

Unit Name: Constitutional Law/First Amendment-Free Speech

Time Frame:

Author: Egg Harbor Township High School Social Studies Department

UNIT

Subject: Constitutional Law

Country: **USA**

Course/Grade: 12

State/Group: **NJ**

School: **Egg Harbor Township High School**

UNIT SUMMARY

The student will learn about the First Amendment right of free speech, its original application, and its application to the states via incorporation doctrine. Students will learn about the types of speech not accorded First Amendment protection. Students will understand the concept of prior restraint and its disfavor in a free society. Students will be able to identify the parameters of protected speech, the various tests employed by the Supreme Court. Students shall analyze their own free speech rights in the classroom, and discuss problems presented by the internet.

UNIT RESOURCES

United States Constitution, Amendment I
United States Constitution, Amendment 14
Various Supreme Court cases
WVA v. Barnette
Tinker vs. Des Moines
Bethel vs. Fraser
Hazelwood vs. Kuhlmeier
Egg Harbor Township Student Handbook
Various internet resources

Internet Resource Links:

<http://billofrightsinsitute.org/resources/educator-resources/amicapedia/amicapedia-bill-of-rights/first-amendment/freedom-of-speech/>

<http://www.firstamendmentcenter.org/category/speech>

other resources tbd

STAGE ONE

GOALS AND STANDARDS

6.1.4.A.2

Explain how fundamental rights guaranteed by the United States Constitution and the Bill of Rights (i.e., freedom of expression, freedom of religion, the right to vote, and the right to due process) contribute to the continuation and improvement of American democracy.

6.1.4.A.11

Explain how the fundamental rights of the individual and the common good of the country depend upon all citizens exercising their civic responsibilities at the community, state, national, and global levels.

6.1.8.A.3.g

Evaluate the impact of the Constitution and Bill of Rights on current day issues.

ENDURING UNDERSTANDINGS

The First Amendment – right of free speech is not absolute; there are whole categories of speech that do not receive First Amendment protection.

The First Amendment applies to federal, state and local governments, protects the natural rights of the people, and serves as an important limitation on government power.

Government may in certain circumstances regulate the time, place and manner of speech, but such regulation must be content-neutral.

Students have free speech rights that are not shed at the schoolhouse door; those rights must be assessed in light of the school's primary mission of education.

ESSENTIAL QUESTIONS

What is censorship? Does censorship have a place in a free society?

Is the right of free speech absolute? Examples?

Can you think of some types of speech that should not be afforded First Amendment protection? Why?

Do students have a right of free speech in school? What, if any, constraints might be placed on that right?

KNOWLEDGE AND SKILLS

Students will know:

- The First Amendment – right of free speech applies to federal, state and local governments.
- Censorship is not favored in a free society; however, certain speech is not protected, the right to free speech is not absolute, and the speaker may suffer the consequences of what he says.
- Government may at times regulate the time, place and manner of speech, provided such regulation is content-neutral.
- How to analyze free speech cases.
- Their own free speech rights within the schoolhouse doors.

STAGE TWO

PERFORMANCE TASKS

- oral presentations
- case analysis
- debates
- web quests
- essays
- power point presentations

OTHER EVIDENCE

- Teacher-created formative assessments
- Teacher-created summative assessments
- self-assessments
- peer review
- lesson tests
- section quizzes
- vocabulary quizzes

STAGE THREE

LEARNING PLAN

Daily format:

Begin with a warm-up question (essential question) and an overview of the day's objectives

Introduce basic vocabulary

Deliver content-specific material related to the unit in the form of notes, power points, video clips, guided reading or interactive websites

Students work independently or in groups on the day's activities

Suggested activities:

First Amendment – free speech case analysis

Debates on various First Amendment hypotheticals

Have students suggest amendments to the Egg Harbor Township Student Handbook as it relates to various free speech issues