



First Amendment: The Flag Code and the Freedom to Offend?

Time Frame: 1- 2 class periods	Author: Mary Ellen Daneels, West Chicago Community High School, mdaneels@d94.org
Proven Practices <ul style="list-style-type: none"> ✓ Instruction on government institutions ✓ Use of current & controversial issues ✓ Simulations of democratic practices ✓ Service Learning (ideas provided) 	
<u>IL Social Studies Standards</u> SS.IS.1.9-12: Address essential questions that reflect an enduring issue in the field. SS.IS.5.9-12: Identify evidence that draws information from multiple sources to revise or strengthen claims. SS.IS.7.9-12: Articulate explanations and arguments to a targeted audience in diverse settings SS.IS.9.9-12: Use deliberative processes and apply democratic strategies and procedures to address local, regional, or global concerns and take action in or out of school. SS.CV.1.9-12: Distinguish the rights, roles and responsibilities of individuals and institutions in the political system. SS.CV.7.9-12: Describe the concepts and principles that are inherent to American Constitutional Democracy. SS.CV.9.9-12: Explain public policies in terms of intended and unintended consequences and related consequences.	<u>CCSS/ELA History/Social Studies Standards</u> <u>CCSS.ELA-LITERACY.RH.11-12.7</u> Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem. <u>CCSS.ELA-LITERACY.RH.11-12.2</u> 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. <u>CCSS.ELA-LITERACY.RH.11-12.9</u> Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.
Essential Question: What is the balance between individual rights and the common good?	
Supporting Questions <ul style="list-style-type: none"> • Can I say whatever I want? What are the five freedoms of the 1st amendment? • What are the limits on freedom of expression? • What are the basic elements of the Flag Code? • How do individuals differ on the issue of protecting the flag from desecration? 	
<u>Resources Required</u> McCormick Foundation Lesson on flag burning: A Burning Issue available online at http://documents.mccormickfoundation.org/lesson-plans/1/burning_issue.pdf <ol style="list-style-type: none"> 1. Texas v Johnson (1989) Justice Brennan opinion 2. Texas v Johnson (1989) Justice Stevens dissenting opinion 3. Senator Dianne Feinstein Statement on flag burning amendment 4. Letter from General Colin Powell 	



Statement Sort by Mary Ellen Daneels available online at <https://tinyurl.com/flag-arguments>

Parliamentary Procedure Guide by Mary Ellen Daneels available online at <https://tinyurl.com/civics-parliament>

Power Point by Mary Ellen Daneels available online at <https://tinyurl.com/flag-code-ppt>

Recommended Procedures

1. Provide introductory information about the 1st amendment to the class. Can use provided ppt.
2. Put students into small groups of 4.
3. Give each student an envelope of the statements cut up. Have students take statements out and infer the topic for deliberation related to the 1st amendment.
4. Have students sort statements into two categories, six statements each.
5. Give each student a primary source reading from "A Burning Issue". Instruct students to closely read their source and look for the three statements from statement sort that are paraphrases of their source.
6. To check understanding, have students with same reading gather in a corner of the room, bringing statements with them.
7. Have groups re-sort statements as needed.
8. Have students pair up with individual in small group who had similar perspective on issue and write a brief paragraph summarizing best claims from both readings.
9. Have pairs share paragraphs with one another, listeners, should paraphrase back what they heard.
10. Have students pick statement that best reflects their perspective on the issue or write their own unique statement.
11. Give overview of the U.S. Flag Code. Introduce the question, should the flag code be enforced by law; in other words, should the flag be protected from desecration?
12. Have students put desks in "U" formation for deliberation of 28th Amendment to Protect the Flag framed by basic parliamentary procedure.
13. At end of deliberation, have students vote on resolution.
14. Have students write a paragraph summarizing their position on the issue, addressing claims and counterclaims. Teachers could use tools such as google classroom & blackboard.com to promote on-line deliberation.

Possible Service Learning Extensions

- o Students can write an elected official advocating their position on flag desecration
- o Students can write letters to the editor or craft an editorial cartoon on issue.

Differentiation

- o Advanced students may not use statement sort and curate further sources on the issue.
- o For classes that need more literacy support, the teacher can model step 5 with one of the readings to the whole class, have class practice with an additional reading and check understanding and then have student pairs read final two sources and complete activity.
- o Deliberation can occur without the primary source analysis; using only the simplified statements.

Possible Assessments

- in class deliberation



- vote
- four corner check
- blog
- Letter to elected official with rubric
- Letter to the editor or political cartoon w/ explanation.

Other Considerations

If norms for classroom deliberations have not been established, here are some resources teachers can use to scaffold civil discourse.

- o [Conducting a Civil Conversation in the Classroom by CRFC](#)
- o [Contracting by Facing History and Ourselves](#)