

Unit: First Amendment and Freedom of the Press

MAY 9, 2003

The First Amendment: Alive and Well in the 21st Century?

Overview

This was a session on the history and value of “freedom of the press” as expressed in the First Amendment. What does it mean to have a free press? What are the roots of the American institution of the “free press,” starting with the colonial period and Thomas Jefferson? How and why did the press/media radically change over the past two hundred years? What is the significance of a “free press” today when media messages are delivered to the people so differently from what the founding fathers envisioned?

Source Session

The First Amendment and Freedom of the Press, Alex Jones

Description of School and Students

This unit will be taught in an AP journalism-oriented class, AP English Language and Composition, a year-long course, which uses the intensive journalistic writing approach to further develop and refine non-fiction writing skills and prepare students for the AP English Language and Composition test. It is offered to exceptional 11th or 12th grade journalism students who began journalism coursework as freshmen or sophomores and have subsequently completed Introduction to Newwriting I and II and Advanced Journalistic Studies by the end of their sophomore or junior year. Students in this class also serve as the executive staff of the student newspaper. Typically, the course is taught during the same 82-minute block as an intermediate j-class, Advanced Journalistic Studies, and averages 5 – 8 students at the AP level, most of whom are seniors. During class time, students in both groups also have newspaper/publication lab responsibilities. The majority of students at the school are Caucasian and the setting is rural/suburban in the Midwest near Chicago. The school’s enrollment is 815 and growing rapidly.

Illinois State Standards, Grade 9-12, Language Arts

State Goal 1: Read with understanding and fluency; State Goal 3: Write to communicate for a variety of purposes; State Goal 4: Listen and speak effectively in a variety of situations; State Goal 5: Use the language arts to acquire, assess and communicate information

Generative Topic

The status of the First Amendment in America today

Generative Object

A poster of the First Amendment

Understanding Goals

A. Essential questions

How did the First Amendment evolve? How well do students know what their First Amendment protections are? To what degree do Americans value the protections of the First Amendment? What do courts say about the First Amendment? Which prongs are most often challenged in the courts? Which protections of the First Amendment do students value most? Which prongs have

everyday relevance in students' lives? What compromises are made today with First Amendment decisions? What trade-offs are citizens willing to accept? Can there be too much free speech? What are the strengths and weaknesses of the amendment? Does the First Amendment encourage tolerance?

B. Critical Engagement Questions

How well does the average journalism student know the five prongs of the First Amendment? How do students themselves feel about each of the prongs in its application? What do journalists have to say about the status of the First Amendment today? Which prong of the amendment most concerns the individual student? What challenges to each prong should the average high school student and citizen be aware of?

Performance of Understanding, Rationale and Timeline

This lesson builds on students' previous exposure to the First Amendment in journalism classes: they must memorize the amendment; they study the Tinker and Hazelwood cases and the degree to which students have First Amendment rights; they write for the student newspaper, and as reporters and editors in a Tinker school, they apply First Amendment protections to their everyday interviewing, editing and written work. Because they are also students in a public school, they have experienced some administratively imposed regulations that limit free expression: for example, policies about dress codes and graduation speeches. Because they are or soon will be of voting age in a democracy, this unit provides them with the opportunity to further explore the current vigor of the right that Americans have traditionally invoked as foremost. By reviewing the five prongs of the First Amendment and examining their own feelings about First Amendment protections, they will refresh their familiarity with the freedoms it protects and consider the degree to which their personal beliefs jibe with it. By reading a brief history of the amendment and a journalist's view of its strengths or weaknesses, they'll have the chance to view the statement in perspective. By narrowing their research to one prong of the amendment, they'll have the occasion to think critically about it as a part of the whole. By writing a research paper that includes Internet, book and periodical sources, as well as authoritative contacts, they'll deepen their research skills and broaden their understanding of the amendment as a whole. By sharing a brief of their report with their classmates and with the student newspaper audience, they'll experience teaching its elements and making them relevant for the reader. During the unit, they will share their ideas in classroom discussions and explain and defend their papers orally and in writing. Overall, this lesson will encourage students, in both their role as student journalists and as citizens in a democracy, to think seriously about and apply the principles of the cornerstone of expression in America, the First Amendment. This lesson will take several weeks to complete on a block schedule, where students also have designated lab time to work on the student newspaper.

Activity 1

On Day 1, students take a pre-quiz in which they quickly jot the five protections of the First Amendment. They will then check their answers against a poster that the instructor mounts on the front board. They will then jot down which of these prongs they think is most frequently challenged. The instructor will collect the votes, show the tally on the board, and students will discuss and defend their choices with examples from the news or their everyday lives. For homework, students will assess their own feelings about elements of the First Amendment by answering a brief questionnaire which poses situations garnered from news stories, such as "A local fire department has traditionally displayed a nativity scene on its front lawn," and then asks the student whether they personally agree, disagree or are neutral as to the right of those in question to carry out the stated actions. The next day, students will compare and contrast in pairs the answers they selected and discuss the reasons for their choices.

Activity 2

On the second day, students will go to the publications lab and go to the Freedom Forum website, www.freedomforum.org, where they will go to “Columnists” on the menu bar. Two students each will be assigned to browse the columns of the five major writers listed, and each student will select and read a different column on a topic that they think will appeal to fellow classmates (for example, Ken Paulson’s “Case of the plastic plaintiff: Barbie vs. free speech” 8/11/02). Then they will print it out, share it briefly with the class and for homework, type a one-page double-spaced reflection on their own thoughts about the case and what relevance it might have for fellow teens or community members.

Activity 3

On the third day, students will go to the publications lab again and visit the Freedom Forum website, and this time, go to “Supreme Court Files” on the menu. Here they will be instructed to read “A Brief History of the U.S. Supreme Court.” After reading, each will be given a number, 1-4, and will then review the paragraph that corresponds to the number, jotting down on a 5 X 8 note card something surprising or something the average citizen probably doesn’t know about the court. Students will gather at the lab table and read aloud their findings. Students will then each be given a different prong (religion, speech, press, assembly or petition) and will go to the “Past Terms” link to review case decisions related to that prong. They will then find one decision since 1990 regarding that prong that interests them and write a one-paragraph reflection (in class on the back of the note card) on the decision and what its current applications might be.

