



Lesson Plan: Fayette v. Take Two

Activity Steps:

This lesson usually takes two to three class periods. We begin with a brainstorm/or pair share that addresses the question “Why is free speech important?” or “Why did the Founders list it first?” This is followed by an activity in which we look at the specific language of the First Amendment with a focus on the word “abridge”. We then look at some summaries of previous court cases that are relevant to the case they will be ruling upon. I then introduce the simulated case and lead a class discussion about the case. Students begin taking notes in their packets. Students then view the 60 Minutes video and continue taking notes about evidence on both sides of the case. Students then write their own opinions. Next, they meet in small groups to share, and then vote on a group decision. Since there are nine groups, each symbolizes one Supreme Court justice. We discuss the vote and “next steps” once the “court” has ruled.

Purpose	Teacher	Students
<p>Hook Engage Students 10 -15 minutes</p>	<p>Use the word “abridged” in several sentences, then revisit text of First Amendment with students.</p> <p>Acknowledge and list any valid interpretations of the word, and substitute some of them within the text of the First Amendment.</p>	<p>Brainstorm/list possible meanings of the word “abridged” and its meaning within the First Amendment.</p> <p>Students record variations.</p>
<p>Into 20 minutes</p>	<p>Share and discuss briefs/summaries of relevant First Amendment court decisions (See relevant Supreme Court cases).</p>	<p>Read and discuss decisions. Ask clarifying questions and discuss rationale of court decisions.</p>



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<p>Through</p> <p>5-10 Minutes</p>	<p>Pass out lesson packet (see attached packet).</p>	<p>At this point students use prior lessons, or a quick web search to fill in the top of their “Decision Writing Template”.</p>
<p>10-15 Minutes</p>	<p>Discuss the “Mock Case Brief”.</p>	<p>Students read brief quietly and then participate in class discussion about facts of the case, and relevant Constitutional questions.</p>
<p>30-40 Minutes</p>	<p>Show the 60 Minutes story related to the “Mock Case Brief”. <i>In this instance it is a story about a controversial video game titled “Grand Theft Auto”. Teacher’s can pick and choose other case and media.</i></p>	<p>Students take notes on their “Justice’s Notes Template” as they watch and then debrief the video.</p>
<p>20-30 Minutes</p>	<p>Discuss Decision Writing Guidelines.</p>	<p>Students write a draft of their decision in class to be used for small group share the next class session. (9 small groups = 9 Justices</p>
<p>20 Minutes</p>	<p>Facilitate small group (3 to 4 students) sharing and voting. Rules include: 1) The majority in the small group determines the one vote cast by the group. 2) The</p>	<p>Students share their draft opinions, discuss, debate, vote, and then write brief rationales for their votes (based on their written drafts).</p>



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	<p>majority must write a minimum of two rationales for their decision.</p> <p>3) The minority must write at least one rationale for the dissenting vote(s).</p> <p>Record group votes, discuss implications, Supreme Court procedures and possible constitutional responses (new legislation, amendment process).</p>	
Beyond	<p>Expand selection of relevant Bill of Rights cases, adapt activity to other Amendments, find other media sources and current events that can be made into simulated cases.</p>	<p>Students can research and find related cases that have been addressed in the California court system. Students can speculate about future cases involving trends in social networking and texting.</p>

Special Needs of students are considered in this lesson:

GATE: This lesson gives plenty of opportunity for critical thinking, and further case study/exploration. Special Ed: Depending on the learning challenge, steps are easy to modify or differentiate. The video game scenario provides strong visuals related to First Amendment issues. Small groups facilitate inclusion of Special Ed. students in discussion and voting process. ELL: Again, steps can be modified and the topic has a significant visual element. Small groups promote inclusion of ELL students in discussion and voting process.

Extension Ideas:

Other cases can be analyzed in a similar fashion. Students can find cases or controversies in the news that share common threads. A mock Supreme Court can be adapted to this activity.