

LIMITS ON FREEDOM OF SPEECH TEACHER INSTRUCTIONS

Procedure

1. Have students work in small groups to complete the **Limits on Freedom of Speech: Scenarios** [Student Handout A]. Ask the students to rank the scenarios in order from the least protected to the most protected form of Speech. You may want to assign just a few per group to save time. [The scenarios listed are not in any particular order.]
2. **The scenarios:**
 - Scenario A—*Hill v. Colorado*, 2000
 - Scenario B—*Miller v. California*, 1973
 - Scenario C—*Cohen v. California*, 1971
 - Scenario D—*Chaplinsky v. State of New Hampshire*, 1942
 - Scenario E—*Thornhill v. Alabama*, 1940
 - Scenario F—*Brandenburg v. Ohio*, 1969
 - Scenario G—*Terminiello v. Chicago*, 1949
 - Scenario H—*Frisby v. Schultz*, 1988
 - Scenario I—*United States v. Grace*, 1983
 - Scenario J—*Frye v. Kansas City Missouri Police Department*, 2004
3. When the small groups have finished, ask each group to explain how they ranked each of the cases and why.
4. Distribute **Limits of Freedom of Speech: How does the Court decide?** [Student Handout B]. Review the tests that the Supreme Court has established to determine whether speech may be limited.
5. Ask each group to go back over their scenarios and see which tests apply to each of their assigned scenarios. Have the students identify which Supreme Court tests, if any, they used to make their decisions.
6. Check which groups or individual students agreed and which disagreed. When disagreements arise, refer to the tests, discussing (1) the potential for the speech to result in a harmful consequence, 2) the probability that this might occur, and 3) how to resolve conflicting values.
7. For an extension activity: have students study one of the guidelines for limiting speech and have them write a personal reaction paper on the topic: Do you agree or disagree with the necessity for this limit on speech?