Activity 4

On Day 4, students will select the prong that most interests them and link it with an experience student readers have or may experience in their own lives. For example, an examination of the religion prong may focus on whether a prayer before dinner at prom violates First Amendment protections, as most recently decided in the courts. Students will then be given an overview of the parameters of a research paper assignment, which include citing two recent court cases, five print sources (book and periodical) and two credible Internet sources, as well as interviewing and citing two authoritative sources (for example, a representative from the American Civil Liberties Union, a local town official, the school principal, etc.; one interview source must be from outside the school community). Students will be required to type a paper that is several body pages in length and follows MLA style standards. In addition, they will be assigned to make a publication plan: in writing, they will briefly state how their report can be translated into a reader-friendly center spread or pull-out on the First Amendment for students/community members in the student newspaper. The latter plan will include specific ways to fashion what the student has learned into a journalistic feature piece and will state what types of visuals may best illustrate the material for the reader. Students will have at least a two-and-a-half-week period in which to conduct research and write the paper. They will be encouraged to browse resources at the Freedom Forum website, including “U.S. Supreme Court and the First Amendment Bibliography,” as well as “Research Packages” offered in the menu. Students will also be directed to related links such as www.aclu.org, www.ala.org, www.splc.org and www.jea.org. These sites may provide students with personal contacts for their interviews.

Activity 5

Several weeks later, following the submission of their papers, students will orally present their findings to the class and as a group, decide in what ways the material might best be presented to attract and inform the student newspaper reader. A recorder will take notes for later consideration by student newspaper editors.

Assessment

During these five activities, students will have the opportunity to be informally and formally assessed. During all classroom activities, the instructor will “Monitor By Walking Around,” especially when students are working in teams and at computers. The pre-quiz will be checked by the instructor; votes and note cards in the corresponding activities above will be collected and checked for completion; oral sharing will be assessed on a five-point scale; preliminary written work will be evaluated according to the 6 + 1 Traits Assessment Scoring Guide; the research paper will be evaluated according to a rubric that assigns points to different components of the assignment; and the brainstorming following the oral presentation of paper topics will be checked for completion and filed for future use during the school year.

Resources Recommended

Notebook paper, poster, note card, questionnaire, research paper instructions Marvin Kalb, “The Rise of the ‘New’ News: A Case Study of Two Root Causes of Modern Scandal coverage,” Discussion Paper D-34, October 1998 Tony Mauro, “Poll Finds Less Support for Freedom of the Press,” USA Today, July 2, 1999, p. 3A D.W. Miller, “Perhaps We Bowl Alone, But Does It Really Matter?,” The Chronicle of Higher Education, July 16, 1999 MLA section of text: Heffernan, James A.W. and John E. Lincoln. Writing: A Concise Handbook. (New York: W.W. Norton and Company, 1997). Websites: www.ala.org www.aclu.org www.freedomforum.org www.jea.org www.splc.org

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Is There Room For Dissent in the 21st Century?

Source Session

The First Amendment and Freedom of the Press, Alex Jones

Description of School and Students

Archbishop Williams High School is a private/parochial college preparatory school in Braintree Massachusetts, located just south of Boston. Our students come from the city as well as its surrounding suburbs. This lesson is designed for a United States History class at the honors level.

Massachusetts State Standards

Private schools are exempt from state standards.

Generative Topics

Freedom
Freedom of the press and speech under the First Amendment
Democracy
Dissent
The role of dissent in a democracy

Generative Objects

The First Amendment Symbols of dissent from different periods/movements in history (Revolution, pre-Civil War, Woman's Suffrage, Civil Rights, Vietnam, and the Present)

Understanding Goals

A. Essential Questions

What is freedom? What is a democracy? What is dissent?

B. Critical Engagement Questions

What did Thomas Jefferson mean by the following quote: "The spirit of resistance is so valuable on certain occasions that I wish it to be kept alive. It will be often be exercised when wrong, but better so than not to be exercised at all?" How important is free speech and a free press in a democratic society? Is dissent important in maintaining a democracy? Do citizens in a democracy have a responsibility to question the government or each other?

Performances of Understanding, Rationale and Timeline

"The spirit of resistance is so valuable on certain occasions that I wish it to be always kept alive. It will often be exercised when wrong, but better so than not to be exercised at all." Thomas Jefferson.

Since the horrible events of September 11, 2001, our country has been unified in its support of our government and our President George W. Bush. There has been little public dialogue concerning the policies of the Bush administration which limit First Amendment freedoms to many of our citizens especially in the area of free speech. The media has also been affected with careful censorship, e.g. the suspension of a Boondocks comic strip from some newspapers and the dropping of Bill Maher's late night show. Our students are living in a period of time perhaps like no other. It is important for them to understand what it means to be free in a democratic society. Dissent is important to a free and open society. These activities will give the students opportunity to explore dissent in a free world looking back at our past in order to evaluate the present as informed citizens. The unit will take place over five class periods.

Activity 1

The students will be given a homework research assignment 2 days prior to the unit answering the following questions: Why was the Bill of Rights added to the U.S. Constitution? What were the arguments for and against the addition of the section? Focus on the first amendment: What were the attitudes of John Adams, Thomas Jefferson, James Madison towards freedom of speech and the press?

Activity 2

The teacher will give a brief explanation of the unit. Students will be broken down into groups of four. Each group will be given three blank sheets of newsprint and markers and the questions: What does freedom mean to you? What does it mean to live in a democracy? Are there any limits to freedom? The students will brainstorm and write their responses on the newsprint. A time limit of 6 minutes per question will be allotted. Students will post their work and share and discuss their points of view.

Activity 3

Teacher will present the John Peter Zenger case using primary sources. The students will discuss the merits of the case and their own research from activity 1. Students will be assigned homework in preparation for activity 4.

