards, Scopes and Sequences
- Higher order thinking
- Backward Planning
- Authentic Assessments
- Scaffolding



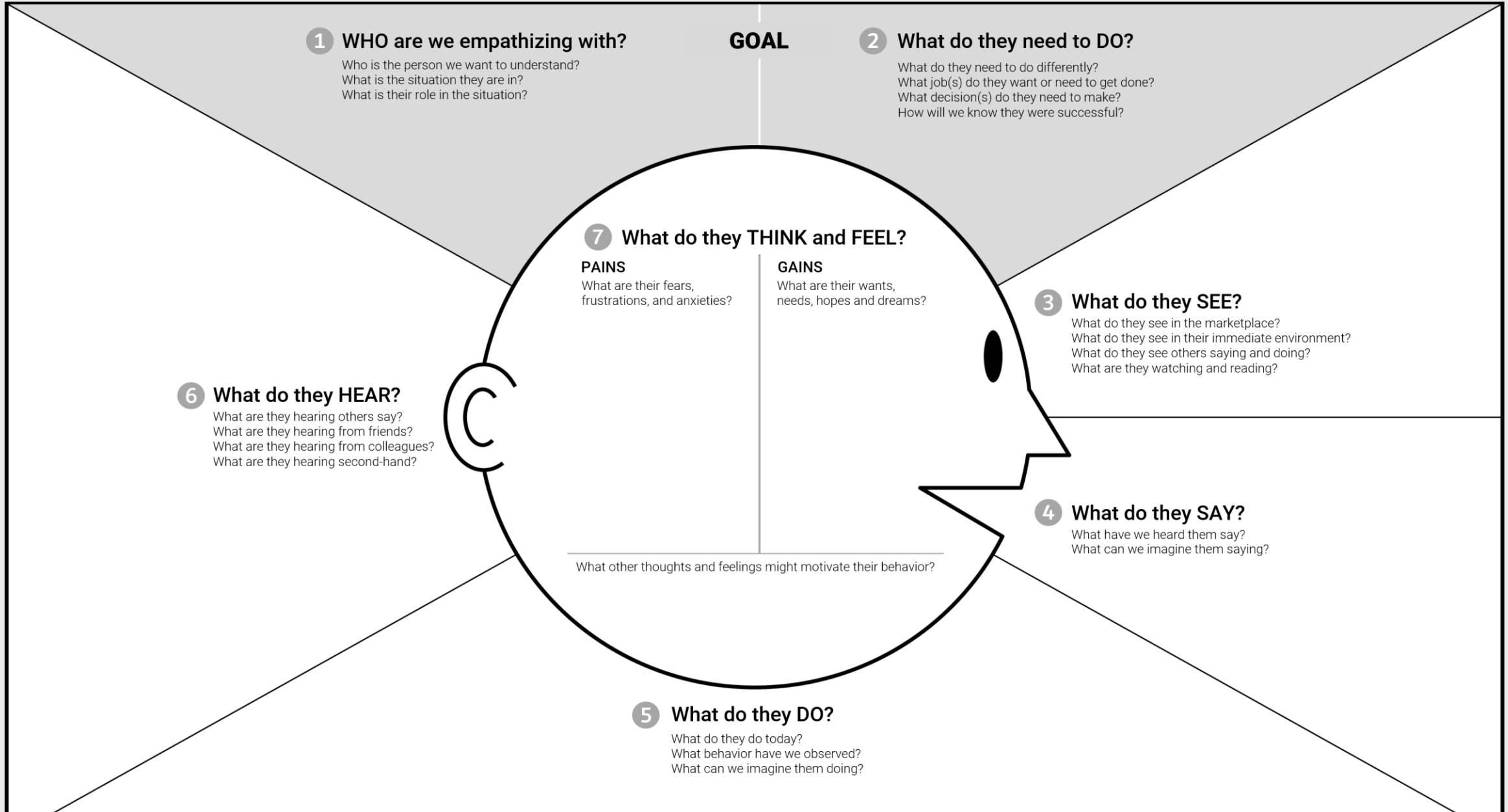
# Empathy Map Canvas

Designed for:

Designed by:

Date:

Version:



