



## Public Demonstrations—Lesson Plan

### Student Outcomes

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

- Define the term *public demonstration* and give examples of how people demonstrate publicly.
- Explain why the rights underlying public demonstrations (freedom of speech, assembly, and petition) are fundamental political freedoms.
- List at least three reasons to support and three reasons to oppose the power of government to prohibit unauthorized public demonstrations.
- Evaluate which principles of democracy may be in conflict when governments regulate public demonstrations.
- 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 have the power to prohibit unauthorized public demonstrations?*

### Topic Materials

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

### Deliberation Materials

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



## Public Demonstrations—Reading

### *Should our democracy have the power to prohibit unauthorized public demonstrations?*

1 In January 2011, tens of thousands of Tunisians rallied. For weeks, they gathered in streets  
2 and public squares to protest against their government. They blamed the government for  
3 unemployment, rising food prices, corruption, and political *repression*. Their protests were quite  
4 risky. The president, Ben Ali, had tightly controlled the country and its security forces for 23  
5 years. For example, Ben Ali's forces attacked and killed an estimated 100 demonstrators. Yet, as  
6 the world followed – on the Internet, Twitter, YouTube, and television – Ben Ali stepped down.  
7 Protests continued, forcing the resignation of the entire government.

8 Thus began the “Arab Spring.” People in such countries such as Yemen, Algeria, and Egypt  
9 demonstrated, too. They were hopeful about their chances to topple dictators and to bring about  
10 democratic reforms. Whether these democracies truly take root or whether the dictators of Syria,  
11 Libya, and Bahrain will continue their violence against protesters remains in question. One thing  
12 is certain: public demonstrators can change the world.

13 In democracies, citizens can publicly complain about their government without fear of  
14 punishment. They can ask their government to change its laws and policies. They can protest  
15 when the government refuses to listen to them. They can also freely choose to endorse a  
16 candidate or policy, or choose not to do so. One of the most powerful ways for citizens to  
17 express their opinions about government is to join with others in a *public demonstration*.

18 Public demonstrations are expressions of support of or opposition to a policy or leader. They  
19 can be comprised of a single person or a crowd of millions. They take many forms.  
20 Demonstrators may rally, march, picket, sing songs, block roads, sit down and refuse to move, or

21 simply wear a political sign. When people demonstrate to express their objections to laws or  
22 policies, it is called a *protest*.

23 Sometimes, demonstrators appeal directly to government leaders. In May 2011, more than  
24 350 people protested budget cuts at the North Carolina capitol building. They also wanted  
25 lawmakers to reject a bill that they say hurts the voting rights of the poor and minority groups.<sup>1</sup>  
26 In the same month, more than twenty thousand indigenous Peruvians took over the city of Puno.  
27 They said they would not leave until the government revoked a mining permit it had granted to a  
28 Canadian company.<sup>2</sup>

29 Sometimes, demonstrators raise their voices for or against other powerful groups. In 2008,  
30 nearly four million Colombians rallied. They carried signs saying such things as “One Million  
31 Voices Against FARC.” *Fuerzas Armadas Revolucionarias de Colombia (FARC)* has since lost  
32 much of its power. However, it had terrorized Colombians for nearly 50 years with bombings,  
33 extortion, assassinations, and kidnappings. Organizers said the goal of the demonstration was to  
34 change the perception that the public had given up against FARC.<sup>3</sup> Similar protests occurred in  
35 Mexico in April and June 2011. Thousands of people in ten cities there protested against the drug  
36 traffickers who have terrorized the country.<sup>4</sup>

### 37 **A Fundamental Democratic Freedom, but Not An Absolute Right**

38 The Universal Declaration of Human Rights says “everyone has the right to freedom of  
39 peaceful *assembly* and *association*.”<sup>5</sup> The First Amendment to the U.S. Constitution says that  
40 “Congress shall make no law...prohibiting... the right of the people peaceably to assemble, and  
41 to *petition* the Government for a *redress* of *grievances*.” The constitutions of Mexico, Peru,  
42 Ecuador, and Colombia contain similar freedoms. People have used these rights around the  
43 world and throughout history.

44 Note that people only have the right to peaceful assembly. Many times, public  
45 demonstrations are peaceful. One of the most famous peaceful demonstrations in the United  
46 States of America was the 1963 “March on Washington.” More than 200,000 people sang songs  
47 and gave speeches. They showcased nonviolent protest to end racial discrimination in society  
48 and in laws.

