



Freedom of Expression—Lesson Plan

Student Outcomes

At the conclusion of this lesson, students will be able to:

- Define *censorship*.
- Explain the fundamental role of freedom of expression in a democratic society.
- Identify at least three reasons to support and three reasons to oppose blocking Internet content in the name of national security.
- Appreciate the tension between individual freedom of expression and collective national security in a democracy.
- Identify areas of agreement and disagreement with other students.
- Reach a decision, individually and collectively, on the deliberation issue using evidence and sound reasoning.
- Explain the importance of deliberating this question in a democratic society.

Question for Deliberation

Should our democracy block Internet content to protect national security?

Topic Materials

- Reading
- Glossary—Supplemental Handout
- Quotations—Supplemental Handout
- Selected Resources

Deliberation Materials

- Deliberation Procedures
- Handout 1—Deliberation Guide
- Handout 2—Deliberation Notes
- Handout 3—Deliberation Reflection



Freedom of Expression—Reading

Should our democracy block Internet content to protect national security?

1 In April 2010, the group called Wikileaks released a shocking video on the Internet. The
2 video showed a U.S. military helicopter shooting at people on the ground in Iraq. This shooting
3 killed 12 people. Two of those killed were journalists. This incident happened in 2007. The U.S.
4 military had kept it secret.

5 Several months later, Wikileaks released thousands of secret U.S.A. military documents.
6 These documents concerned the wars in Afghanistan and Iraq. Wikileaks also released hundreds
7 of secret U.S.A. diplomatic documents. Newspapers such as *The New York Times* published the
8 documents. The founder of Wikileaks opposed U.S. military involvement in Iraq and
9 Afghanistan. He claimed that his purpose was to make the U.S. government more accountable.
10 The U.S. government claimed that the Wikileaks documents could jeopardize the security of the
11 United States of America. It also claimed that Wikileaks' actions could be a crime.¹

12 Democracies are based on the belief that free expression is essential. Even democracies,
13 however, limit or prohibit certain kinds of speech. For example, governments censor information
14 in the name of ***national security***. The Internet can make it easier for citizens to freely express
15 their views about their government. It might also make protecting national security more difficult
16 for governments.

Free Expression and National Security

17 Self-government requires that citizens have accurate and current information. To make good
18 decisions, they need information about issues facing their society. Free expression allows people
19 to share and question ideas. The exchange of ideas and information promotes cultural, economic,
20

21 and scientific development. Free speech also lets people voice their anger with the government.
22 People may be less likely to express themselves through violence. Freedom of expression
23 remains one of the most basic rights in a democracy.

24 National security is also important in a democracy. A nation must be protected from
25 invasion, terrorism, or social disorder, such as civil war and riots. A nation's military and
26 diplomatic personnel must be kept safe. A nation that is not secure may not be able to protect
27 rights like free expression.

28 **Democratic Government: Protector and Regulator of Free Expression**

29 Democratic governments protect freedom of expression. They also have the power to limit it.
30 Colombia, Ecuador, Mexico, Peru, and other Latin American countries have ratified the
31 American Convention on Human Rights. This Convention protects free expression. It states “the
32 right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless
33 of frontiers....” Article 13 of the Convention also allows governments to make laws that
34 establish liability for “the protection of national security, public order, or public health or
35 morals.” These laws, however, do not allow *prior censorship* of any expression.²

36 Freedom of speech is also protected and regulated in the United States of America. The First
37 Amendment to the U.S. Constitution states that “Congress shall make no law... abridging the
38 freedom of speech, or of the press.” The U.S. Supreme Court has affirmed that these protections
39 extend to those who support unpopular ideas. However, the government has also limited or
40 punished certain kinds of speech. These types of speech include obscenity, commercial speech,
41 defamation, “fighting words,” and *incitement*.

42 **Censorship and the Internet**

43 In the age of the Internet, democracies must decide how they will deal with online
44 information. One response is *censorship*. One way governments can censor online information is
45 to block or filter access to websites. Some governments act directly and shut down sites.