Activity 4

The students will have been assigned to read the following works and prepare for a “fishbowl” presentation. (A fishbowl involves an inner circle where the group assigned to a specific reading discusses, critiques, speculates among themselves while the rest of the class makes up an outer circle and listens to the discussion. After a period of 7-9 minutes the outer circle asks question to clarify, challenge or support the group’s discussion. A time limit is necessary but it depended on class time how it is divided up. I will use a 70-minute class for this activity)

Group 1 The Declaration of Independence

Group 2 “I will be as Harsh as Truth” William Lloyd Garrison and “What it Means to be A Slave on the Fourth of July” Frederick Douglass

Group 3 “The Declaration of Sentiments” Elizabeth Cady Stanton

Group 4 “I Have a Dream” Martin Luther King Jr.

Group 5 Speech before the Senate Foreign Relations Committee by John Kerry, Vietnam Veterans Against the War. January, 1971

Group 6 “The Death of Dissent: What ever Happened to Freedom of Speech? The War on Terrorism, That’s What.” By Mark Jurkowitz *Boston Globe Magazine*, January 27, 2002

Students will consider the following questions as they prepare for the discussion:

What is the time period of the work? What is the popular cultural belief it is speaking out/ dissenting against? What makes the work controversial? Are the ideas presented still debated today.

Assessment

Class discussions and their research and reflections will be graded.

Resources Recommended

Agel, Jerome B, *We The People: Great Documents of the American Nation* (Barnes and Noble, 1997).
Douglass, Frederick. “The Meaning of July Fourth for the Negro”
Jurkowitz, Mark. “The Death of Dissent: What ever Happened to Freedom of Speech? The War on Terrorism, That’s What,” *Boston Globe Magazine*, January 27, 2002.
Mauro, Tony. “Poll finds less support for freedom of the press,” *USA Today*, July 2, 1999 p.3A.
Young, Marilyn B, Fitzgerald John J. and Grunfeld A. Tom, *The Vietnam War: A History in Documents* (Oxford University Press, 2002).
Zinn, Howard, *Terrorism and War* (Seven Stories Press, 2002).

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The First Amendment and Freedom of the Press in Schools

Source Session

The First Amendment and Freedom of the Press, Alex Jones

Description of School and Students

Ethnically and socio-economically diverse, Springbrook High School serves a population of over 2000 students in grades 9-12 in the Washington DC metropolitan area. The unit is designed for use with a 10th grade government class of 28-32 on-level and/or (special education) inclusion students.

Maryland State Standards

Students will use thinking processes and skills to gain knowledge of history, geography, economics and political systems. 1.1.12.2 analyze how change happens at different rates at different times; that some aspects can change while others remain the same; that change is complicated and affects not only technology, economics, and politics, but values and beliefs Students demonstrate understanding of how the political system of the United States operates and provides opportunities for participation. 6.1.12.1 analyze the relationship between governmental authority and individual liberty 6.2.12.1 describe the fundamental American principles contained in the Declaration of Independence, Articles of Confederation, United States Constitution, and Federalist Papers

Generative Topics

United States Constitution
Bill of Rights
First Amendment
Freedom of the Press

Generative Objects

Overhead of the First Amendment Tinker v. Des Moines Court Case
Hazelwood School District v. Kulmeier Court Case

Understanding Goals

A. Essential Questions

What is freedom? Who/what is "the press?" What is freedom of the press? What is symbolic speech?

B. Critical Engagement Questions

What is the intention of the First Amendment? Is freedom of the press an inalienable right? Do students in school have the same rights as other citizens? Do schools have the right to limit free press? What are the rights and responsibilities of students in public schools?

Performances of Understanding, Rationale and Timeline

In this unit, students will become aware of the First Amendment. Students will also become aware of their rights and responsibilities in the school setting. Classes are approximately 45 minutes in duration.

Activity 1

Teacher will ask students to write a response to the following prompt: Have you or a friend (or have you heard of someone) been forced to change your clothes or sent home because the administration determined your attire to be inappropriate? Why can the school implement a dress code policy? The class will brainstorm a three-column list of dress that is permitted in school, dress that is not permitted, and dress that is questionable in its appropriateness in school. Encourage students to think of items in addition to clothes, such as jewelry, hats, or symbols on clothes. Students should be able to justify their each item's assignment to a specific column. Teacher will ask students which First Amendment right corresponds to the issue of clothing and dress in schools. Once students clearly understand that the freedom of speech/expression best applies to dress in schools, discuss the concept of symbolic speech. Teacher will ask students to provide other examples of symbolic speech (flags, yellow ribbons, etc.)

Activity 2

Teacher will explain to students that in this unit they will examine the issue of Supreme Court's interpretation of the First Amendment free speech rights of students in schools. Distribute to half of the class the principal's version of *Tinker v. Des Moines*. Distribute the student's version of *Tinker v. Des Moines* to the other half of the class. After the student's read their respective version of the case silently, ask each half to explain the constitutional issue and the basis for argument for the case as a group. Teacher will then form groups of 2 or 4 (depending on the class size and ability) with equal number of principal and student representatives. Students will debate for five minutes within their small groups their position. Each side of each group will then present a one-minute closing argument to the class as a whole. As the Supreme Court Justice, the teacher will question the students on their arguments to provoke thought and discussion. When both sides of all groups have finished, the Supreme Court Justice will present the decision and rationale for the decision of the case. Homework: Students will create one scenario that would and one scenario that would NOT violate the precedent set in the *Tinker v. Des Moines* case.

Activity 3

Using a copy of the school newspaper or a yearbook, the teacher points out an article or picture that can be argued as offensive. Teacher plays "devil's advocate" and tells the students that such offensive articles or pictures should not be allowed in school-sponsored publications. Allow for a class discussion, drawing in ideas about editing, censorship, principals' rights and students' rights. Teacher will inform students that the court case of *Hazelwood v. Kuhlmeier* will help to clarify the intent of the First Amendment right of free press in public schools. Students will read the description of the *Hazelwood v. Kuhlmeier* case's background. Students will answer and discuss the following questions: What arguments can the students make to the court? Why should the school not censor the two pages of the newspaper? What arguments can the principal make to the court? Why should the principal have the right to censor the paper? How is this case similar to *Tinker v. Des Moines*? How do you think the Supreme Court ruled in this case? Use specific example to support your decision. Student will read the Supreme Court's decision and rationale for the decision. Homework: Students will write a BCR (Brief Constructed Response/Paragraph) explaining the precedent established by the *Hazelwood v. Kuhlmeier* case.