# Founding Principles

Freedom of Assembly

Private Property

Freedom of Religion

Freedom of Speech

Freedom of Press

Separation of Powers

Federalism

Checks & Balances

Rule of Law

Due Process

Democracy

Consent of the Governed

Republic

Majority Rule

Minority Rights

Equality

Inalienable Rights

Justice

Conscience

Liberty

# Civic Virtues

- **Civil Discourse**

- **Integrity**

- **Respect**

- **Contribution**

- **Initiative**

- **Responsibility**

- **Courage**

- **Justice**

- **Resourcefulness**

- **Honor**

- **Moderation**

- **Self-Governance**

- **Humility**

- **Perseverance**

- **Vigilance**

# Why is Free Speech Essential to Self- Government?

Voices of History:  
Preserving the Bill of  
Rights – The Bill of Rights  
and Free Speech



*Gigrantula, An Occupy OKC rally in front of the Oklahoma State Capitol building on Oct. 28, 2011; original Wikimedia upload*

# Speech Scenarios:

## Are these examples of Protected Speech?

- A group who opposes the president meets in front of the White House and gives speeches calling him a liar and an idiot. Its members also pass out voter registration forms, encouraging people to vote for someone new next fall
- A man organizes a protest outside of a big corporation's headquarters to protest its use of child-labor in another country. During his speech, he tells the protestors to throw rocks and bottles at the company's building.

## How Has Speech Been Both Limited and Expanded, and How Does it Apply to You and Your School?

- Voices of History: Preserving the Bill of Rights – The Bill of Rights and Free Speech



*Dorothea Lange, Flag of allegiance pledge at Raphael Weill Public School, Geary and Buchanan Streets*

# What Do I Believe About the Freedom of Expression?

I believe that the protections of the First Amendment are important ways we maintain a free society of self-governing individuals.

I believe the First Amendment should protect as many forms of expression as possible.

I believe that there are times when government can reasonably limit what people say or the ways in which they express themselves.

I believe that the things I say or do online should be as protected by the First Amendment as the things I say or do in “real life.”



## Student Codes of Conduct and the Marketplace of Ideas



### Code of Conduct Booklet Activity

- Which Supreme Court cases are reflected?
- In what way may students express themselves?
- For what reasons may school administrators “regulate expression”?
- To what extent is it faithful to the First Amendment?

### Scenarios

Reasons these Expressions are Protected by the First Amendment

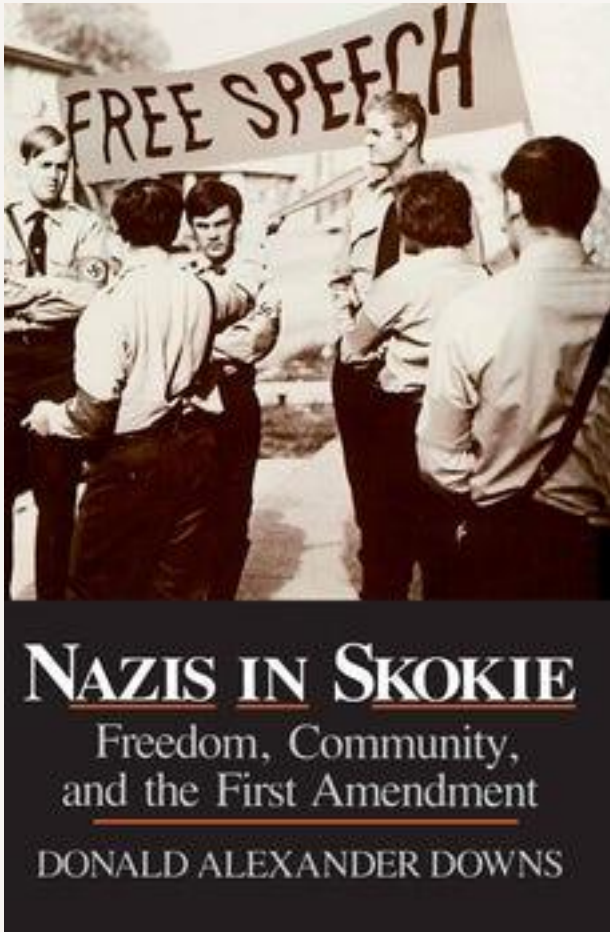


# Debating Free Speech on Campus



- Should offensive speech be banned?
- Define what you believe free speech is.
- Are there limits to free speech, and if so, what are those limits?
- Define, in your own terms, offensive speech.
- Is there such a thing as offensive speech?
- Who do they believe should determine what is and is not offensive?

