

# Unit 03: The First Amendment Copied from: Constitutional Law, Copied on: 10/26/22

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

## Standards

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SOC.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.
SOC.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.
SOC.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.
SOC.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.
SOC.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).
SOC.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.
SOC.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.
SOC.6.1.12.CivicsPD.16.a	Construct a claim to describe how media and technology has impacted civic participation and deliberation.
SOC.6.1.12.EconNE.16.b	Evaluate the economic, political, and social impact of new and emerging technologies on individuals and nations.
SOC.6.1.12.HistoryUP.14.a	Determine how the 9/11 attacks contributed to the debate over national security and civil liberties.
SOC.6.1.13	Postwar United States: Civil Rights and Social Change (1945 to early 1970s)
SOC.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.
SOC.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

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

Students will be able to understand how the Supreme Court determines the Constitutionality 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**

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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**

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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 terms of Freedom of Association?

- NAACP v. Alabama
- Boy Scouts 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

### **Interdisciplinary Connections Across Content and Grade**

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HPE.2.1.12.A.1	Analyze the role of personal responsibility in maintaining and enhancing personal, family, community, and global wellness.	Debate the social and ethical implications of the availability and use of technology and medical advances to support wellness.
0x	HPE.2.1.12.A.2	
SCI.9-	Refine interrelationships among concepts and patterns of evidence found in different central scientific explanations.	Interpretation and manipulation of evidence-based models are used to build and critique arguments/explanations.
12.5.1.12.A.1		
0x	SCI.9-12.5.1.12.A.b	
VPA.1.3.12.D.CS2	Culturally and historically diverse art media, art mediums, techniques, and styles impact originality and interpretation of the artistic statement.	Collecting, sharing, and analyzing data related to global issues, problems, and challenges lead to an understanding of the role cultural perspectives play in how these issues are perceived and how they are addressed. (Topics that assist in the
0x	WL.7.1.IH.A.C.1	

		development of this understanding should include, but are not limited to: current events and contemporary and emerging global issues, problems, and challenges [e.g., population growth and migration; environmental degradation and protection; discrimination and other conflicts; and the allocation of scarce resources].)
0x	WL.7.1.IH.A.C.2	Being able to view one's own culture through the lens of others assists in understanding global issues. (Topics that assist in the development of this understanding should include, but are not limited to: freedom of speech and other civil, international, and human rights, as they relate to a variety of issues.) Examination of the roles of race, ethnicity, gender, and religion through world history and across cultures assists in understanding the current sociopolitical landscape. (Topics that assist in the development of this understanding should include, but are not limited to: history, social sciences, and world literatures.)
0x	WL.7.1.IH.A.C.6	The Intermediate - High language learner has progressed from understanding and communicating at the sentence level to understanding and communicating at the paragraph level and can use connected sentences and paragraphs independently to:
0x	WL.7.1.IH.A.L.1	

## **Technology**

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TECH.8.1.12.B.2	Apply previous content knowledge by creating and piloting a digital learning game or tutorial.	
0x	TECH.8.1.12.C	Students use digital media and environments to communicate and work collaboratively, including at a distance, to support individual learning and contribute to the learning of others.

## **21st Century Skills**

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<https://docs.google.com/document/d/1-8SApSVzJS4XnzwGuvVix0v8oSGKiPKoEI0GVIE9JU/edit>

## Career Ready Practices

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	Examine the professional, legal, and ethical responsibilities for both employers and employees in the global workplace.	
0x	CAEP.9.2.12.C.8	Assess the impact of litigation and court decisions on employment laws and practices.

## Reading and Writing

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	Cite strong and thorough textual evidence and make relevant connections 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.	
0x	LA.RL.11-12.3	Analyze the impact of the author's choices regarding how to develop and relate elements of a story or drama (e.g., where a story is set, how the action is ordered, how the characters are introduced and developed).
0x		Decisions or predictions are often based on data—numbers in context. These decisions or predictions would be easy if the data always sent a clear message, but the message is often obscured by variability. Statistics provides tools for describing variability in data and for making informed decisions that take it into account.

## Transfer Goals

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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

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### 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

### **Assessments**

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Supreme Court briefs

Mock Supreme Court trial

<https://docs.google.com/document/d/1Ww024LQIovOsDb84DAFuB3xhbTUxqLQTaVy65PIJ4g/edit>

### **Modifications**

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