Assessment

Students will write an ECR (Extended Constructed Response/Essay) using at least two examples of how the Supreme Court has extended or limited the rights of students.

Resources Recommended

First Amendment Supreme Court Cases Book- Tinker V. Des Moines Hazelwood v. Kuhlmeier

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Better Starve Free than Be a Fat Slave

Source Session

The First Amendment and Freedom of the Press, Alex Jones

Description of School and Students

Rocky Hill School is a suburban, preschool through grade 12, independent country day school on Narragansett Bay, Rhode Island with a population of 325 students. Average class size is 10-15 students. In a typical week, students in the high school will meet each of their classes four out of the five days for two 45-minute periods and two 65-minute periods. This lesson will be taught in a 12th grade Advanced Placement Literature class.

Rhode Island State Standards

Not applicable. Rocky Hill School is an independent school.

Generative Topics

The relationship between freedom and democracy

Democracy

Freedom

The rights and responsibilities of the government vs. the rights and responsibilities of the governed

Generative Object

“The Dog and The Wolf,” an Aesop’s Fable

Understanding Goals

A. Essential Questions

Do the ends justify the means? Is it better to starve free or to live a fat slave? “How do we keep liberty from fear while also keeping the freedom to express yourself, to think what you want?”
(Alex Jones)

B. Critical Engagement Questions

Are there ever instances when it is acceptable for citizens to surrender freedoms? Is freedom in a democracy absolute? Is there a common, greater good to which citizens in a democracy subscribe? How is this “good” decided upon? If necessary, who decides when and what freedoms to sacrifice in a democracy? What avenues are available for resistance?

Performances of Understanding, Rationale and Timeline

This series of lessons is intended for Advanced Placement English Literature students (grade 12) as part of a larger study of utopian societies in literature. In preparation for this unit, students will have pre-read the novel *Brave New World* by Aldous Huxley. They will read Kurt Vonnegut’s short story “Harrison Bergeron” during the unit. These texts will provide the basis for a discussion about the nature, costs and benefits of freedom in a democracy. Students will conclude the unit by examining their own experiences as participants in a democracy, paying particular attention to the effect of the “War on Terrorism” on their personal liberties and freedoms.

Activity 1

Students will read Aesop’s fable, “The Dog and The Wolf.” They will then log on to the schools intranet to discuss the following questions in a chat room located on the school’s server: What is your response to the fable? To whom do you more closely identify? Is it accurate? Are there ever times when the opposite is true? Is one position more conducive than the other to our current democracy? In a variation from previous class chat sessions, students will be asked to conceal their identities by logging on under an anonymous nickname.

At the end of the session, students will be presented with a transcript of the session which they will be instructed to respond to in writing prior to the next class. In addition to commenting on the content of the conversation, students will also be asked to reflect upon how the anonymity of the session influenced their responses.

Activity 2

Class will begin with a ten-minute writing practice on the phrase “All Men are Created Equal.” Students will share their entries in pairs and then summarize their partner’s response (or a portion of it) with the class verbally and on the board. Students will also be asked to share their journal responses last night and to connect it (if applicable) with their use of instant messenger, chat rooms, and electronic bulletin boards in their lives outside of school. (They will also submit their log in pseudonyms from the previous day’s chat session so that they can receive credit for participation.) Instructor will share recent legislation enacted after September 11 and designed to support the “War on Terrorism” including the American Patriot Act.

Students will read Kurt Vonnegut’s short story “Harrison Bergeron” for homework. They will also be asked to bring in a quotation that reflects either their understanding of equality or of freedom.

Activity 3

Students will be instructed to read aloud and then write their quotations on the board at the beginning of class. Class will discuss quotations. In groups of three to four students, students will be assigned an essential question which they will then discuss as a group in terms of “Harrison Bergeron.” Once completed, students will jigsaw into new groups so that each group has at least one representative from each of the original groups.

For homework, students will be asked to respond to two of the following questions: Was Harrison Bergeron a hero? Assume the perspective of an agent of the government and justify the government's actions in the story. What echoes of "Harrison Bergeron" exist in contemporary society? Students will also be asked to re-read Chapter 17 of Aldous Huxley's *Brave New World*. Chapter 17 is the final conversation and climactic encounter between John The Savage, the story's naïve, idealistic protagonist, and Mustapha Mond, one of ten cynical, near-omniscient, pragmatic antagonists.

Activity 4

Students will be asked to work in pairs to outline the essential points of each of the participant's arguments presented in Chapter 17. Once completed, students will be asked complete a written refutation of either one of the participant's positions from their own perspective as a citizen of the 21st century.

For homework, students will be asked to find an article from a contemporary (less than six months old) print news source that provides evidence supporting their response. They will then bring in both the article and a revised response for next class.

Activity 5

Students will share written responses from previous class with a partner who will then write a brief written response. Using student selected articles and responses from the start of the unit, students will engage in a final chat session—this time under their real names—and respond to the critical engagement questions. Students will be provided with a transcript of the session.

Assessment

Students will be assessed based upon the clarity and thoughtfulness of their written responses (both in class and out of class) and their contribution to both electronic and face to face discussions. For a final assessment, each student will be asked to submit a written response to one of the essential questions. Each response must incorporate examples from class texts, class discussions, and contemporary media.

Resources Recommended

Brave New World by Aldous Huxley Aesop's Fables "The Declaration of Independence" The "American Patriot" Act and other post 9/11 legislation supporting the "War on Terrorism" Student selections from current print and electronic media about the "War on Terrorism" (newspapers, magazines, internet) Fahrenheit 451 by Ray Bradbury The Giver by Lois Lowery Minority Report, Dir. by Steven Spielberg

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Life, Liberty, and the Pursuit of Happiness... For Whom?