# Skokie and Brandenburg



- What were key parts of the *Brandenburg v. Ohio* (1968) and *National Socialist Party v. Village of Skokie* (1977) cases?
- Compare and contrast the arguments, laws, and outcomes in each of the cases.
- Why does the First Amendment protect even the most offensive types of speech?
- The phrase “politics is persuasion” is attributed to the ancient philosopher Aristotle. What did he mean? What is the function of free speech in a free society?

# Tinker Schenck High School Activity

- Tinker Schenck High is in the southern United States.
- The school dress code prohibits clothing that is “obscene, sexually suggestive, disrespectful, or which contains slogans, words or in any way depicts alcohol, drugs, tobacco, gangs, or any illegal, or racist implication.”
- The nearest big city is about twenty miles away and has had gang-related violence in the past month. Gang members have been known to wear Tampa Bay Buccaneers gear as a way of identifying themselves and intimidating others.
- The school itself has no history of gang violence.

In her daily report, your assistant informs you of the following events. It is your job to decide what action (if any) should be taken.

- ➡ A student is wearing a shirt with a Confederate flag on it.
- ➡ Students who took a Spanish class trip to Mexico are wearing T-shirts showing a Mexican brand of beer.
- ➡ The yearbook staff plans to run a story on the recent gang violence in the nearby city, featuring interviews with students who claim to be gang members. The students will be identified in the story.
- ➡ The drama class is going to stage a play, written by students in the course, that tells the story of a high school football player who discovers he is gay.

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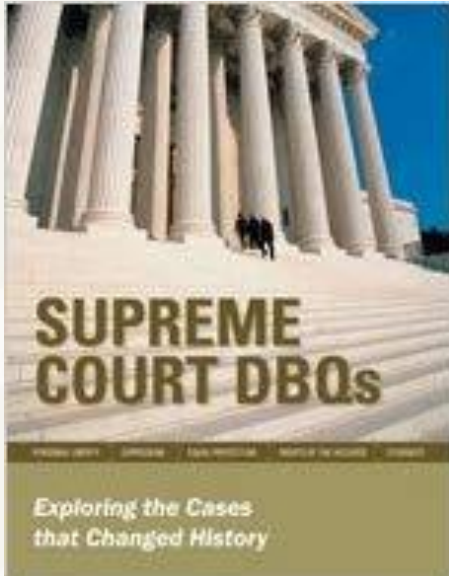


# Classroom Applications

## Document Based Questions

# DBQ: Classroom Applications and Techniques

From Supreme Court DBQs



- Case Briefing Sheet
- Constitutional Issue Evidence Form
- Documents Summary
- Tips for Thesis Statements and Essays
- Rubric for 9-point Scale DBQ Essay
- Key Question Scoring

[resources.billofrights institute.org/supreme-court-document-based-questions](https://resources.billofrights institute.org/supreme-court-document-based-questions)

## CASE BRIEFING SHEET

Case Name and Year: \_\_\_\_\_

Facts of the Case: \_\_\_\_\_  
\_\_\_\_\_

What is the constitutional question that the Supreme Court must answer?  
(This is a yes/no question and spells out the specific part of the Constitution at issue.)

\_\_\_\_\_  
\_\_\_\_\_

What constitutional principles are indicated in the case? \_\_\_\_\_

\_\_\_\_\_

Summary of one side's arguments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Summary of the other side's arguments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How would you decide the case and why? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

How did the Supreme Court majority decide the case and why? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

What were the main points raised in any dissenting opinions? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

What other Supreme Court cases are related in important ways? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

# CONSTITUTIONAL ISSUE EVIDENCE FORM

How would you use the documents provided to answer the constitutional question?

Case Name and Year:

Constitutional Issue:

Yes (Source/Evidence)	No (Source/Evidence)

A young woman and a young man are shown from the chest up, holding large black peace signs. The woman on the left is smiling and has her eyes closed. The man on the right has a neutral expression. The background is a plain, light-colored wall. The entire image has a semi-transparent dark blue overlay.

# Tinker v. Des Moines (1969)

# Document Based Question:

Evaluate the extent to which the First Amendment should protect symbolic speech, and the degree to which that protection should be guaranteed to students in public school.



