



Lesson Plan: Freedom of Expression

Context of the lesson within the project: This is the first lesson in a unit of five lessons that explains how the Bill of Rights was adopted and the importance of these rights. (This lesson may take two days, with extended time for the students' posters). It is designed to examine five basic rights protected under the constitution. The five rights are expression, religion, equal protection, due process, and the right to vote. By examining these rights students will understand their importance in a democratic society.

Standards Addressed:

5.7.2 Explain the significance of the new constitution of 1787, including the struggles over its ratification and the reasons for the addition of the Bill of Rights.

5.7.3 Understand the fundamental principles of American constitutional democracy, including how the government derives its power from the people and the primacy of individual liberty.

5.7.5 Discuss the meaning of the American creed that calls on citizens to safeguard the liberty of individual Americans within a unified nation, to respect the rule of law, and to preserve the Constitution.

1.2 Create multiple-paragraph expository compositions:

- a. Establish a topic, important ideas, or events in sequence or chronological order.
- b. Provide details and transitional expressions that link one paragraph to another in a clear line of thought.
- c. Offer a concluding paragraph that summarizes important ideas and details.

1.0 Written and Oral English Language Conventions

Students write and speak with a command of standard English conventions appropriate to this grade level.

2.2 Write responses to literature:

- b. Support judgments through references to the text and to prior knowledge.
- c. Develop interpretations that exhibit careful reading and understanding.



Common Core State Standards for ENGLISH LANGUAGE ARTS & Literacy in History/Social Studies, Science, and Technical Subjects K-5

College and Career Readiness Anchor Standards for Reading K-5

Key Ideas and Details

1. Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.
2. Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.
3. Analyze how and why individuals, events, and ideas develop and interact over the course of a text.

Craft and Structure

4. Interpret words and phrases as they are used in a text, including determining technical, connotative, and figurative meanings, and analyze how specific word choices shape meaning or tone.

Integration of Knowledge and Ideas

8. Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.

College and Career Readiness Anchor Standards for Writing K-5

Text Types and Purposes

1. Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.



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Objective(s):

1. Students will describe the various forms of expression covered by the First Amendment
2. Students will describe the benefits of freedom of expression to the individual and to a democratic society
3. Students discuss and explain what they might consider reasonable limits on freedom of expression.
4. Students will understand what *liberty* means to American citizens.
5. Students will discuss and analyze how the Constitution protects citizens of the United States basic rights.



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Essential Questions/Issues:

1. What would it be like if we could not vote for members of congress or our presidents?
2. What does it mean to be an American citizen?
3. Is citizenship a right or a responsibility?
4. What would happen if there were no laws or rules in the United States?



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Assessment:

Informal Assessment: Students will be evaluated through whole group and table group discussions, individual participation, note taking, group posters created, and teacher observation.

Formal Assessment: Writing ~ Students will explain the meaning of the four key freedoms of expression discussed in class, and explain their benefits in a short response writing prompt. Responses will be evaluated using a formal scoring rubric.

Writing Prompt:

*After reading and discussing the *Feiner v. New York Case* in class, decide whether you think freedom of expression should or should not be limited in this case. Explain your decision by giving reasons for selecting that opinion. Use concrete examples that demonstrate your knowledge of the four key freedoms of expression (speech, press, petition, assembly).*

Writing Rubric – next page...



Writing Rubric

Criteria	Advanced	Proficient	Basic	Below Basic
Student critically evaluated both sides of the case.	Evaluated the information from both sides of the case and presented a clear opinion that illustrated their knowledge of the case and the four key freedoms of expression.	Evaluated information from both sides of the case and presented a distinct opinion.	Evaluated the side of the case they favored, but failed to mention the opposing side of the case.	Did not evaluate both side of the case.
Student supported their opinion through examples and facts from the case and the text.	Supported the opinion they chose with several examples from the case and text that clearly demonstrated their knowledge and understanding.	Supported the opinion they chose with some examples from the case and text that demonstrated their knowledge and understanding.	Supported the opinion they chose with few examples from the case and text.	Did not include examples that supported the opinion they chose.
Student used correct grammar, spelling, and punctuation to write a short response to a prompt.	Writing is well organized, written neatly with little to no grammar, spelling or punctuation errors.	Writing is organized, written neatly with few grammar, spelling or punctuation errors.	Writing lacks some organization and neatness and contains several grammar, spelling, or punctuation errors.	Writing has no organization, no neatness with many grammar, spelling, and punctuation errors.