Source Session

The First Amendment and Freedom of the Press, Alex Jones

Description of School and Students

This lesson plan is designed for use in an eighth grade history class in a New York City public school. The school has about 1800 students, which are divided among five academies. The student population is about 98% Latino, primarily Dominican. The rest of the population is composed of African-Americans. Many of the students are involved in ESL programs and many have been in the United States for a short period of time. Most students are first or second generation immigrants and speak primarily Spanish at home. Many students read below grade level, largely attributed to the fact that English is their second language.

New York State Standards

New York State Social Studies Standard 5: Civics, Citizenship, and Government Students will use a variety of intellectual skills to demonstrate their understanding of the necessity for establishing governments; the governmental system of the United States and other nations; the United States Constitution; the basic civic values of American constitutional democracy; and the roles, rights, and responsibilities of citizenship, including avenues of participation.

Generative Topics

Censorship
Democracy
Freedom of Speech

Generative Object

List of books previously banned from schools

Understanding Goals

A. Essential Questions

What is censorship? What are the limits to freedom? What does the First Amendment state?
What is a true democracy?

B. Critical Engagement Questions

Why does Hughes want “America to be America” again? What is the difference between liberty and the pursuit of happiness? What should be the limits of the First Amendment if any? In the current era of terrorism in which we live, how much should we allow the First Amendment to be compromised? How free is free? How well has democracy worked in America?

Performances of Understanding, Rationale and Timeline

These activities will provide an in depth examination of the structure of the U.S. government as established by the Constitution and the Bill of Rights. The activities will also allow the students to establish a framework or lens through which to examine and explore the use and/or abuse of First

Amendment rights by various groups throughout history. Finally, these activities will allow students to discuss and debate the relationship between freedoms allowed for in the First Amendment and preservation of democracy and accountability of the United States government to ensure all citizens are afforded these freedoms.

Activity 1

Distribute a copy of previously banned books in schools in the United States. Solicit responses from students about how they feel about schools choosing to prevent these particular books from being used in the classroom. Write some student responses on chart paper. Introduce the concept of censorship. Students will read Democracy: As American As Apple Pie. Upon completion of reading the article, they will answer the following questions in their journals with three to four sentence responses. (1) What is a democracy? (2) Is democracy worth fighting for? (3) Do democracies work? (4) How free is free? Upon completion, students will do a think, pair, share where they share their written responses with a partner. After students have shared with one partner have them switch to a different partner. The final part of this activity will be a class discussion surrounding the following questions: (1) What is freedom? (2) How does a democratic society encourage freedom if it does at all? (3) How well have democratic societies encouraged freedom? (one forty-five minute class period)

Activity 2

Have student read the first two paragraphs of the Declaration of Independence. Then, as a class, establish why the writers created this document. What were they upset about? What is the ultimate message of this document? Who is created equal? What exactly do life, liberty, and the pursuit of happiness mean? Who is entitled to the freedoms outlined in the Declaration of Independence? How do the goals outlined in the Declaration relate to our discussion of democracies in the previous activity? (one ninety minute block period)

After establishing what the goals of the Declaration appear to be, introduce Langston Hughes with a brief biography about his life and career as a poet during the Harlem Renaissance. Read the poem “Let America Be America Again,” together. Discuss the following questions, (1) Why is Hughes upset with the state of America? (2) Why does he want “America to be America again? (3) Who is free according to Hughes? After discussion, compare and contrast using a Venn diagram, Hughes’ poem and the Declaration. Do they have any common themes? How well did the United States, a democratic country, carry out the ideas set forth in the Declaration according to Hughes? Return to the overarching question, what is freedom?

Activity 3

Have students create a personal list of all the freedoms they believe they have. Why do they have these particular freedoms? What allows them to have the opportunities they do? Following the discussion, introduce the First Amendment. Pose the question and discuss what freedoms the First Amendment provides for. Discuss and explain the freedom of the press. Introduce various NYT articles about the United States’ plan to attack Iraq. Explain what a “leaked” story is. Ask students to move to the three respective corners (full disclosure, limited reporting based on government decision, or no reporting at all) of the room based on their opinions about how much freedom the press should have in reporting the military’s plans to attack Iraq. Have the various groups discuss and debate. (one forty-five minute class)

Assessment

Students will compose letters to the editor about their opinions on how much information about possible attacks on Iraq the press should be allowed to report. In their letters they must address what limitations

should be placed on First Amendment rights. They will use NYT letters to the editor as models. Grading will be based on a rubric handed out with the assignment.

Resources

articles from Online NewsHour Extra, Democracy: As American as Apple Pie copies of the Declaration of Independence copies of “Let America Be America Again” Langston Hughes copies of the Bill of Rights various NYT articles relating to the United States’ plans to attack Iraq

Contact Person

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Limits and Liberties: How Can Student Journalists Exercise Freedom of the Press?

Source Session

The First Amendment and Freedom of the Press, Alex Jones

Description of School and Students

This unit is prepared for 8th-grade Journalism students at Joseph B. Cavallaro Middle School, a New York City public school. Students in this program have already taken two consecutive years of journalism, and many were tested to gain entry. All students speak English. Many are of Russian and Asian descent. The class is comprised of about 25 - 30 students.

New York State Standards

Standard 1: Students will read, write, listen, and speak for information and understanding; Standard 2: Students read, write, listen, and speak for response and expression; Standard 3: Students will read, write, listen, and speak for critical analysis and evaluation; Standard 4: Students will read, write, listen, and speak for social interaction.

