Unit 03: The First Amendment

Content Area: **Social Studies**
Course(s): **Const Law H**
Time Period: **Semester 1**
Length: **2 weeks**
Status: **Published**

Standards

6.1.12.CivicsPD.1.a	Use multiple sources to analyze the factors that led to an increase in the political rights and participation in government.
6.1.12.CivicsPD.2.a	Compare and contrast the arguments of Federalists and Anti-Federalists during the ratification debates and assess their continuing relevance.
6.1.12.CivicsPR.2.a	Use primary sources to explain how judicial review made the Supreme Court an influential branch of government and construct an argument regarding the continuing impact of the Supreme Court today.
6.1.12.CivicsDP.6.b	Relate the creation of African American advocacy organizations (i.e., the National Association for the Advancement of Colored People) to United States Supreme Court decisions (i.e., Plessy v. Ferguson) and state and local governmental policies.
6.1.12.CivicsDP.7.a	Evaluate the impact of government policies designed to promote patriotism and to protect national security during times of war on individual rights (i.e., the Espionage Act and the Sedition Amendment).
6.1.12.CivicsPR.10.a	Analyze how the Supreme Court has interpreted the Constitution to define and expand individual rights and use evidence to document the long-term impact of these decisions on the protection of civil and human rights.
6.1.13	Postwar United States: Civil Rights and Social Change (1945 to early 1970s)
6.1.12.CivicsPI.14.c	Analyze how the Supreme Court has interpreted the Constitution to define and expand individual rights and use evidence to document the long-term impact of these decisions on the protection of civil and human rights.
6.1.12.HistoryUP.14.a	Determine how the 9/11 attacks contributed to the debate over national security and civil liberties.
6.1.12.CivicsPD.16.a	Construct a claim to describe how media and technology has impacted civic participation and deliberation.
6.1.12.EconNE.16.b	Evaluate the economic, political, and social impact of new and emerging technologies on individuals and nations.
6.3.12.EconGE.1	Participate in a simulated meeting (e.g., President's Council, World Bank, International Monetary Fund (IMF), research evidence from multiple sources about an economic problem (e.g., inflation, unemployment, deficit), and develop a plan of action.
6.3.12.HistorySE.1	Analyze the impact of current governmental practices and laws affecting national security and/or First Amendment rights and privacy (e.g., immigration, refugees, seizure of personal property, juvenile detention, listening devices, deportation, religion in schools).

Enduring Understandings

Students will be able to understand the Supreme Court's role in terms of the interpretation and implementation of the Constituiton and the Bill of Rights.

Students will be able to understand how the Supreme Court determines the Constiutionality of laws, as well as state and private actions.

Students will be able to understand that the Constitution is a framework and that the interpretation of it has evolved and is continuing to evolve over time.

Essential Questions

1. How has the Supreme Court defined the various aspects of the First Amendment and how and why had its definition changed over time?

2. Is it reasonable to assume that the Supreme Court has the right to curb First Amendment rights?

3. Should the jurisdiction of the Supreme Court extend to state and private actions?

Knowledge and Skills

1. How does the Supreme Court define the protections of the 1st Amendment?

- The Absolute or Literal Test
- The Preferred Position Theory
- The Balancing Theory

2. How has the Supreme Court defined the First Amendment's Freedom of Speech?

- Schenck v. United States
- FCC v. Pacifica Foundation

3. How has the Supreme Court defined the First Amendment's Freedom of the Press?

- New York Times Company v. United States (Pentagon Papers Case)
- Cox Broadcasting Corp. v. Cohn

4. How has the Supreme Court defined the First Amendment rights in terms of obscenity, pornography and offensive speech?

- Paris Adult Theater I v. Slaton
- Miller v. California
- United States v. Stevens
- Ashcroft v. Free Speech Coalition

5. How has the Supreme Court defined the First Amendment rights in terms of symbolic speech and speech plus conduct?

- RAV v. City of St. Paul, Minnesota
- West Virginia Board of Education v. Barnette
- Tinker v. Des Moines
- Frederick v. Morse

- Texas v. Johnson

6. How has the Supreme Court defined the First Amendment rights in temrs of Freedom of Association?

- NAACP v. Alabama
- Boyscouts of America v. Dale

7. How has the Supreme Court defined the First Amendment rights in terms of the Free Exercise Clause and the Establishment Clause?

- Abington School District v. Schemp
- Sherbert v. Verner
- Murray v. Curlett

Transfer Goals

Given a legal scenario the students will be able to independently apply the decisions of the Supreme Court as precedents and will understand the legality of various laws and procedures.

Students will be able to use their understanding of the Supreme Court decisions to independently evaluate changes in the interpretation of the First Amendment.

Resources

Briefs:

- Schenk v. United States, 1919
- https://www.law.cornell.edu/supremecourt/text/249/47
- Federal Communications Commission v. Pacifica Foundation, 1978
- https://supreme.justia.com/cases/federal/us/438/726/
- Paris Adult Theater I v. Slaton, 1973
- https://www.law.cornell.edu/supremecourt/text/413/49
- Miller v. California, 1973
- https://supreme.justia.com/cases/federal/us/413/15/
- United States v Stevens, 2010

- https://supreme.justia.com/cases/federal/us/559/460/
- New York Times Co. v. United States, 1971 – (Pentagon Papers Case)
- https://www.law.cornell.edu/supremecourt/text/403/713
- Cox Broadcasting Corp. v. Cohn, 1975
- https://supreme.justia.com/cases/federal/us/420/469/
- Ashcroft v. Free Speech Coalition, 2002
- https://www.law.cornell.edu/supct/html/00-795.ZS.html
- RAV v. City of St. Paul, Minnesota, 1992
- https://www.law.cornell.edu/supremecourt/text/505/377
- West Virginia Board of Education v. Barnett, 1943
- https://www.law.cornell.edu/supremecourt/text/319/624
- Tinker v. Des Moines Independent Community School District, 1968
- https://www.law.cornell.edu/supremecourt/text/393/503
- Morse v Frederick, 2006
- https://www.law.cornell.edu/supremecourt/text/06-278
- Texas v. Johnson, 1989
- https://www.law.cornell.edu/supremecourt/text/491/397
- National Association for the Advancement of Colored People v. Alabama
- https://www.law.cornell.edu/supremecourt/text/357/449
- Abington School District v. Schemp and Murray v. Curlett, 1963
- https://www.law.cornell.edu/supremecourt/text/374/203
- Sherbert v. Verner, 1963
- https://www.law.cornell.edu/supremecourt/text/374/398
- Boy Scouts of America v Dale 2000
- https://www.law.cornell.edu/supct/html/99-699.ZO.html

Movies:

The Post

Denial

WH Databases, AI (Gemini, Copilot, Magicshoolai), Pear Deck

Web-based resources including but not limited to digital media (SIFT method), primary sources, peer reviews, historical documents and writings of historians

Assessments

Supreme Court briefs

Mock Supreme Court trial

https://docs.google.com/document/d/1Ww024LQIovOsDb84DAFuB3xhbTUxqLQTaVy65PIJJ4g/edit

Modifications

https://docs.google.com/document/d/1ODqaPP69YkcFiyG72fIT8XsUIe3K1VSG7nxuc4CpCec/edit