46 Other governments censor indirectly. They have *Internet service providers* (ISPs) block
47 content for them. In the United States of America, two Internet services removed Wikileaks from
48 their service in 2010. At the Chinese government's request, Google agreed to censor websites
49 within the People's Republic of China. It even created a separate Chinese domain. In 2009,
50 however, the Chinese government *hacked* into the Google accounts of human rights activists.
51 Google later left China in protest.³ (Note that the People's Republic of China is not a
52 democracy.)

53 Many democracies have also passed cybercrime laws. In Mexico, for example, it is a crime to
54 gain access to a governmental computer system that is protected by security measures. A person
55 who breaks this law can be imprisoned from six months to two years.⁴ Similarly, it is a crime in
56 the United States of America to obtain and willfully transmit national security information
57 without authorization. A person who breaks this law and has reason to believe that the
58 information could injure the United States of America or benefit another nation can be
59 imprisoned up to ten years.⁵

60 **Governmental Censorship: Supporters and Opponents**

61 Some people support blocking Internet content to protect national security. They believe that
62 the common good is sometimes more important than the free expression rights of individuals.

63 Supporters argue that the rise of terrorist threats has made blocking some Internet content
64 necessary. Without censorship, terrorists might post instructions for making bombs. Terrorists

65 could influence others to commit violent acts. They can encourage people to undermine national
66 morale. During World War II, the U.S. Office of Censorship would not allow anti-war movies or
67 pro-Nazi opinions in American newspapers. The government wanted to protect the morale of
68 U.S.A. soldiers fighting the Nazis.⁶

69 Supporters argue that blocking Internet content is not the same as censoring opinions. In
70 2006, for example, the U.S. government asked *The New York Times* to censor some information
71 in an opinion column. The information related to the troubled relations between the United States
72 of America and Iran. The newspaper published the op-ed in print and on the Internet, “blacking
73 out” part of the op-ed.⁷ The opinion of the writers, however, was not changed.

74 Supporters also argue that the Internet is not as hard to monitor as many claim it is. The same
75 standards used to block radio or television content can be applied to the Internet. In 2009, the
76 government of Peru took away the license of a radio station. The government claimed it had
77 incited violence during a protest. It restored the license in 2010 after talks with press freedom
78 groups.⁸

79 Opponents argue that blocking Internet content stifles dissent.⁹ Authoritarian governments
80 practice the most effective censorship in the world. In 1999, Yahoo! agreed to comply with
81 Chinese Internet regulations. As a result, the Chinese journalist Shin Tao was later sentenced to
82 ten years in prison. He sent a document to a pro-democracy group outside of China from his
83 personal Yahoo! account.¹⁰ Authoritarian governments tend to censor information when they are
84 afraid of how the information may influence their citizens. By contrast, some U.S. newspapers
85 and websites published the opinions of leaders of Hezbollah and Hamas after the attacks of
86 September 11, 2001. The U.S. government identifies these groups as terrorist organizations.
87 Although their views were unpopular among American citizens, they were not censored.

88 Opponents argue that allowing the government to block Internet content establishes a bad
89 *precedent*. They say that if the government has this power, then only the government will decide
90 what citizens can see online and what constitutes a threat to national security. A government
91 office in Australia, for example, blocked sexually and violent websites. It kept the list of banned
92 sites a secret. Controversy arose when Wikileaks released the secret list. The government had
93 banned not only violent or sexual websites. It also had banned the websites of a private dentist, a
94 dog kennel, and other unrelated businesses.¹¹

95 Finally, opponents argue that attempts to censor are useless. The Internet crosses national
96 boundaries. Citizens will always find ways to access forbidden information. A proposal in
97 Chile's parliament, for example, would allow a judge to decide if content on the Internet in that
98 country is offensive to morals or public order. But what if an ISP is located outside of Chile? In
99 that case, the judge's order could not be enforced.¹²

100 Citizens in every democracy want to be both safe and free. Each nation must balance
101 freedom and security in its society and on the Internet.