New York City Standards

E1 b, c, d: Students extend ideas; make connections to related topics; analyze arguments; identify an author’s stance. They become familiar with public documents; identify social context of documents; examine its appeal to audiences; and identify persuasive techniques. E2 a, b, e: Students produce reports and make judgments that are interpretive, analytic, evaluative, and reflective. They support judgments and demonstrate an understanding of literary works. E3 a, b, c, d: By working in groups, students listen to each other’s ideas; display appropriate turn-taking behaviors; solicit other comments; offer opinions; respond appropriately; give reasons to support opinion; clarify explanations; brainstorm; problem-solve. They demonstrate an awareness of the media and evaluate its role and impact. E4 a, b: Students demonstrate understanding of the rules of grammar; proofread; add and delete detail; clarify work; rearrange sentences; and sharpen focus. E5 a: Students evaluate literary merit; identify literary forms; make inferences; and interpret authors’ decisions.

Generative Topic

The impact of freedom of the press

Generative Objects

Newspapers (local, national, school)
Poster of the First Amendment to the Constitution

Understanding Goals

A. Essential Questions

What is freedom of the press? How does freedom of the press affect your life?

B. Critical Engagement Questions

Why is freedom of the press important? How does the press “talk” to the public? Why is it important for people to know what the government is doing? What is the job of the press? Should school newspapers be censored?

Performances of Understanding, Rationale and Timeline

The first two years of journalism have focused on developing writing skills for publication in the school newspaper. Students are now ready to look at the broader scope of journalism — the responsibilities of the press and its importance. This unit is designed to develop critical thinking skills, allowing students to reflect on their lives and the world around them. These activities take place over a period of about two weeks, but ideas and concepts should be re-enforced and referred to throughout the school year.

Activity 1

Display a poster of the First Amendment of the Constitution: “Congress shall make no law respecting an 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 to peacefully assemble, and to petition the Government for a redress of grievances.” Ask students what this means, and allow time for them to jot their thoughts. Brainstorm and discuss ideas. Engage the lesson by asking students to share their ideas: Why is freedom of the press important? What is the job of the press?

Activity 2

Divide class into small groups of about five students. Give each group the day’s paper and ask them to peruse various stories. Each group has an assignment: Find an article that might not have been published, if not for freedom of the press. Groups should explain why the government, or someone else, might want to keep this information from the public. Why is it important that the public be told? Each group present its ideas to the class, and students share their thoughts.

Activity 3

A NY Times editorial says, “In a democracy, talking to the press is really talking to the public — a means of giving citizens with limited access an account of what the government is up to.” Ask students: Why is important for people to know what the government is up to? Allow time for them to jot down their ideas, then lead students into discussion. Why did the founding fathers include this amendment to the Constitution?

Activity 4

Divide class into small groups of about five students. Give each group the day's paper and ask them to peruse various stories. Each group has an assignment: Find an article that "talks" to the public, telling us something we need to know. What does it say? Why is this information important to us? Each group presents its ideas to the class, and students share their thoughts.

Activity 5

Francois Voltaire said, "I disapprove of what you say, but I will defend to death your right to say it." Why is this freedom so important? Allow students time to jot down ideas, and engage them in whole class discussions. Should the government have the power to restrict the press? Have class read age-appropriate excerpts from the case, *New York Times v. United States*. Explain arguments for *New York Times*: The First Amendment guarantees freedom of the press; the press must keep the public informed; the government failed to show that the Pentagon Papers would endanger national security. Explain arguments for the government: A nation's security supersedes freedom of the press; the government has a duty to protect the nation; publication of these documents would establish a threat to future cases that concern national security. Ask students to meet in small groups to discuss these concepts. At the end of the discussions, each student should take a position.

Activity 6

Divide all students into two groups: those who support the *New York Times*' argument and those who support the government's argument. Allow groups to debate and share ideas with the class. At the end of the discussion, read the court's decision and the reasons for this decision.

Activity 7

A student once said, "The best way to help the school is to be critical of it." How is this possible? Engage students in discussion. Bring up relevant issues about concerns at our school. How might publishing articles that address these concerns help the school? Engage students in lively discussion.

Activity 8

Do schools have the right to censor student newspapers? Read age-appropriate excerpts from *Hazelwood School District v. Kuhlmeier*. As in previous case, be sure students understand relevant issues for both sides. Arguments for *Hazelwood*: Students rights are not violated if administrators edit their work in school-sponsored publications; the school newspaper is not a public forum; educators are responsible for controlling school-sponsored publications. Arguments for *Kuhlmeier*: The students' freedom of expression is protected by the Constitution; the school newspaper is a public forum; an educator's responsibility does not include stifling free expression. Ask students to meet in small groups to discuss these concepts. At the end of the discussions, each student should take a position.

Activity 9

Divide students into those who support the *Hazelwood District* argument and those who support the student argument. Allow groups to debate and share ideas with the class. At the end of the discussion, read the court's decision and the reasons for this decision.

Assessment

Students have engaged in class discussions, debates, and oral presentations. The culminating project is a written piece that answers the essential question: How does freedom of the press affect my life? Students are required to find five articles in newspapers (local or national) that have an impact on their lives. Each should be cut out and pasted on loose leaf. Students should write a paragraph next to the article explaining why this information is needed, and why — if not for freedom of the press — it may not have been published. This activity may be done in class over a period of several days, or it may be given as a home project. Students should be instructed to demonstrate a clear understanding of the topic as well as the writing process.

Resources

articles from various newspapers (current stories always generate the most enthusiasm) school newspapers New York Times v. United States Hazelwood School District v. Kuhlmeier First Amendment to the Constitution Lewis, Anthony, Make No Law: The Sullivan Case and the First Amendment (New York: Vintage Books, 1991). Mauro, Tony. “Poll Finds Less Support for Freedom of the Press,” USA Today, July 2, 1999, p. 3A

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When the Press Yells “Fire” in a Crowded Theater

Source Session

The First Amendment and Freedom of the Press, Alex Jones

Description of School and Students

These lessons are intended for students taking the course Journalism and Mass Media Studies, an elective offered through the Needham High School English department to all students. Class size is generally in the mid twenties. NHS is a public school with a student population of 1200 students. The school operates on a modified block schedule, with classes meeting for either 90 or 50 minutes, depending on the day. Needham is an affluent suburb of Boston, Massachusetts.