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Lesson Activity Steps:

Purpose	Teacher	Learner
<p>Into (hook)</p>	<p>Display pictures of people exercising their freedom of expression in a power point presentation.</p> <p>Follow up with slides that show people abusing their freedom of expression.</p> <p>Explain and discuss what students must consider reasonable limits on freedom of expression.</p>	<p><u>Observe and Discuss</u></p> <p>*Who are these people? What are these people doing? Is what these people are doing of any importance to you and me? Why is freedom of expression important to you? Why is freedom of expression important to our nation?</p> <p>*Discuss at table groups ... then list on board each groups ideas as a whole class</p> <p>Discuss whole class what do they think the people are doing? Is there any situation in which we would have to limit freedom of expression?</p> <p>Record responses on the board</p>
<p>Through</p>	<p>Discuss the four key freedoms of expressions: speech, press, assembly, petition.</p> <p>Students explore the meaning of "expression."</p> <p>Discuss other forms of speech if students did not include them in their brainstorm table discussions: t-shirts with slogans, political bumper stickers/buttons,</p>	<p>Students will take detailed notes on the four key freedoms of expression.</p> <p>Students will work with their table groups to brainstorm examples of freedom of expression. They will write their examples on white boards. Students take additional notes on derivative forms of speech.</p> <p>Students discuss case and decide whether they think the police did or did not violate Feiner's right of free speech.</p>



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	<p>protest/picketing signs. (derivative forms of speech) Present the <i>Feiner v. New York</i> case to the class. Students read the case facts.</p> <p>http://en.wikipedia.org/wiki/Feiner v. New York</p>	
Beyond	<p>Hand out poster paper to table groups, have them choose a freedom of expression to represent on their poster paper in a drawing.</p> <p>Distribute writing prompt to students.</p> <p>Follow-up with discussion and justification of opinions. Have students read and discuss final decision of the court, and “aftermath” provided on handout.</p>	<p>Students work as a table group to choose a freedom of expression to draw. Students design their poster. Students post posters throughout class. Students take a “gallery walk” of posters.</p> <p>Students individually work on their short answer responses. (graded on short answer rubric)</p>



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Special Needs of students are considered in this lesson: Students are placed into table groups that are specially designed in order to benefit the various needs of each student.

Power Point with pictures aid ELL students for better understanding. Group work interacted with art project gives students with different learning styles the ability to work creatively.

Extension Ideas:

1. Students create individual posters, or t-shirts demonstrating the various forms of freedom of expression.
2. Students create an extended list of derivative forms of speech.
3. Students create their own power point presentation that represents various forms of freedom of expression and they present it to the class.



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Materials and Resources Needed:

- Teacher created power point that includes slides demonstrating citizens exercising their freedom of expression.
- 32 Copies of *Feiner v. New York* case
- 6 Pieces of Poster Paper
- Markers/crayons
- Student white boards

References:

California State Standards: <http://www.cde.ca.gov/be/st.ss>

We the People, (2003) Center for Civics Education. New York. www.ala.org



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Student Handout 1:

Facts: Feiner v New York

On the evening of March 8, 1949, Irving Feiner was arrested after making an inflammatory speech to a mixed crowd of 75 or 80 [African Americans](#) and [white people](#) at the corner of South McBride and Harrison Streets in [Syracuse, New York](#). Feiner, a college student,^[1] had been standing on a large wooden box on the sidewalk, addressing a crowd through a loud-speaker system attached to an automobile. He made derogatory remarks about President [Harry S. Truman](#), the [American Legion](#), the Mayor of Syracuse and other local political officials. Chief Justice Vinson said that Feiner "gave the impression that he was endeavoring to arouse the Negro people against the whites, urging that they rise up in arms and fight for equal rights." The crowd, which blocked the sidewalk and overflowed into the street in which there was oncoming traffic, became restless, with some in the crowd voicing both opposition and support for Feiner. An onlooker threatened violence if the police did not act. After having observed the situation for some time without interference, police officers, in order to prevent a fight, requested the petitioner to get off the box and stop speaking. After his third refusal, they arrested him, and he was convicted of violating 722 of the Penal Code of New York, which, in effect, forbids incitement of a breach of the peace.^[2] Feiner claimed that his conviction violated his right of free speech under the [First](#) and [Fourteenth Amendments](#) to the [United States Constitution](#).