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- ¹ Jonathan Fildes, “What Is Wikileaks?” *BBC News* (December 7, 2010), <http://www.bbc.co.uk/news/technology-10757263> (accessed July 7, 2011).
- ² American Convention on Human Rights (Washington, DC: Organization of American States, entered into force July 18, 1978), <http://www.oas.org/juridico/english/treaties/b-32.html> (accessed July 5, 2011).
- ³ American Convention on Human Rights, 727.
- ⁴ “Mexico,” Cybercrime Law, <http://www.cybercrimelaw.net/Mexico.html> (accessed July 6, 2011); Legislaciones Nacionales/National Legislation (Washington, DC: Organization of American States, n.d.), http://www.oas.org/juridico/spanish/cyber_nat_leg.htm (accessed July 18, 2011).
- ⁵ “Computer Fraud and Abuse Act” [18 U.S.C. § 1030(a)(1)],” in Peter Eltringham, ed., *Prosecuting Computer Crimes* (Washington, DC: U.S. Department of Justice, Computer Crime and Intellectual Property Section, Criminal Division, 2010), <http://www.cybercrime.gov/ccmanual/index.html> (accessed July 18, 2011).
- ⁶ Tony Blankley, “Yes, We Need Censorship,” *The Washington Times* (February 12, 2009), <http://www.washingtontimes.com/news/2009/feb/12/yes-we-need-censorship/> (accessed July 18, 2011).
- ⁷ Flint Leverett and Hillary Mann, “What We Wanted to Tell You about Iran,” *The New York Times* (December 22, 2006), <http://www.nytimes.com/2006/12/22/opinion/22precede.html> (accessed July 18, 2011).
- ⁸ “Gov’t Backtracks, Restores License for Radio La Voz,” *Peruvian Times* (August 20, 2010), <http://www.peruviantimes.com/20/govt-backtracks-restores-license-for-radio-la-voz/7722/> (accessed July 18, 2011).
- ⁹ “Many Governments Use Internet to ‘Curtail Freedom of Expression,’” *Mercopress* (March 11, 2010), <http://en.mercopress.com/2010/03/11/many-governments-use-internet-to-curtail-freedom-of-expression> (accessed July 18, 2011).
- ¹⁰ Jessica E. Bauml, “It’s a Mad, Mad Internet: Globalization and the Challenges Presented by Internet Censorship,” *Federal Communications Law Journal*, vol. 63 (May 2011), 708.
- ¹¹ David Kravets, “Wikileaks Exposes Australian Web Blacklist,” *Wired* (March 19, 2009), <http://www.wired.com/threatlevel/2009/03/wikileaks-expos/> (accessed July 18, 2011).
- ¹² Margarita Valdés Cortés, *Internet Censorship Around the World* (Reston, VA: Internet Society, n.d.), http://www.isoc.org/inet2000/cdproceedings/8k/8k_4.htm (accessed June 28, 2011).



Freedom of Expression—Glossary

Censorship: The act of preventing the release of information to the public, or of removing information that has been released to the public.

Hack: Gain access to a computer or network of computers illegally or without permission

Incitement: The act of persuading, encouraging, or otherwise using words to cause someone else to commit a crime.

Internet service provider: A company or organization that provides its customers with access to the Internet. It is usually referred to as an ISP.

National security: The efforts taken to protect a nation's military and economic might. National security is achieved, in part, through maintaining a nation's military defenses and foreign relations with other nations.

Precedent: An act, decision, or case that serves as a guide or justification for subsequent situations.

Prior censorship: Action by a government to prevent the release of information or the expression of opinion before it appears in print or online. Sometimes called *prior restraint*.



Freedom of Expression—Quotations

“[People who put content on the Internet] are just intermediaries and that’s how Internet functions. If you don’t protect them, you will condemn freedom of expression.”

~Dr. Catalina Botero (Colombia), *Special Rapporteur for Freedom of Expression, Organization of American States (2011)*

Quoted in “Rapporteurs Want New Laws for Freedom of Expression on the Internet,” *The Gleaner* (February 10, 2011), <http://jamaica-gleaner.com/gleaner/20110210/lead/lead51.html> (accessed July 18, 2011).