Massachusetts State Standards

Standard 13 – Nonfiction Standard 22 – Standard English Conventions Standard 23 – Organizing Ideas in Writing Standard 26 – Analysis of Media

Generative Topic

How free should the press be?

Generative Objects

A copy of the First Amendment to the United States Constitution AP article “Paper Prints Photo from Pearl Video” (Associated Press, June 6, 2002) Boston Herald’s “Phoenix argues right to print Pearl photos” (Boston Herald, June 7, 2002) Boston Phoenix’s “Freedom to Choose” (Boston Phoenix archives) Code of Ethics created by the Society of Professional Journalists

Understanding Goals

A. Essential Questions

What is freedom? What is freedom of speech? What is freedom of the press? What is “right to know”? What is libel?

B. Critical Engagement Questions

How far does the freedom of speech extend? How far should it extend? What restrictions should apply to the freedom of the press? Should the press be more firmly restricted than the individual? How should good taste fit into freedom of the press? Does it?

Performances of Understanding, Rationale and Timeline

This short unit is designed to help students begin thinking about the advantages and dangers of having a free press.

Activity 1

Students will begin by responding to the question “What does it mean to be free?” in writing. Short discussion will ensue, followed by a close study of the First Amendment and a brief history of the freedom of the press. Discussion will follow, as students respond to the questions: Does the First Amendment give newspapers the freedom to print anything? Should newspapers be free to print anything? What restricts newspapers’ freedom? (Information on libel will be presented) 50 minutes

Activity 2

Students will read articles regarding Daniel Pearl’s kidnapping and murder, beginning with basic facts about his abduction, then moving into the AP article about the web link to the murder video, The Herald’s “Phoenix argues right to print Pearl photos,” and finally The Phoenix’s “Freedom to choose.” Discussion regarding the right to run questionable material and the public’s right to know vs. right to know will (undoubtedly) follow. 50 minutes

Activity 3

Students will study the Code of Ethics created by the Society of Professional Journalists, considering the role this code would play in a situation such as the one detailed above. Students will work, in teams of two to three, in deciding how they would approach a series of potential articles for their student newspaper. The potential articles will be created by the teacher, and could include the following: A story linking teen pregnancy and dropout rates which would include interviews with students from the high school. (Information on the Hazelwood case to be distributed or discussed here) Students will explain, for each story, how they would approach the story, what precautions they would need to take, and their rationale for covering the story as they have chosen to. Each explanation may be a short paragraph. 50 minutes (last activity will not be completed in class; see below)

Assessment

Activity 3 will be used as assessment. Students will begin activity in class, but will need to complete the exercise either at home or in class the following day.

Resources

“Paper Prints Photo from Pearl Video,” Associated Press, June 6, 2002. Crittenden, Jules. “Phoenix argues right to print Pearl photos,” Boston Herald, June 7, 2002. “Freedom to Choose,” Boston Phoenix. http://www.bostonphoenix.com/boston/news_features/editorial/documents/02299081. (14 Aug. 2002). http://www.spj.org/ethics_code.asp (Code of Ethics created by the Society of Professional Journalists) Hazelwood School District v. Kuhlmeier

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What Does The First Amendment Mean?

Source session

The First Amendment and Freedom of the Press, Alex Jones

Description of School and Students

The Academy of Mount Saint Ursula is an all girls Catholic high school located in the Bronx, NY. There are approximately 450 young women in grades 9-12. The student body is racially diverse with students from various ethnic backgrounds. The students come from predominantly urban areas in the Bronx and Manhattan. Although the school is Catholic and run by the Ursuline Order of Nuns, Catholicism is not a requirement for admission. The students come from a variety of religious backgrounds. This is a college preparatory school with over 99% of the students going on to higher education. This lesson will be used in a senior Participation in Government course. The average class size is 25-30 students.

New York State Standards

New York State Standard 5: Civics, Citizenship, and Government Students will use a variety of intellectual skills to demonstrate their understanding of the necessity for establishing governments; the governmental system of the United States and other nations; the United States Constitution; the basic civic values of American constitutional democracy; and the roles, rights, and responsibilities of citizenship.

Generative Topics

The First Amendment, Freedoms, Limitations, Supreme Court cases

Generative Objects

Copy of the Bill of Rights on the overhead, tabloid magazines, and papers, articles on Supreme Court cases involving the First Amendment

Understanding Goals

A. Essential questions

What is an amendment? What is freedom? What are limits? What is the Supreme Court?

B. Critical Engagement Questions

What was the basis for the First Amendment? Why did the anti-federalists insist that this not be changed before ratifying the Constitution? Does the freedom of the press guarantee we can write anything we desire? Does freedom of speech guarantee we can say anything we want? What famous Supreme Court cases explain the first amendment? What are the tests used to determine if you are saying or printing something hurtful or dangerous? What would our country be like without freedom of speech? Is the title the “Fourth Estate” an appropriate name for the press?

Performances of Understanding, Rationale and Timeline

This lesson will explore the history of the first amendment. This is considered by most to contain our most vital freedoms, and therefore, students must understand why. Students should know what the founding fathers considered this one freedom so essential. Specifically, we will concentrate on freedom of religion, press, and speech, as these are essential to understand. The lesson will also uncover the limits that are placed on the first amendment. Students must understand that there is nothing absolute about the first amendment and they should know what is limited and why. They will examine Supreme Court cases past and recent, which explain the limits and challenged to the first amendment. These cases will reveal the “tests” that are applied to the first amendment. (i.e. dangerous tendency test, clear and present danger test) Something tangible like the Supreme Court should make this lesson more concrete. This lesson will take about 3 days.

Activity 1

Students will come to class with notes they took on the homework reading from the night before. The reading was on the history of the First Amendment, and what the First Amendment means exactly. Students will get into groups, and discuss their notes for 10-15 minutes. These small discussions will lead to a larger discussion on the topic, involving the whole class. The students will be teaching each other the history of the First Amendment and the teacher will fill in any blanks that the teacher finds crucial to understanding.

