

**Teacher's Guide For**

**The First Amendment in the 21<sup>st</sup>**

**Century:**

**US v American Library Association - The**

**Internet Filtering Case**

For grade 7 - College

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## **MATERIALS IN THE PROGRAM**

**Teacher's Guide** -This Teacher's Guide has been prepared to aid the teacher in utilizing materials contained within this program. In addition to this introductory material, the guide contains the following:

- *Suggested Instructional Notes*
- *Student Learning Goals*

## **INSTRUCTIONAL NOTES**

It is suggested that you preview the program and read the Student Goals and Teacher Points. By doing so, you will become familiar with the materials and be better prepared to adapt the program to the needs of your class. Please note that this show is set up to be played continuously and you will probably find it best to follow the program in the order in which it is presented, but this is not necessary. The program can be divided into chapters accessed through the DVD's Menu Screen under Chapter Selects. In this way each chapter can be played and studied separately. A proposed Lesson Plan based on chapter headings accessed through the DVD menu screen can be found on page 4 of this Teachers Guide. It is also suggested that the program presentation take place before the entire class and under your direction. As you review the instructional program outlined in the Teacher's Guide, you may find it necessary to make some changes, deletions, or additions to fit the specific needs of your students..

## **INTRODUCTION AND SUMMARY OF PROGRAM**

*The First Amendment in the 21<sup>st</sup> Century: US v American Library Association - The Internet Filtering Case* is a new approach to presenting in an exciting way how United States Supreme Court decisions have impacted the First Amendment of the Bill of Rights in the opening decade of the 21<sup>st</sup> Century. The program is designed to present *US v American Library Association - The Internet Filtering Case* in a way that promotes successful student learning. The program begins with an examination of the facts of the case. It then proceeds to a dramatization of oral arguments before the U.S. Supreme Court. Finally, noted jurists and professors give their opinions on the results of the Court's decision on the First Amendment.

## **LINKS TO CURRICULUM STANDARDS**

The design for this program was guided by the National Center for History in the Schools, United States History curriculum Era 3: Revolution and the New Nation- Standards 1 and 3 for grades 5-12, Era 9 Postwar United States -Standard 4 for grades 5-12, and the California Public School Standards for Historical Content, Grade 8 - Standards 8.1, 8.2 and 8.3 (#4 - #7), Standard 8.8 (#1) and Grade 11, Standards 11.1 (#2, #3), 11.3 (#5), 11.5 - (#3, #4) and 11.10 (#2, #3) and Grade 12, Standards 12.1, 12.4 and 12.5.

## **SUGGESTED LESSON PLAN**

*The First Amendment in the 21<sup>st</sup> Century: US v American Library Association - The Internet Filtering Case* is laid out so that the program can be viewed in its entirety, or by selecting the DVD menu screen, chapter selects, individual chapters can be viewed separately to create a lesson plan. Using state of the art visuals, each chapter presents a part of the uniqueness of the case and its significance to the First Amendment in the 21<sup>st</sup> century. *US v American Library Association - The Internet Filtering Case* examines how the Supreme Court weighed the merits of the government prohibiting library patrons and school computer users from accessing pornographic material on the Internet. In addition, the program presents a dramatization of the important issues brought up in oral arguments before the Supreme Court and the importance of the Supreme Court's decision on First Amendment law in the United States.

Below is a list of the program and its chapters. Using these chapters, teachers can create a lesson plan to cover the specific issues, themes and the historical figures mentioned.

***The First Amendment in the 21<sup>st</sup> Century: The First Amendment in the 21<sup>st</sup> Century: US v American Library Association - The Internet Filtering Case***

- The Case
- The Arguments
- The Impact

### **Chapter One: The Case**

**Student Goals - In this *The First Amendment in the 21<sup>st</sup> Century: US v American Library Association - The Internet Filtering Case* chapter the students will learn:**

- United States v American Library Association, The Internet Filtering Case is about removing a free expression right
- There are categories of expression that do not receive 1<sup>st</sup> Amendment protection
  - One of those well established exceptions is obscenity
  - The difficulty is determining what is pornographic material
- A brief history of pornography in the U.S.
  - In the early 20<sup>th</sup> century, the medium for pornography began with books
  - Next came magazines and VHS tapes
  - Magazines and tapes turned pornography into a big business
  - With the Internet pornography became an even bigger business
- The government has a compelling interest in protecting minors from obscene and harmful material
  - It can prosecute individuals for violating obscenity laws
  - With the Internet, the government can impose filtering
- How an Internet filter works
- The federal government has been trying to keep Internet pornography away from children
  - One way was the 1999 Children's Internet Protection Act or CIPA
  - CIPA gave libraries a choice – to receive federal money they had to install an Internet pornography filter

- The argument against pornographic filtering in libraries is that libraries are public forums
- The other side makes the case that the mission of libraries is to create a safe place for children, and only in a limited sense are they public forums

## **Chapter Two: The Arguments<sup>1</sup>**

**Student Goals – In this *The First Amendment in the 21<sup>st</sup> Century: US v American Library Association - The Internet Filtering Case* chapter the students will learn:**

- The argument for the Petitioner, the United States Government, went right to the heart of the case – pornography and the Child Internet Protection Act
  - Filtering is an extension of what libraries have been doing all along
- The Respondent, the American Library Association made the argument that libraries are public forums
  - Since libraries are public forums, the Internet should not be filtered

## **Chapter Three: The Impact**

**Student Goals - In this *The First Amendment in the 21<sup>st</sup> Century: US v American Library Association - The Internet Filtering Case* chapter the students will learn:**

- Liberal and conservative jurists are split over the decision
- For some jurists the notion that the First Amendment would permit a filter for sexually oriented material really is a very uncontroversial one
  - Some believe that the Congress has the right to impose conditions on libraries receiving federal money
  - Just as there is no 1<sup>st</sup> Amendment violation for not carrying a particular author's book, there is no violation if the library blocks websites
  - As long as a library is making the judgments of obtaining material on the basis of institutional purpose, there really shouldn't be an objection
  - It is constitutional to set up Internet filters in order to get federal money, if when an adult asks that the filter be turned off, it is turned off
  - The concern is creating a library environment that is safe for children
- For other jurists, the idea that the government can censor a public forum is unconstitutional
  - Imposing filtering is so inexact that patrons are unable to look up important information because key words are deemed obscene
  - There should be a less restrictive alternative to filtering
  - Libraries are key locations in our societies and as such are places where 1<sup>st</sup> Amendment values are vitally at issue
  - The government is trying to prevent citizens from accessing important information, and doing it in such a clumsy way that we shouldn't allow it

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<sup>1</sup> Teachers and students can access the entire transcript of the oral arguments in either written or audio form in the supplementals supplied with the program