“There is no reason why newspapers should remain free to publish direct appeals to the American public from members of designated terrorist organizations. Most important, the media should not enjoy the unfettered right to publish national security, intelligence, and military secrets. These revelations can be so damaging to national security that sanctions should be enforced not just against government officials who leak secrets, but also against the journalists and media outlets that disclose them.”

~Tony Blankley, *journalist (2009)*

Tony Blankley, “Yes, We Need Censorship,” *The Washington Times* (February 12, 2009), <http://www.washingtontimes.com/news/2009/feb/12/yes-we-need-censorship/> (accessed July 18, 2011).

“Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one’s choice.”

~ American Convention on Human Rights, Art. 13, Sec. 1 (1969)

American Convention on Human Rights (Washington, DC: Organization of American States, entered into force July 18, 1978), <http://www.oas.org/juridico/english/treaties/b-32.html> (accessed July 5, 2011).

“The peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it.”

~John Stuart Mill, *British philosopher (1859)*

John Stuart Mill, *On Liberty* (New York: Prometheus Books, 1986 reprint, originally published 1859).

“Congress shall make no law...abridging the freedom of speech, or of the press.”

~U.S. Constitution, Amendment I (1791)

“The Constitution of the United States,” Amendment I.



Freedom of Expression—Selected Resources

American Convention on Human Rights (Washington, DC: Organization of American States, entered into force July 18, 1978), <http://www.oas.org/juridico/english/treaties/b-32.html> (accessed July 5, 2011).

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"Computer Fraud and Abuse Act" [18 U.S.C. § 1030(a)(1)], in *Prosecuting Computer Crimes*, Scott Eltringham, ed. (Washington, DC: U.S. Department of Justice, Computer Crime and Intellectual Property Section, Criminal Division, 2010), <http://www.cybercrime.gov/ccmanual/index.html> (accessed July 18, 2011).

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Legislaciones Nacionales/National Legislation (Washington, DC: Organization of American State, n.d.), http://www.oas.org/juridico/spanish/cyber_nat_leg.htm (accessed July 18, 2011).

Leverett, Flint, and Hillary Mann. "Redacted Version of Original Op-Ed," *The New York Times* (December 22, 2006), <http://www.nytimes.com/2006/12/22/opinion/22leverett.html> (accessed July 18, 2011).

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"Mexico," Cybercrime Law, <http://www.cybercrimelaw.net/Mexico.html> (accessed July 6, 2011).

Office of the Special Rapporteur for Freedom of Expression, *2010 Special Report on Freedom of Expression in Mexico* (Washington, DC: Inter-American Commission on Human Rights, 2011).

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- Sasaki, David, "Internet Censorship and Freedom of Expression in Latin America," *Technology and Civil Society in Latin America* (New York: Información Cívica, 2010), <http://informacioncivica.info/mexico/internet-censorship-and-freedom-of-expression-in-latin-america/> (accessed July 18, 2011).
- Valdés Cortés, Margarita, "Internet Censorship Around the World," *Internet Society*, http://www.isoc.org/inet2000/cdproceedings/8k/8k_4.htm (accessed June 28, 2011).
- Zuchora-Walske, Christina, *Internet Censorship: Protecting Citizens or Trampling Freedom?* (Breckenridge, CO: Twenty First Century Books, 2010).



Deliberation Procedures

PART I (In class the day before)

1. **Introduction.** Teachers review the meaning of deliberation, the reasons for deliberating, and the rules for deliberation. (Handout #1)

PART II (approximately 30 minutes)

2. **Careful Reading of the Text.** Students read the text individually, in small groups of 4 or as a whole class in order to reach a common understanding of the reading. If students do not understand the reading, the deliberation will not be successful. As a whole class or in their small groups, students agree on at least three interesting facts and/or ideas. (Handout #2).

Note on Supplemental Resources. Each deliberation includes both a basic reading and one or more supplemental resources. Supplemental resources may be a graph, a political cartoon or image, a glossary, a page of expert quotes, or a primary source or independent news story. These supplemental resources are optional materials that can be used to provoke discussion and critical thinking. These materials may be used by teachers as part of the lesson—as part of the *Introduction (Step 1)*, *Careful Reading of the Text (Step 2)*, *Presentation of Positions (Step 4)*, *Reversal of Positions (Step 5)*, or *Reflection (Step 8)*. Teachers can use these materials to differentiate instruction with some or all the students in class. Supplemental resources also can add depth or enrich the deliberation.