Activity 2

Students will be asked to bring in newspaper articles from the NY Times, NY Post, Daily News, Washington Post...and various other reliable news sources that center around freedom of the press, speech, or religion. They will be examining these articles for bias, objectivity, slander, etc. In groups they will discuss their articles together. They will be discussing how freedoms are being limited, does this seem fair, what is the real issue in the article. The teacher will walk around and hand the groups a tabloid article. They will then compare this article to the one they brought in. They will be searching to answer questions such as, “Why can the tabloids write what they feel?” Who is being hurt? Could the NY Times get away with printing the same stories?” They will discuss these ideas for about 10 minutes. The class will then discuss what they found in the articles. They will use the laws they learned about slander and malice, dangerous tendency, etc., to explain why the tabloids can print what they want. This will often lead to debate and a clear understanding of the freedom of the press and limits placed on that freedom.

Activity 3

Students will be broken into groups of 5 or 6. The teacher will hand them a slip of paper with a Supreme Court case, which concerns the First Amendment. Using various resources, such as the text and the Internet, the student will compose a skit about the case. After 10-15 minutes, the groups will act out the case. The rest of the class will be trying to guess the issue at hand. (i.e. freedom of press, religion, speech)

If a freedom is being limited, the students in the audience will try to guess what the limit is, and what “test” was used to determine the limit. After all the skits are over, there will be a discussion on what was learned.

Assessment

Class discussion and participation Activity one: homework notes. Essay on the history of the First Amendment. (50 pts) Activity two: short quiz (50pts) Activity three: Skits will be graded. Individual grades for participation. Each student will take one court case and write a 2-3 page essay on the following: 1) What is the case about? 2) Who is involved in the case? 3) What were the outcomes of the case? 4) Do they think the case was constitutional? Unit test

Resources

Carter, Douglas, *The Fourth Branch of the Government* (NY Random House 1972). MacGruder Text American Government (1998 edition) Mauro, Tony. “Poll Finds Less Support for Freedom of the Press” USA Today, July 2, 1999 p. 3A. Various newspapers and magazines, www.infoplease.com

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Why is Freedom Of The Press in the First Amendment?

Source Session

The First Amendment and Freedom of the Press, Alex Jones

Description of School and Students

The High School for Law and Public Service is located in Manhattan’s upper west side of New York City. The school’s student population consists of approximately 550 students between the grades of 9 and 12. The majority of the students come from a minority background and from families of low socio-economic status. This lesson is designed to be taught in an eleventh grade American History class. Class size will range from 25 to 34 students.

New York State Standards

Standard 1: History of the United States and New York Students will use a variety of intellectual skills to demonstrate their understanding of major ideas, eras, themes, developments, and turning points in the history of the United States and New York.

Standard 5: Civics, Citizenship, and Government Students will use a variety of intellectual skills to demonstrate their understanding of the necessity for establishing governments; the governmental system of the United States and other nations; the United States Constitution; the basic civic values of American constitutional democracy; and the roles, rights, and responsibilities of citizenship, including avenues of participation.

Generative Topics

Freedom of the press Role of the press in American democracy

Generative Objects

Copy of the original First Amendment
Newspaper clipping of a current controversial story
A short video clip of a recent local evening news
Five newspaper clippings of President Nixon and the Watergate scandal

Understanding Goals

A. Essential Questions

What is freedom? What is the job of the press? Does the press abuse its constitutional right?

B. Critical Engagement Questions

How is freedom interlocked with democracy? Do the acts of the press make politicians be more accountable? Would the United States government function any differently without freedom of the press? How critical is freedom of the press in the campaigning process of the two major political parties?

Performances of Understanding, Rationale and Timeline

This lesson will focus on presenting different views on the importance of the First Amendment right of freedom of the press. Students will be engaged in analyzing the importance of this constitutional right in shaping our democratic system of government. A short review of the actual First Amendment writing will be presented to discuss its importance. A series of press articles (newspapers, magazines, journals etc...) will be presented to elicit the normative functions of the press from the students. An evening news video clip will be presented to understand the function of the press. A clipping of controversial stories with historical significance will be shown to open discussions on the effect and importance of the press (Refer to Essential Question #3 for opening this discussion). This unit should take two to three days.

Activity 1

- a. Student will be presented an official copy of the First Amendment of the United States Constitution. They will be referred to the title of the lesson and ask to begin thinking about why the founding fathers included this freedom in the First Amendment? The teacher will elicit student suggestions or answers to the question and write them on the board and have all students write them in their notebooks.
- b. Then the teacher will show a video clip of the local evening news to elicit student responses to essential question #2 “What is the job of the press?” Student will respond and the teacher will write their responses on the board and have student copy them.
- c. A recent controversial press article will be presented to the class to initiate interest and promote discussion on the extent to which the press utilizes its constitutional right. A student should be selected to read the designated section of the clipping to the rest of the class. As the article is being read, the other students should be writing down a list of what in their opinion should not be in the article. After the reading, students should state to the class what they thought should not have been published. The teacher will initiate a discussion by asking other students whether they agree or disagree with what is being said.

Activity 2

- a. Newspaper clippings of President Nixon and the Watergate scandal will be shown to discuss how important is the role of the press in our democratic system of government. Five different news articles on the Watergate scandal should be made available to every student.
- b. Student will be divided into five groups to analyze each story, its significance and whether the press abused its power or not. Each group will reach a consensus and make a five minute presentation to the class supporting their views.

Activity 3

- a. After all groups have presented the teacher will ask the students the title question again to note any differences with their previous responses.
- b. With the same groups, students are to provide a written detailed response to each of the four critical engagement questions. One answer to each question per group.

Assessment

Class discussions will be part of the class participation grade. Group presentations on the assignments will be included in grading. Each student will select and answer one of the critical engagement questions in a full developed essay and hand it in as homework. Unit test will be given corresponding with this lesson.

Resources Recommended

Jones, Alex. "The First Amendment and Freedom of the Press," lecture at Harvard University, Cambridge, MA July 21, 2002. ABC Newsroom clip Danzer, Gerald A. et al. *The Americans* (Boston: McDougal Littell, 1998). New York Times

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