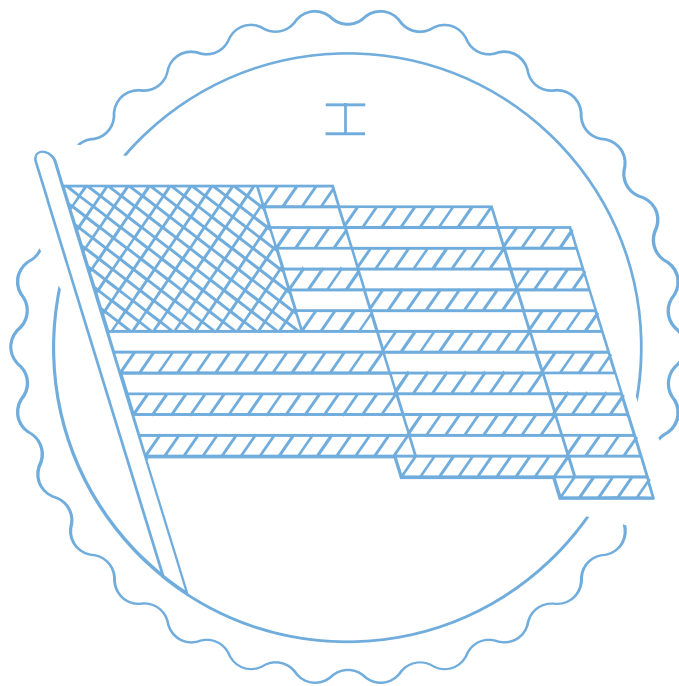


**INTERACTIVE**  
**CONSTITUTION**

# FIRST AMENDMENT FREEDOM OF PRESS

## LESSON PLAN



## First Amendment: Freedom of Press

# Lesson Plan

### GRADE LEVELS:

**11th and 12th**

### NUMBER OF CLASS PERIODS:

**1 (approximately 55 minutes)**

### AUTHOR:

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### INTRODUCTION/LESSON OVERVIEW:

Many Americans struggle to understand the Constitution, especially the rights included in the First Amendment. While many Americans, like many in the Founding generation, can agree that freedom of the press should be protected, there are disagreements over when, why, and how freedom of the press may be limited. This lesson encourages students to examine their own assumptions and to deepen their understanding of current accepted interpretation of freedom of the press under the First Amendment.

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### Constitutional Questions:

- How does freedom of the press relate to freedom of speech?
- Why was the protection of the press so important to the Founding generation?
- Why does freedom of the press remain important to American democracy today?

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### Objectives:

- Students will be able to explain why the Constitution protects freedom of the press.
- Students will be able to analyze controversies involving the First Amendment provision protecting freedom of press.
- Students will be able to apply varying interpretations of the First Amendment provision protecting freedom of press to controversial issues involving speech.
- Students will be able explain the very limited conditions under which freedom press can be restricted and why those conditions are so limited.



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**Materials:**

- Warm Up “Press Scenario Case” worksheet (included)
  - Access to Oyez.org or printed copies of the following case briefs:
    1. *Near v. Minnesota*, 283 US 697 (1931)
    2. *New York Times Company v. United States*, 403 US 713 (1971)
    3. *Hazelwood School District v. Kuhlmeier*, 484 US 260 (1988)
  - Case Interpretation worksheet (included)
  - Exit Ticket worksheet (included)
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**Procedures:****1. Warm Up/Activation of Prior Knowledge (15 minutes)**

Students will read the First Amendment provision that protects Freedom of Press and interpret its meaning in the context of a hypothetical scenario involving student journalists handling private information.

After approximately 5-7 minutes, students will take a stand on whether the student journalists are within their rights as protected by the First Amendment. Choose one side of the classroom and direct students who support the student journalists to stand on that side. Students who support the action of the administration should stand on the opposite side. Students may be asked to explain or defend their reasoning. Students in the middle should be encouraged to move to one side or the other in response to the strength of the arguments made. If the teacher lacks space to line up students, this may be done in seats. (Tip: If no students support the administration, the teacher may want to assign students to “act as lawyers” and represent the positions of the administration for a more balanced discussion.)

