

**Teacher's Guide For**

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

**Century:**

**Garcetti v. Ceballos - The Whistleblower**

**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: Garcetti v. Ceballos - The Whistleblower 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 *Garcetti v. Ceballos - The Whistleblower 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 this First Amendment case.

## **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: Garcetti v. Ceballos - The Whistleblower Case* is laid out so 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. In *Garcetti v Ceballos* the Supreme Court made a decision on how much First Amendment protection a public employee has. 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: Garcetti v. Ceballos - The Whistleblower Case***

- The Case
- The Supreme Court Arguments
- The Impact

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

**Student Goals - In this *The First Amendment in the 21<sup>st</sup> Century: Garcetti v. Ceballos - The Whistleblower Case* chapter the students will learn:**

- The case is about free speech in the public workplace, a free expression right
  - First Amendment rights depend upon where an individual works
  - Only the government is prohibited from restricting speech
  - Private corporations are free to censor speech of their employees
  - Public employees enjoy First Amendment freedoms, but the government has a freer hand in regulating their speech
- This case is about how much First Amendment protection a public employee has
- When the First Amendment was ratified by the states in 1791, the Founding Fathers had no idea how the Amendment would influence government operations
- The Federal government became a major employer until late in the 19<sup>th</sup> century
  - As government grew in order to function efficiently it needed to operate more like a private corporation
  - The puzzle for the government was how could they regulate employee speech when the First Amendment prohibits government from doing that
  - Courts needed to craft how the First Amendment should apply in the public workplace
  - Early on the Court took the view that the government may impose whatever restriction it wants on its employees
  - In the 1950s the Court came to a new view that the government had some authority to restrict the speech of employees, but not unlimited authority

- By the 1990s employees had free speech if the speech was about matters of public concern
- The facts of the case *Garcetti v. Ceballos*
  - Richard Ceballos was a deputy district attorney in the Los Angeles District Attorney's office led by Gil Garcetti
  - Ceballos wrote a memo to his supervisor suggesting that a deputy sheriff lied about some facts in order to get a search warrant
  - The defense in the case got a copy of the memo and called Ceballos as a witness in the case
  - The L.A. District Attorney's Office saw Ceballos as being disloyal and demoted and transferred him
  - Ceballos saw himself as a whistleblower
  - Ceballos brought suit saying he had First Amendment protection

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

**Student Goals – In this *The First Amendment in the 21<sup>st</sup> Century: Garcetti v. Ceballos - The Whistleblower Case* chapter the students will learn:**

- The petitioner, speaking for the Los Angeles County District Attorney's office, made the case that public employees lose their First Amendment protection of speech when they speak in accordance to their official duties
- The respondent, speaking for Ceballos, made the case that whistleblowers do not lose their first amendment speech protection in the workplace when the speech is about matters of public concern

## **Chapter Three: The Impact**

**Student Goals - In this *The First Amendment in the 21<sup>st</sup> Century: Garcetti v. Ceballos - The Whistleblower Case* chapter the students will learn:**

- How the experts view the decision of the case
- Liberals tend to view the case as a loss for whistleblower protection
  - The Court decision gives whistleblowers the incentive to go to the media to blow the whistle instead of his or her supervisor
  - If a government employee is a whistleblower and reports wrongdoing to a superior, nothing protects that employee from getting disciplined
- Conservatives tend to view the decision as proper protection of employers
  - When an employee is speaking privately he can talk about whatever he wants, but in the course of his duties he has no First Amendment protection
- The Court also said that civil service laws on the books are sufficient to protect employees who blow the whistle
  - *Garcetti v. Ceballos* demonstrates the distinction between something that might be illegal or might have legal protection, but might not necessarily have constitutional protection

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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.