3. **Clarification.** After checking for understanding of the terms and content, the teacher makes sure students understand the deliberation question. (Handout #2)
4. **Presentation of Positions.** Students work in small groups of 4 divided into pairs (A & B). Each pair is assigned a position. The position of the A's is to find at least two compelling reasons to say YES to the deliberation question. The position of the B's is to find at least two compelling reasons to say NO to the deliberation question. A's teach B's at least two reasons to say YES to the deliberation question. B's teach A's at least two reasons to say NO to the deliberation question. (Handout #2)
5. **Reversal of Positions.** The pairs reverse positions. The B pair now adopts the position to say YES to the deliberation question; the A pair adopts the position to say NO to the deliberation question. The A's & B's should select the best reason they heard from the other pair and add at least one additional compelling reason from the reading to support their new position. (Handout #2)

PART III (approximately 15-20 minutes)

6. **Free Discussion.** Students drop their assigned roles and deliberate the question in their small groups. Each student reaches a personal decision based on evidence and logic.



PART IV (approximately 10-15 minutes)

- 7. Whole Class Debrief.** The teacher leads the whole class in a discussion to gain a deeper understanding of the question, democracy, and deliberation.
- What were the most compelling reasons for each side? What were the areas of agreement? What questions do you still have? Where can you get more information?
 - What is your position? (Poll the class on the deliberation question.) In what ways, if any, did your position change?
 - Is there an alternative policy that might address the problem more effectively? What, if anything, might you or your class do to address this problem?
 - What principles of democracy were inherent in this discussion? Why might deliberating this issue be important in a democracy?
 - Add other questions relevant to your curriculum.

PART V (15-30 minutes either in class or for homework)

- 8. Student Reflection.** Students complete the reflection form either at the end of class or for homework. (Handout #3)



Handout 1—Deliberation Guide

What Is Deliberation?

Deliberation is the focused exchange of ideas and the analysis of multiple views with the aim of making a personal decision and finding areas of agreement within a group.

Why Are We Deliberating?

People must be able and willing to express and exchange ideas among themselves, with community leaders, and with their representatives in government. People and public officials in a democracy need skills and opportunities to engage in civil public discussion of controversial issues in order to make informed policy decisions. Deliberation requires keeping an open mind, as this skill enables people to reconsider a decision based on new information or changing circumstances.

What Are the Rules for Deliberation?

- Read the material carefully.
- Focus on the deliberation question.
- Listen carefully to what others are saying.
- Understand and analyze what others are saying.
- Speak and encourage others to speak.
- Refer to the reading to support your ideas.
- Use relevant background knowledge, including life experiences, in a logical way.
- Remain engaged and respectful when controversy arises.



Handout 2—Deliberation Notes

The Deliberation Question:

Review the reading and in your group determine at least three of the most important facts and/or interesting ideas. Ask about any terms that are unclear.

Reasons to Support the Question - YES	Reasons to Oppose the Question - NO



Handout 3—Deliberation Reflection

What I think:

1. What did I decide and why? Did I support or oppose or have a new idea?

2. What did someone else say or do that was particularly helpful?

3. What, if anything, could I do to address the problem?

What we think:

1. What did we agree on?

2. What, if anything, could we do to address the problem?

Rate yourself and the group on how well the rules for deliberation were followed:

(1 = not well, 2 = well, 3 = very well)

	Me	Group
Read the material carefully.		
Focused on the deliberation question.		
Listened carefully to what others said.		
Understood and analyzed what others said.		
Spoke and encouraged others to speak.		
Referred to the reading to support ideas.		
Used relevant background knowledge and life experiences in a logical way.		
Remained engaged and respectful when controversy arose.		

1. What can I do to improve my deliberation skills?

2. What can the group do to improve the deliberation?