

Course Title – Constitutional Law	
Implement start year – 2018-2019	
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Unit #2, topic – First Amendment	
Transfer Goal – Students will be able to independently use their learning to analyze and evaluate how the First Amendment applies to current events and legal issues in everyday life.	
Stage 1 – Desired Results	
<p style="text-align: center;"><u>Established Goals</u></p> <p style="text-align: center;">2014 NJCCC Standard(s), Strand(s)/CPI # (http://www.state.nj.us/education/cccs/2014/ss/)</p> <p>6.1.12.A.2.a Assess the importance of the intellectual origins of the Foundational Documents (i.e., Declaration of Independence, the Constitution, and Bill of Rights) and assess their importance on the spread of democracy around the world.</p> <p>6.1.12.A.14.b Analyze how the Supreme Court has interpreted the Constitution to define the rights of the individual, and evaluate the impact on public policies.</p> <p>6.1.12.A.2.d Explain how judicial review made the Supreme Court an influential branch of government, and assess the continuing impact of the Supreme Court today.</p> <p style="text-align: center;">Progress Indicators for Reading Informational Text (http://www.state.nj.us/education/cccs/2016/ela/g1112.pdf)</p> <p>RI.11-12.1. Accurately cite strong and thorough textual evidence, (e.g., via discussion, written response, etc.), to support analysis of what the text</p>	<p style="text-align: center;"><u>21st Century Themes</u> (www.21stcenturyskills.org)</p> <p><input checked="" type="checkbox"/> Global Awareness <input checked="" type="checkbox"/> Financial, Economic, Business and Entrepreneurial Literacy <input checked="" type="checkbox"/> Civic Literacy <input type="checkbox"/> Health Literacy <input type="checkbox"/> Environmental Literacy</p> <hr/> <p style="text-align: center;"><u>21st Century Skills</u></p> <p><i>Learning and Innovation Skills:</i> <input checked="" type="checkbox"/> Creativity and Innovation <input checked="" type="checkbox"/> Critical Thinking and Problem Solving <input checked="" type="checkbox"/> Communication and Collaboration</p> <p><i>Information, Media and Technology Skills:</i> <input checked="" type="checkbox"/> Information Literacy <input checked="" type="checkbox"/> Media Literacy <input checked="" type="checkbox"/> ICT (Information, Communications and Technology) Literacy</p> <p><i>Life and Career Skills:</i></p>

says explicitly as well as inferentially, including determining where the text leaves matters uncertain.

RI.11-12.2. Determine two or more central ideas of a text, and analyze their development and how they interact to provide a complex analysis; provide an objective summary of the text.

RI.11-12.3. Analyze a complex set of ideas or sequence of events and explain how specific individuals, ideas, or events interact and develop over the course of the text.

RI.11-12.4. Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze how an author uses and refines the meaning of a key term or terms over the course of a text (e.g., how Madison defines faction in Federalist No. 10).

RI.11-12.5. Analyze and evaluate the effectiveness of the structure an author uses in his or her exposition or argument, including whether the structure makes points clear, convincing, and engaging.

RI.11-12.6. Determine an author's point of view or purpose in a text in which the rhetoric is particularly effective, analyzing how style and content contribute to the power, persuasiveness or beauty of the text.

RI.11-12.7. Integrate and evaluate multiple sources of information presented in different media or formats (e.g., visually, quantitatively) as well as in words in order to address a question or solve a problem.

RI.11-12.8. Describe and evaluate the reasoning in seminal U.S. and global texts, including the application of constitutional principles and use of legal reasoning (e.g., in U.S. Supreme Court majority opinions and dissents) and the premises, purposes, and arguments in works of public advocacy (e.g., *The Federalist*, presidential addresses).

RI.11-12.9. Analyze and reflect on (e.g. practical knowledge, historical/cultural context, and background knowledge) documents of historical and literary significance for their themes, purposes and rhetorical features, including primary source documents relevant to U.S. and/or global history.

RI.11-12.10. By the end of grade 12, read and comprehend literary nonfiction at grade level text-complexity or above.

