

Name: _____ Date: _____ Period: _____

OREGON SUPREME COURT STUDY

Free Speech in Oregon

(200 points)

“No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever: but every person shall be responsible for the abuse of this right.”

Constitution of Oregon, Article I, Section 8

Whenever there is a challenge to a particular court ruling, the defendant or plaintiff/prosecution in a case has the right to appeal to a higher court. Contrary to what many believe, however, most civil rights cases in Oregon are not decided at the federal level through the US Supreme Court, but through our own Oregon supreme court. Seven judges are appointed to the court and their appointment is ratified through popular election. Judges serve for six years.

We have studied how the Oregon constitution guarantees all of the civil rights listed in the federal Constitution: however, keep in mind that the Oregon constitution actually *expands* those rights. The federal Constitution merely spells out the minimum freedoms. States have the right to expand those rights without undue federal interference...most of the time.

In this role-playing activity you will form a commission of two (2) in order to research, study, and present a free speech issue before the Oregon supreme court. At the end of this handout is a list of topics for your commission to choose from. Your research should answer the following questions in depth:

- ! What is the injury?
- ! Who caused the injury? A private party, an unclear or unduly restrictive Oregon statute, ordinance, or law, a law enforcement agency?
- ! Identify the right violated and the source of that right in the Oregon and/or the US Constitution.
- ! Which court has jurisdiction in this issue?

Research

Prior to your presentation, you will have to research your topic thoroughly. One member of your commission must prepare a bibliography, **typed (font 12)**, of five (5) sources using the proper MLA style.

Presentation

Your commission will present a four (4) minute general summary from a prepared statement (3x5 cards

or paper, **typed**). This is the only paper you are allowed to have with you.

Follow-up

The follow-up session occurs after the presentation. It lasts six (6) minutes. The court will ask you a variety of general and somewhat specific questions on the general questions outlined above and on your opinions regarding this issue. This is where you show what you know by answering questions accurately and completely, *without notes of any kind*.

Visuals

Your commission must provide five (5) visuals that pertain to your topic. They can be photos (enlarged), maps, charts, graphs, or time lines. Each visual must be:

- at least 24" x 36" if poster board
- photos must be enlarged to at least 8 ½" x 11"
- Words, letters, or numbers must be typed and enlarged to be visible
- absolutely no hand-drawn visuals

In addition, if you are asked a question about your visual, you must know about it.

Grading

You will be graded on the following criteria. Please note that one person will be responsible for the visuals, while another person is responsible for the bibliography. This does not mean that you cannot work together. Please do so. If you prefer, the grade can be split evenly between the two of you, but you must request this. If not, you will be graded individually. Teams that work well together tend to increase their grade.

First Member of the Commission (200 points)

- G** dress (shirt, slacks, and tie for boys/shirt, slacks or dress, for girls) **20**
- G** four-minute general summary **20**
- G** hard copy (3x5 cards or paper, **typed**) of general summary **10**
- G** follow up questions answered accurately and completely without notes of any kind **50**
- G** Visuals (5) **100**

Second Member of the Commission (200 points)

- G** dress (shirt, slacks, and tie for boys/shirt, slacks or dress, for girls) **20**
- G** four-minute general summary **20**
- G** hard copy (3x5 cards or paper, **typed**) of general summary **10**
- G** follow up questions answered accurately and completely without notes of any kind **50**
- G** Typed bibliography in MLA style of five (5) sources **100**

Below is a list of cases, events, and conflicts that have occurred in the State of Oregon. Some of them are actual cases while others never even made it to court. They all have in common the issue of free expression as it applies to the Oregon. Choose one to research and present. This is not an exhaustive list by any means. You may choose your own that is not on the list, but I must approve it. Your biggest challenge will be, **to take these very broad topics, and present the most important points.**

LESSON PLAN
The Oregon Supreme Court and Free Speech
Research and Role Playing Activity
by Richard English

Objective: Students will be able to identify, explain, and understand the right of free expression in the state of Oregon as it is written in the Oregon constitution, the role of the Oregon supreme court in interpreting, limiting, or expanding that right, and the difference between the freedoms guaranteed by the our state constitution and the US Constitution.

CIM Benchmarks:

- ! Understand how laws are developed and applied to provide order, set limits, protect basic rights, and promote the common good.
- ! Understand the process by which laws are developed at the federal level, and key difference between how laws are developed at the federal level and in Oregon.
- ! Understand how the rights of citizens have been augmented by case law decisions.

This lesson could also satisfy a CIM/CAM requirement with a sample assessment in Speaking.