## EXPRESSION AT MY SCHOOL

**Directions:** Mark each statement Yes, No, or Don't Know as it applies at your school.

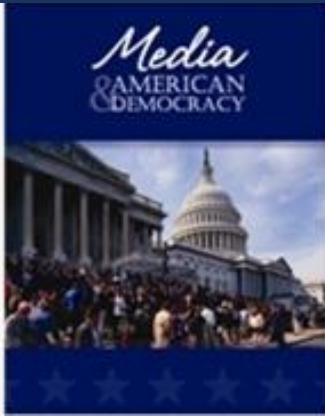
- \_\_\_\_\_ 1. There is a student-run newspaper through a journalism class.
- \_\_\_\_\_ 2. There is an "underground" student-run newspaper, independent of any class, which is distributed on campus.
- \_\_\_\_\_ 3. There is a student-produced yearbook.
- \_\_\_\_\_ 4. There is a student-produced literary magazine.
- \_\_\_\_\_ 5. Students must obtain school approval of their speeches before they can give them during student government elections or at graduation.
- \_\_\_\_\_ 6. The principal (or other school official) reviews the student newspaper before it can be published/distributed.
- \_\_\_\_\_ 7. Seniors can write "senior wills" or other messages to friends when they graduate, and they can write anything they want.
- \_\_\_\_\_ 8. Class officers or the student body choose the homecoming/prom themes.
- \_\_\_\_\_ 9. Students can decorate their lockers and/or parking spaces.
- \_\_\_\_\_ 10. To express their personal style and taste, students can wear whatever clothing they wish.

What is the  
*idea*  
of civil discourse?



# Expression and Students

- [BillofRightsInstitute.org](http://BillofRightsInstitute.org)
  - Institute Curricula
    - Media and American Democracy
      - Information Age: free to Surf?



Go to [www.menti.com](http://www.menti.com) and use the code 62 79 86

What are the most important challenges of the 'digital age' (regarding civil discourse)?

Mentimeter



A blue-tinted photograph of a classroom scene. In the foreground, two young men are seated at a desk, looking at papers. One is holding a paper, and the other is pointing at it. In the background, a teacher and two young women are gathered around a desk, looking at a laptop. The teacher is an older man with a mustache, wearing a checkered shirt. The young women are looking at the laptop screen. The overall atmosphere is one of collaborative learning.

# Classroom Applications

## Complex Conversations

# More Design Features to Consider

- Ties to today
- Controversial Issues
- Validity & Truth
- Viewpoint Diversity
- Differentiation
- Multi-disciplinary strategies

**There have been times where I have avoided talking about an important issue because I wasn't sure how to start the conversation.**

**I'm nervous to approach controversial issues because of what parent and/or administrative responses might be.**

A blue-tinted photograph of a classroom scene. An older male teacher with a beard is leaning over a table, looking at a laptop. Three students are gathered around the table: a young man on the left is looking at a piece of paper, a young man in the center is smiling and looking at the laptop, and a young woman on the right is looking at the laptop. The background shows a classroom with a whiteboard and windows.