49 Other times, public demonstrations become dangerous riots. Protesters, *counter-protesters*,  
50 the police, or even an unconnected group of people might become violent. Sometimes, a  
51 combination of groups may be at fault. In the 2011 protests in Puno, Peru, people ransacked  
52 offices and shops and set buildings and cars on fire.<sup>6</sup>

53 Authoritarian governments use their military and police to protect their dictators and to  
54 intimidate or kill critics. In democracies, people should expect the military and the police to  
55 protect the safety and rights of citizens. Democratic governments protect the political freedoms  
56 of their citizens. They must also keep demonstrators and bystanders safe.

57 Every society needs order. Governments use different methods to control or regulate  
58 demonstrations that take place in public places. They often require demonstrators to get permits  
59 before the events. They might restrict when and where demonstrations can happen. For example, a  
60 town could deny a permit to a group planning to blast its message through 20-foot speakers at 2:00  
61 a.m. near a hospital. A city might stop protesters from completely blocking streets or sidewalks.  
62 These limits on free speech and protest are referred to as “time, place, and manner” restrictions.

63 Sometimes, democratic governments restrict who has the right to join in public  
64 demonstrations. The United States of America bans uniformed military personnel from joining in  
65 public protests against the government. In Peru, members of the police force and military may

66 only petition individually. In Mexico and Ecuador, foreigners are not allowed to join public  
67 demonstrations. Violators may be put in jail or deported.<sup>7</sup>

68 Democratic governments protect people's right to say and do unpopular and even offensive  
69 things. In the United States of America, the current standard held by the Supreme Court is that  
70 speech advocating violence is protected, unless it is likely to incite imminent lawless action.<sup>8</sup>

71 Some people think that governments should not be able to restrict when, where, why, and  
72 how people demonstrate. Others believe that governments should be able to restrict public  
73 demonstrations in some cases.

#### 74 **Limits on Public Demonstrations: Supporters and Opponents**

75 People who think democracies have the power to prohibit unauthorized demonstrations –  
76 “supporters” – point to the ways that demonstrations can disrupt life and commerce. For  
77 example, in the Federal District of Mexico City, there is an average of nine protests a day.<sup>9</sup> These  
78 disruptions affect people who have nothing to do with the protest.

79 In Ecuador's *levantamiento* or uprising, protestors blocked roads with trees and boulders. In  
80 this way, they cut off food supplies and paralyzed the country's economy.<sup>10</sup> In other places,  
81 protests have resulted in reduced tourism. Reduced tourism harms the economy. Supporters say  
82 government has a responsibility to control such chaos and disruption.

83 Opponents of limiting public demonstrations do not advocate violence or destruction.  
84 However, they say that protests where people quietly hold signs in an uncrowded place may not  
85 get the attention of the media or of decision-makers. In fact, after the uprising in Ecuador, the  
86 government did agree to resume negotiations. Peruvian protestors have succeeded in getting their  
87 parliament to reverse land-use laws. But this happened only after they had blocked roads near  
88 Bagua, and violence had erupted there.<sup>11</sup>

89        Supporters say prior authorization allows police to make plans to keep protesters and  
90 bystanders safe. Local residents and business owners can also plan better for the disruption that  
91 demonstrators will cause. Opponents say it is unreasonable to expect demonstrators always to  
92 plan ahead. Sometimes, a news story or an official’s decision will spark an immediate reaction. It  
93 is not practical or fair to require citizens to wait. This is especially true in an age when so many  
94 people are connected through Facebook and Twitter.

95        Opponents say that public spaces are for everyone. Thus, they should not be tightly  
96 regulated. Opponents object to permit requirements that make it difficult for demonstrators to be  
97 heard. Just prior to the U.S. national political party conventions in 2008, the host cities of St.  
98 Paul and Denver passed new regulations preventing large groups from protesting in certain  
99 public spaces.<sup>12</sup> Demonstrators in Denver were even confined to fenced-in areas. Supporters of  
100 prior government authorization say that public spaces are perfect for public demonstrations. But  
101 they are not lawless spaces. Cities have rules that control traffic and littering in public spaces.  
102 Cities can reasonably limit public demonstrations to keep order, too.

103        Opponents also say rich people and corporations can hire lobbyists and pay for political  
104 advertising on television or in newspapers. Poor people cannot. People with little economic or  
105 political power can make their voices heard through public demonstrations. For democracies to  
106 be fair, leaders need to hear diverse voices and messages.