Student Handout 2:

The decision of the court

In a 6–3 decision delivered by [Chief Justice Fred Vinson](#), the Supreme Court upheld Feiner's arrest.

Focusing on the "rise up in arms and fight for their rights" part of Feiner's speech, the court found that Feiner's [First Amendment](#) rights were not violated, because his arrest came when the police thought that a riot might occur. The court found that the police did not attempt to suppress Feiner's message based on its content, but rather on the reaction of the crowd. The



court reaffirmed the fact that a speaker cannot be arrested for the content of his speech. The court also reaffirmed that the police must not be used as an instrument to silence unpopular views, but must be used to silence a speaker who is trying to incite a riot.

New York won, the Chief Justice wrote, because by law, what Feiner did was an imminent threat: the police arrested him because the police wanted to protect the city government and the people of New York.

[edit] The dissent

Justice Black wrote a foresighted dissent, saying that the evidence did not show that the crowd was about to riot. He also pointed out that the police, instead of arresting Feiner, should have probably protected him from hostile members of the crowd. The police "did not even pretend to try to protect" Feiner. Police testimony showed that, although the crowd was restless, "there [was] no showing of any attempt to quiet it . . . one person threatened to assault [Feiner] but the officers did nothing to discourage this when even a word might have sufficed."

Justice Douglas, joined by Justice Minton, additionally did not believe the situation constituted a disturbance of the peace, and questioned the fairness of the trial Feiner received.

[edit] Aftermath

As a result of his conviction, [Syracuse University](#) expelled Mr. Feiner. He finally completed his degree from Syracuse when they readmitted him, and was invited back to the school to speak at the opening of the Tully Center for Free Speech in October 2006. ^[citation needed] He continued to fight for tuition reimbursement, as his original schooling had been covered under the [GI Bill](#). ^[citation needed] Following the court ruling, Feiner tried to work on a local newspaper but was fired after the [Federal Bureau of Investigation](#) (FBI) sent agents to the small town office and informed the editor of Feiner's "criminal" past. ^[citation needed] The FBI continued to haunt Feiner's life; he enjoyed telling his family and friends of an incident in which agents would not get off his property, so his wife, Trudy, sprayed them with a garden hose. ^[citation needed]

Irving Feiner lived in [Nyack, New York](#) where he had been a small business owner. He continued to fight and write about freedom of speech and progressive issues, including squaring off, on First Amendment grounds, against [Stephen Baldwin](#), who fought to keep an [adult bookstore](#) from opening in the village. ^[citation needed] He had two adult daughters, Susan and Emily, and five grandchildren: Lisa, Dana, and Laurie Roberts, and Rebecca and Jeremy Feiner Blair. ^[citation needed]



Born in 1924, Mr. Feiner was 84 years old and was involved in school/property tax reform and fighting a planned village parking garage when he died on January 23, 2009.^[3]

[edit] Lectures at Rutgers University

At the invitation of renowned Professor of Political Science, [Milton Heumann](#), Feiner gave several surprise guest lectures to students of Professor Heumann's Civil Liberties class at [Rutgers University](#) in New Brunswick, NJ. Those lectures took place on February 14, 2006 and February 12, 2008. Feiner explained his side of the case, contending that some of the facts found in the Supreme Court's decision were mistaken or that some facts were omitted. For example, the only witnesses that the prosecution called were the two arresting officers. The infamous "S.O.B." man was never called as a witness. Feiner also explained that shortly after [V-E day](#) he was in Paris where he saw a V-E parade in which marchers marched with locked arms. Feiner claims that in his speech the night he was arrested he said "the Negroes of this town should march with locked arms down to the mayor's office and demand their rights." As a result of this case, the [University of Iowa College of Law](#) retracted its offer of admission.^[citation needed]

In this instance, the Supreme Court only dealt with matters of law and not with matters of fact.^[citation needed] Matters of fact are usually established in lower trial courts, and the Supreme Court generally makes its decisions based on the lower courts' findings.



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Outline of Unit Plan:

Title: Your Rights Protected