# Classroom Applications

## Socratic Practice

# Socratic *Practice* – there is not “one way”

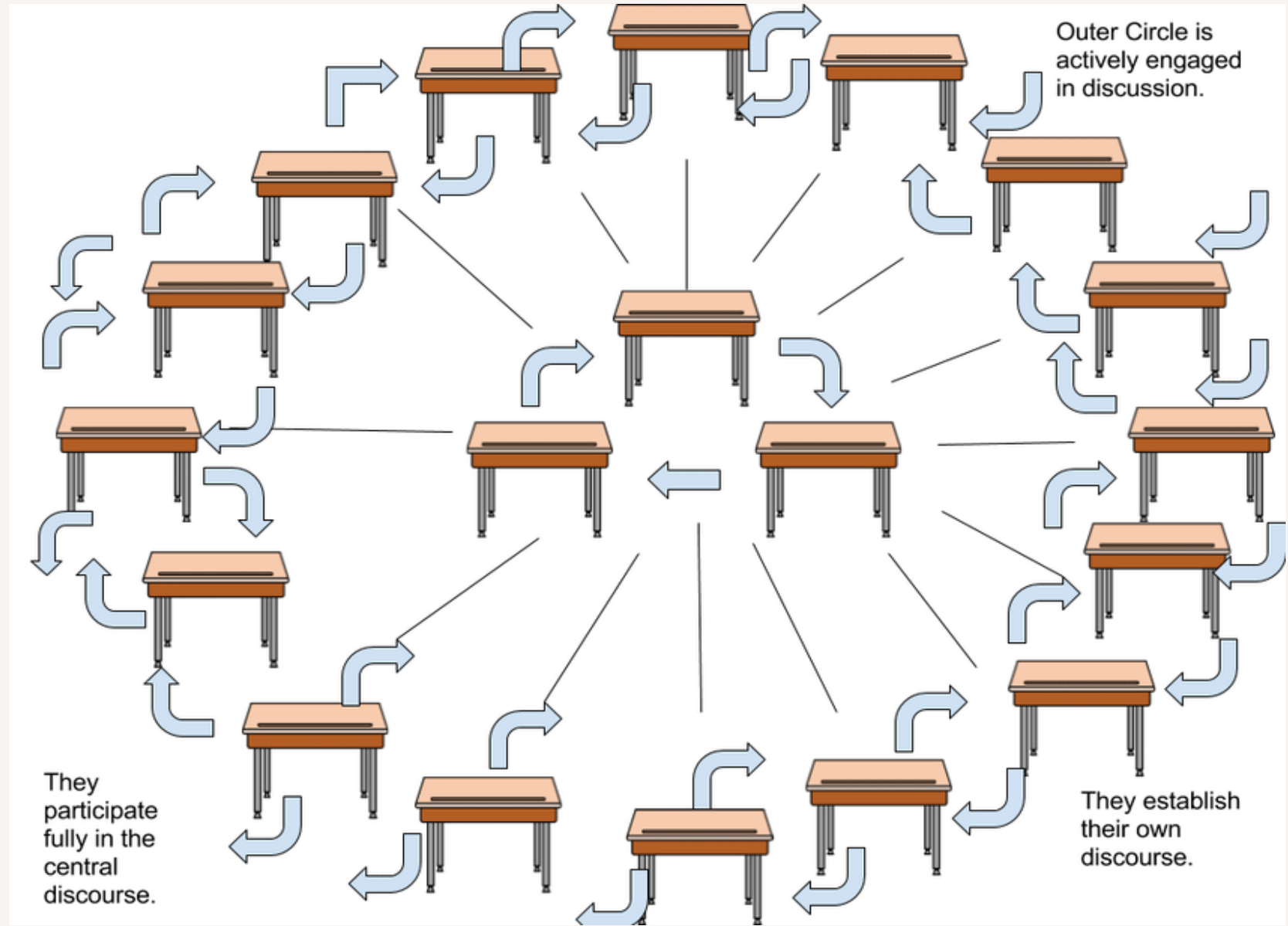


A detail of a print of Union prisoners in a Confederate camp playing baseball, Salisbury, N.C., 1863. Courtesy of the Library of Congress.

- What does it take to have meaningful dialogues?
- Supporting Successful Socratic Discussion in the Classroom
  - Cultivate Culture
  - Select Text
  - Consider Reason
  - Assessing value

# Socratic Circles

\*In class  
or through  
online  
backchannel platforms



Marlatt, Rick. (2018). *Today's Meet and Literary Analysis: Navigating Human Connections in Digital Spaces*. 19. 25-62.

# Debrief

- ➔ **What are you taking away from the resources?**
- ➔ **What are you most inspired to implement, and how will you modify it?**
- ➔ **How can BRI be of most service to you and your students?**



Q&A

# Find us on social media!



Facebook:  
/BillofRightsInstitute



Youtube:  
/BillofRightsInst



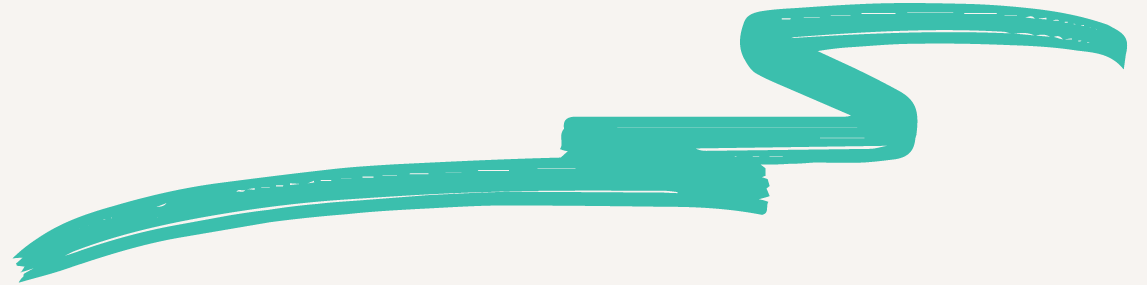
Instagram:  
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LinkedIn:  
/Bill-of-Rights-Institute



Twitter:  
/brinstitute





**Thank You!**



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**INSTITUTE**

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