



# Clear and Present Danger

## Gitlow v. New York



Mariana DeLoera, Cody Sivertsen, Sherry Franklin  
 Published by K20 Center

*This work is licensed under a [Creative Commons CC BY-SA 4.0 License](https://creativecommons.org/licenses/by-sa/4.0/)*

<b>Grade Level</b>	12th Grade	<b>Time Frame</b>	70 Minutes
<b>Subject</b>	Social Studies	<b>Duration</b>	1-2 Periods
<b>Course</b>	U.S. Government		

### Essential Question

How does *Gitlow v. New York* demonstrate how the First Amendment protects people's right to free speech?

### Summary

In this U.S. government lesson, students will explore limitations to the Constitutional right to free speech by analyzing court cases that use the "clear and present danger" precedent. They will do so by learning about the Supreme Court case *Gitlow v. New York* and analyzing other cases that similarly evaluate the freedom of speech.

### Snapshot

**Engage** - Students respond to true or false statements regarding freedom of speech in a class-wide discussion.

**Explore** - Students sort claim cards of court cases to predict whether or not the defendant is protected by the First Amendment.

**Explain** - Students watch an animated video and read a brief over *Gitlow v. New York* while filling out a graphic organizer.

**Extend** - Students revisit court case claim cards and resort them based on newly acquired knowledge.

**Evaluate** - Students answer the question "How does *Gitlow v. New York* show how the First Amendment protects people's right to free speech?"

## Standards

Oklahoma Academic Standards (Social Studies: United States Government (9th through 12th grade))

**USG.3.10A:** Gitlow v. New York(1925)

## Attachments

- [Claim Card Categories—Clear and Present Danger - Spanish.docx](#)
- [Claim Card Categories—Clear and Present Danger - Spanish.pdf](#)
- [Claim Card Categories—Clear and Present Danger.docx](#)
- [Claim Card Categories—Clear and Present Danger.pdf](#)
- [Claim Cards Explore—Clear and Present Danger - Spanish.docx](#)
- [Claim Cards Explore—Clear and Present Danger - Spanish.pdf](#)
- [Claim Cards Explore—Clear and Present Danger.docx](#)
- [Claim Cards Explore—Clear and Present Danger.pdf](#)
- [Claim Cards Extend—Clear and Present Danger - Spanish.docx](#)
- [Claim Cards Extend—Clear and Present Danger - Spanish.pdf](#)
- [Claim Cards Extend—Clear and Present Danger.docx](#)
- [Claim Cards Extend—Clear and Present Danger.pdf](#)
- [Clear and Present Danger Lesson Slides.pptx](#)
- [Gitlow v. New York Brief—Clear and Present Danger - Spanish.docx](#)
- [Gitlow v. New York Brief—Clear and Present Danger - Spanish.pdf](#)
- [Gitlow v. New York Brief—Clear and Present Danger.docx](#)
- [Gitlow v. New York Brief—Clear and Present Danger.pdf](#)
- [Graphic Organizer—Clear and Present Danger - Spanish.docx](#)
- [Graphic Organizer—Clear and Present Danger - Spanish.pdf](#)
- [Graphic Organizer—Clear and Present Danger.docx](#)
- [Graphic Organizer—Clear and Present Danger.pdf](#)
- [Protected or Not Protected—Clear and Present Danger - Spanish.docx](#)
- [Protected or Not Protected—Clear and Present Danger - Spanish.pdf](#)
- [Protected or Not Protected—Clear and Present Danger.docx](#)
- [Protected or Not Protected—Clear and Present Danger.pdf](#)

## Materials

- Lesson Slides (attached)
- Claim Cards Explore handout (one per group, attached, print one-sided)
- Claim Cards Categories handout (one per group, attached)
- Protected or Not Protected handout (one per student, attached)
- Graphic Organizer handout (one per student)
- Gitlow v. New York Brief handout (one per student)
- Claim Cards Extend handout (one per group, attached, print one-sided)
- Pen/Pencils
- Scissors

# Engage

Use the attached **Lesson Slides** to guide the lesson. Display **slides 3** and **4** to introduce the lesson's essential question and learning objective.

Move to **slide 5** and inform the students that they will view several statements about the First Amendment and how it protects freedom of speech. They will decide whether each statement is true or false. If they believe a statement is true, they sit on the floor. If they believe the statement is false, they stand. Have the students return to their seats between each of the statements.

Display **slides 6-10** and ask students whether they believe the statements are true or false. Take time to discuss as a class why they believe that a statement is true or false.

Answer Key:

- Freedom of speech is limited. (T)
- Threatening a person with violence is protected by freedom of speech. (F)
- Everyone has the right to freedom of expression. (T)
- Freedom of speech does not cover social media. (F)
- Freedom of speech includes art, music, written expression, and other mediums. (T)

Display **slide 11** and go over the First Amendment with the class. Inform the class that today they will be focusing on the section regarding freedom of speech.