The teacher should discuss varying concepts involved in the interpretation of the First Amendment Press Provision. This discussion should include some historical context of why the founders thought that the freedom of press was important, including that some of their generation had been charged with treason for criticizing their former government. Additionally, students should be able to brainstorm reasons that free press is important to democracy. The press needs the ability to freely cover and critique government actions so that citizens can make effective electoral decisions, oversee government activities, participate in the policy-making process, and hold public officials accountable. The discussion should include the fact that the government may not engage of Prior Restraint of press actions by preemptively punishing or prohibiting publication. Also, while people can sue publications for printing materials that are false and published with malicious intent, these types of cases are often very hard to win.

Remind students of their previous work on the First Amendment Freedom of Speech provision and their previous interactions with the *Interactive Constitution*. You may want to ask guiding questions such as:

**Q: How are speech and press related?**

A: Both press and speech are fundamental expressive rights that citizens have under the United States Constitution.

**Q: How are speech and press key to democratic functions?**

A: Both rights are necessary for citizens to remain informed and actively involved in the democratic system—including the ability to criticize, or “check,” the government.

**Q: Why is it important for the press and the people to be able to criticize government action?**

A: If people are to act as the ultimate check on government power, they must retain the right to criticize government action.

**Q: Who counts as press? Is it important to distinguish between the press and the general public in terms of First Amendment protections?**

A: The Constitution does not make an official designation, it only protects the right to publish sentiments.

**Q: How has modern technology changed the view of press freedoms?**

A: If one considers blogs to be the modern equivalent of newspapers, then any person with internet access could technically be considered press.

## **2. Small Group Investigation (15 minutes)**

Students should be divided into didactic pairs based on their responses to the warm up activity. In essence, each student should, if possible, be paired with a student who disagrees about how the case should be decided under the First Amendment's Free Press provision. Students will access Oyez.org or be provided printed copies of the following briefs from Oyez.org in order to fill in the Case Interpretation worksheet.

- *Near v. Minnesota*  
[www.oyez.org/cases/1900-1940/283us697](http://www.oyez.org/cases/1900-1940/283us697)
- *New York Times Company v. United States*  
[www.oyez.org/cases/1970/1873](http://www.oyez.org/cases/1970/1873)
- *Hazelwood School District v. Kuhlmeier*  
[www.oyez.org/cases/1987/86-836](http://www.oyez.org/cases/1987/86-836)

While reading the articles, students will fill in the Case Interpretation worksheet (included) by determining how each Supreme Court case could be used to support each argument. After the pairs have worked through the graphic portion of the worksheet, each pair should come to a conclusion about whether or not the student journalists are protected by the First Amendment Free Press clause. Each pair should provide evidence from the briefs and should be ready to report out to the whole group.

## **3. Whole Group Investigation/Discussion (20 minutes)**

Students will report out to the whole class on whether the Supreme Court briefs caused their pairs to side with the student journalists or with the administration. Each pair should provide their strongest piece of evidence. The teacher should keep a tally of how many pairs support each side and of the strongest arguments in support of each side.

As a whole group, the class should discuss the following:

### **1. Why do trained Constitutional scholars disagree about the application of Constitutional principles to different cases?**

*New issues arise under the Constitution as modern situations test the principles enshrined in our nation's charter. And scholars and citizens alike disagree over the meaning and application of important rights like the free speech and a free press. It is the job of the Supreme Court to clarify and consistently apply the Constitution to new cases.*



**2. How are school environments different from the general public in regards to the interpretation of Constitutional principles?**

*Over time, the Court has defined the public school as a unique environment that students are coerced by law to attend. Under those conditions, school acts as a limited open public forum in which school officials can limit speech to protect students from speech acts that might disrupt the educational setting. In that, public schools are government sponsored entities, speech and press can be regulated when the speech or publication can be considered “school sponsored.”*

**3. Why is it important to be able to criticize people in power?**

*In a democracy, the people are the final check on the authority of government institutions. Citizens have a responsibility to be informed and active in order to check government abuse. The press plays a vital role in keeping citizens informed of government action. That includes the right of the press to openly criticize public officials.*

**4. Optional Extension Activity—Current Event Investigation**

Encourage students to generate current event examples that may test the freedom of the press. Examples may include satirical pieces, comedy news programs, WikiLeaks, Edward Snowden, and other instances in which government actions are being either misrepresented or government classified information is being exposed. Instruct students to write a brief defense for media outlets involved in exposing government secrets. How does the freedom of the press protect blogs, satirical works, and publishers of stolen government secrets?