Flexibility and Adaptability

Initiative and Self-Direction

Social and Cross-Cultural Skills

Productivity and Accountability

Leadership and Responsibility

<p><u>Enduring Understandings:</u> <i>Students will understand that . . .</i></p> <p><i>EU 1</i> The First Amendment was created to protect people’s rights.</p> <p><i>EU 2</i> There are limitations to the freedoms established in the First Amendment.</p> <p><i>EU 3</i> There are different interpretations of the freedoms and limits of the First Amendment.</p>	<p><u>Essential Questions:</u></p> <p><i>EU 1</i></p> <ul style="list-style-type: none"> • Why was the First Amendment necessary? • Why is the First Amendment considered to be the most important one? • What is the most important part of the First Amendment? <p><i>EU 2</i></p> <ul style="list-style-type: none"> • When should the freedoms of the First Amendment not be protected? • Why is it important to have limitations to First Amendment protections? • What circumstances might pave the way for the restriction of First Amendment rights? <p><i>EU 3</i></p> <ul style="list-style-type: none"> • How can the First Amendment freedoms be interpreted differently? • How could people abuse the power of the First Amendment? • How can citizens’ interpretations of the First Amendment conflict with interpretations from the judicial system?
<p><u>Knowledge:</u> <i>Students will know . . .</i></p> <p><i>EU 1</i></p> <ul style="list-style-type: none"> • The rights provided under the First Amendment. • The reasons the First Amendment was created. • The ways the First Amendment has been used to protect individuals over time. <p><i>EU 2</i></p> <ul style="list-style-type: none"> • Examples of limitations to the First Amendment. • Famous court cases involving First Amendment restrictions. • The limits of their own First Amendment rights. <p><i>EU 3</i></p> <ul style="list-style-type: none"> • Examples of cases where the courts have disagreed about First Amendment rights. • Examples of First Amendment rights being abused. • The different interpretations of the First Amendment over different time periods in American history. 	<p><u>Skills:</u> <i>Students will be able to . . .</i></p> <p><i>EU 1, EU 2, EU 3</i></p> <ul style="list-style-type: none"> • Read and analyze primary and secondary source documents. • Recognize and interpret different points of view. • Draw inferences from the Constitution and Supreme Court rulings. • Evaluate the pros and cons of different sides of an argument. • Detect bias in an argument. • Understand how judicial rulings can be reflections of a specific time period. • Debate the meaning of the different clauses of the First Amendment. • Discuss current issues and controversies regarding the First Amendment. • Justify arguments in how First Amendment freedoms should be limited.

Stage 2 – Assessment Evidence

Other Recommended Evidence: *Tests, Quizzes, Prompts, Self-assessment, Observations, Dialogues, etc.*

- tests
- projects/presentations
- quizzes
- group work
- worksheets
- discussion/debate
- essays

Stage 3 – Learning Plan

Suggested Learning Activities to Include Differentiated Instruction and Interdisciplinary Connections: Consider the *WHERE TO* elements. Each learning activity listed must be accompanied by a learning goal of A= Acquiring basic knowledge and skills, M= Making meaning and/or a T= Transfer.

- Complete relevant text and supplemental reading assignments on the First Amendment (A).
- Create a visual presentation on a clause of the First Amendment (M).
- Identify examples of libel and slander (A).
- Identify cases where the First Amendment rights of minors differ from adults (A).
- Discuss the importance of a free press (M).
- Evaluate how censorship in the media has changed over time (M).
- Analyze or create a political cartoon related to the First Amendment (M).
- Write an essay evaluating the degree to which the government should be able to limit the freedom of speech protected by the Constitution (M).
- View relevant episodes of *Law and Order* and discuss the judiciary's role (M).
- Debate a current case being argued in front of the Supreme Court (M).
- Debate past and present issues of the separation of church and state (M).
- Analyze and write case analyses for *Tinker v. Des Moines*, *Schenck v. U.S.*, *Engle v. Vitale*, *N.Y. Times v. Sullivan*, *Bethel School District v. Fraser*, *Hazelwood School District v. Kuhlmeier*, *Morse v. Frederick*, *Citizens United v. FEC*, *Texas v. Johnson*, etc. (A, M).
- Argue the government's responsibility for protecting First Amendment rights from the point of view of a textualist, intentionalist, and a non-originalist judge (T).
- Debate the potential limits of hate speech and/or symbolic speech (Nazi or KKK marches, Westboro Baptist Church, etc.) and decide whether or not the specific marches or protests should be allowed (T).