## Teacher's Note

Students can show whether a statement is true or false in a variety of ways. Consider allowing students to move to one side of the room or the other or raise a hand for true and a foot for false. If needed, adjust **slide 5** to show your directions for the activity.

## Explore

Display **slide 11** and introduce the 1st Amendment to the US Constitution to demonstrate where the freedom of speech originates.

Display **slide 12** and introduce students to a modified [Claim Cards](#) instructional strategy. Inform students they will review several freedom of speech court cases. Assign students to work in groups of 3-4. Each group reads over the claim cards one at a time and sorts them as a group to answer the following question:

“Is the action of the defendant(s) protected by the First Amendment and freedom of speech?”

Pass out a **Claim Cards Explore** handout, the **Claim Card Categories** handout, the **Protected or Not Protected** handout, and a pair of scissors to each group. Have a student in each group cut the claim cards apart. Inform students that as their group goes through the claim cards, they will keep track of where they sort each case using the Protected or Not Protected handout. The students will only fill out the first set of boxes under “Sort 1.”

Move to **slide 13**. Have the students discuss each card, then sort their claim cards into a protected and not protected pile based on the displayed question. Give the students about 10 minutes to sort their cards.

Once the class has finished sorting, ask for a volunteer from each group to share about one of the court cases and why they put it in their protected or not protected pile.

### Teacher's Note

Unhide **slide 14** to display the **K20 Center 10-minute timer** to help students keep track of their time.

Do not go through the answers for each case as you will review them in more depth during the Extend.

The **Protected or Not Protected** handout and the **Claim Card Categories** are used during the Extend phase of the lesson on day 2. Consider picking up the handouts or having students put them in a location to easily access for the next day.

To help with student engagement, consider having each student in the group participate by taking turns reading the cases to the group.

## Explain

Display **slide 15** and inform the students that they will be watching a video about freedom of speech and the *Gitlow v. New York* case. As they watch the video, encourage students to pay attention to what they notice and to examine any questions they wonder about freedom of speech. This is a modified [I Notice, I Wonder](#) instructional strategy. Play the [Gitlow v. New York](#) video for students.

Once the video is over, display **slide 16**. As a class, take some time to discuss what the students notice and wonder about freedom of speech and the case [Gitlow v. New York](#).

After a quick discussion, display **slide 17**. Pass out the **Graphic Organizer** handout and **Gitlow v. New York Brief** handout to each student. Give the students 10 minutes to use the *Gitlow v. New York* brief handout to fill in the graphic organizer in their own words.

### Teacher's Note

Ask students to wait on answering the last question on the graphic organizer. That question will be answered during the Evaluate. Have students hold on to their papers or consider collecting them the next day.

# Extend

## Day 2

Reintroduce the lesson by sharing the essential question and learning objectives on **slides 18** and **19**. Display **slide 20** to remind students of the First Amendment.

Display **slide 21**. Have students form the same groups they worked in for the first claim card sort. Inform the students that they will be sorting the same cases they looked at before, but each card now has more information. Pass out the **Claim Cards Extend** handout and have the students get their **Protected or Not Protected** handout and their **Claim Card Categories** handout they used previously. Have a student cut the new set of claim cards apart.

Display **slide 22** and have them consider the First Amendment and the *Gitlow v. New York* case, re-evaluate, and sort again to answer the question:

“Is the action of the defendant(s) protected by the First Amendment and freedom of speech?”

Ask students to check the second set of boxes under “Sort 2,” showing whether the case stayed or moved from the protected or not protected pile. Give students 10 minutes to discuss and sort their cards.

Display **slide 24** and inform the class that you will discuss each individual case. As you display each case, have each group hold up the protected or not protected card they used for sorting. Go through **slides 25-29** and discuss each case as a whole group.

### Teacher's Note

Students will need their **Graphic Organizer** handout from the previous day.

Unhide **slide 23** to display the [K20 Center 10-minute timer](#) to help students keep track of their time.

Students will need their **Protect or Not Protected** handout and **Claim Card Categories** handout from the previous day.

To help with student engagement, consider having each student in the group participate by taking turns reading the cases to the group.

## Evaluate

Display **slide 30**. Have students get out their graphic organizers from the Extend portion of the lesson. Next, ask them to answer the essential question at the bottom of their graphic organizer. Once students have answered the question, have a quick discussion about their answers and collect the papers.

## Resources

- *K20 Center 10-minute timer*. YouTube. (2021, September 21). [https://www.youtube.com/watch?v=EVS\\_yYQoLjg](https://www.youtube.com/watch?v=EVS_yYQoLjg)
- K20 Center. (n.d.). Claim Cards. Strategy. <https://learn.k20center.ou.edu/strategy/160>
- K20 Center. (n.d.). I Notice, I Wonder. Strategy. <https://learn.k20center.ou.edu/strategy/180>
- K20 Center. (n.d.) Gitlow v. New York. Video. <https://www.youtube.com/watch?v=eSIACD4skAQ>