**5. Closure/Exit Ticket (5 minutes)**

Have students record answers to the following:

**1. What is prior restraint?**

Answers should indicate an attempt by government to stop something from being printed prior to its publication.

**2. How has the Supreme Court treated prior restraint by state or federal governments?**

Answers should indicate that the Court has rejected arguments that governments should be able to cease the printing of false, defamatory, and even classified information.

**3. How has the Supreme Court treated prior restraint in a school setting? Why?**

Answers should indicate that the Court has allowed for prior restraint in school settings, especially where the privacy of students is considering an overriding concern.

**4. Why is the freedom of the press important to democratic principles?**

Answers should state that the role of the press is to keep citizens informed of government actions so that citizens can perform their duties as informed individuals.



# Press Case Scenario

Directions: Read the Text of the First Amendment of the United States Constitution as it refers to press. Read the scenario and decide whether or not the government can limit or punish the publication by the student group in the scenario. Answer the question at the bottom of the page.

**“Congress shall make no law...abridging the freedom... of the press...”**

## Scenario:

Students at General Public High School are in charge of broadcasting the morning announcements via closed circuit television and a live streaming link. All students in the school are instructed to remain quiet and to carefully pay attention to these announcements. The script for the morning announcements is approved by the administration each morning. One of the student journalists was given screen shots of a text message conversation between six building and district administrators. In the conversation, the administrators were openly mentioning specific students and teachers by name, making disparaging remarks about these individuals. The administrators called one student an “idiot.” They referred to a teacher as an “imbecile.” The student journalist transferred all of the screen shots into a PDF and carefully redacted the names of the students and teachers by highlighting each with a black bar. The student preserved the names of the administrators involved in making the disparaging remarks. Without adding the story to the script for approval, the student disrupted the broadcast of the morning announcements and began displaying the PDF of the group text conversations live and on the air. A building administrator ordered that the broadcast be ended immediately. As a response, the student journalist immediately sent an email to every student in the school using the school email system. The email included the story and the PDF of the screenshots from the conversation. Unbeknownst to the student journalist, anyone in possession of the email could delete the redactions by simply removing the black highlight bar over each word.

**Can the administration of the school punish the student for the publication of sensitive student information?**

# Case Interpretation Worksheet

Case Name	Summarize the decision	How the decision supports the students	How the decision supports the administrators	Which side is better supported by this decision?
<i>Near v. Minnesota</i>				
<i>New York Times Company v. United States</i>				
<i>Hazelwood School District v. Kuhlmeier</i>				

Which side students or administrators' is better supported by the existing caselaw? Provide three facts that support your argument.

# Exit Ticket

1. What is prior restraint?
2. How has the Supreme Court treated prior restraint by state or federal governments?
3. How has the Supreme Court treated prior restraint in a school setting? Why?
4. Why is the freedom of the press important to democratic principles?



# Common Core Standards

## Addressed in this Lesson Plan:

### History/Social Studies

#### **CCSS.ELA-LITERACY.RH.11-12.1**

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

#### **CCSS.ELA-LITERACY.RH.11-12.2**

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

#### **CCSS.ELA-LITERACY.RH.11-12.4**

Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines faction in Federalist No. 10).

#### **CCSS.ELA-LITERACY.RH.11-12.10**

By the end of grade 12, read and comprehend history/social studies texts in the grades 11-CCR text complexity band independently and proficiently.

### Speaking and Listening

#### **CCSS.ELA-Literacy.SL.11-12.1**

Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

#### **CCSS.ELA-Literacy.SL.11-12.2**

Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.

#### **CCSS.ELA-Literacy.SL.11-12.3**

Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

#### **CCSS.ELA-Literacy.SL.11-12.4**

Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

#### **CCSS.ELA-Literacy.SL.11-12.6**

Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate.