107        In fact, now people can use relatively free technologies such as Facebook, Twitter, and  
108 YouTube to organize and publicize demonstrations. Recently, organizers without much money  
109 or power have done just that in Mexico, Colombia, Egypt, Tunisia, and other countries.

110        Supporters say that some messages are so awful, they should not be protected. For example,  
111 in the United States of America, the Supreme Court recently upheld the right of a church group

112 to hold hateful signs at military funerals. But more than 40 states have administrative rules that  
113 make it difficult for that controversial group to get permits.<sup>13</sup> Opponents say the government  
114 should not repress unpopular expressions. They say counter-protesters can demonstrate and call  
115 attention to alternative points of view.

116 Opponents argue that people gathered peacefully to discuss or protest issues do not need  
117 permission from the very government against which they may have a grievance. In fact, the  
118 enforcers of the laws – clerks who deny or allow permits, the police, and the military – tend to  
119 support the existing order. They work for the government. Therefore, they often oppose  
120 demonstrators who challenge the *status quo*. Opponents point to examples when police or  
121 military attacked peaceful protesters. This happened in the United States of America during the  
122 Civil Rights Movement. It also happened in 1968 in Mexico. Government troops there  
123 massacred unarmed students gathered to protest harsh treatment by police at an earlier protest.<sup>14</sup>  
124 Supporters of permit requirements say the process makes government officials act in an impartial  
125 way. All groups have to follow the same rules.

126 People disagree about whether governments should be able to prohibit unauthorized  
127 demonstrations. Do requirements for prior authorization place unfair limits on fundamental  
128 liberties? Or do they strike a reasonable balance between order and liberty?

- 
- <sup>1</sup> “NC NAACP president, others bond out after arrest,” *ABC News* (May 25, 2011), <http://abclocal.go.com/wtvd/story?section=news/local&id=8149793> (accessed August 31, 2011).
- <sup>2</sup> “20,000 Aymaras Occupy Puno,” *The Free Press* (May 28, 2011), <http://thefreeonline.wordpress.com/2011/05/28/peru-indigenous-anti-mine-protectors-hold-puno-city> (accessed June 24, 2011).
- <sup>3</sup> “Protesting Terror in Colombia: One Million Voices Against FARC,” *Tavaana Media Monitor* (Washington, DC: Center for Liberty in the Middle East, March 30, 2011), [http://www.tavaana.org/archive.jsp?restrictids=nu\\_repeatitemid&restrictvalues=0101141870701301270947825&lang=en](http://www.tavaana.org/archive.jsp?restrictids=nu_repeatitemid&restrictvalues=0101141870701301270947825&lang=en) (accessed June 24, 2011).
- <sup>4</sup> Alberto Najar, “No Más Sangre por Narcoviencia, Reclamo de Miles en México,” *BBC Mundo* (April 7, 2011), [http://www.bbc.co.uk/mundo/noticias/2011/04/110407\\_protestas\\_violencia\\_mexico\\_1f.shtml](http://www.bbc.co.uk/mundo/noticias/2011/04/110407_protestas_violencia_mexico_1f.shtml) (accessed June 24, 2011).
- <sup>5</sup> Article 20, Universal Declaration of Human Rights (New York: United Nations, 1948), <http://www.un.org/en/documents/udhr/index.shtml> (accessed June 24, 2011).
- <sup>6</sup> “20,000 Aymaras Occupy Puno.”
- <sup>7</sup> “Mexico Country Specific Information” (Washington, DC: U.S. State Department, February 23, 2011), [http://travel.state.gov/travel/cis\\_pa\\_tw/cis/cis\\_970.html](http://travel.state.gov/travel/cis_pa_tw/cis/cis_970.html); and “Ecuador Country Specific Information” (Washington, DC: U.S. State Department, May 3, 2011), [http://travel.state.gov/travel/cis\\_pa\\_tw/cis/cis\\_1106.html](http://travel.state.gov/travel/cis_pa_tw/cis/cis_1106.html) (both accessed June 24, 2011).
- <sup>8</sup> *Brandenburg v. Ohio* 395 U.S. 444 (1969).
- <sup>9</sup> “Impulsa Cuevas Ley Para Calendarizar Marchas en el D.F.,” *El Diario de Yucatan* (June 24, 2011), <http://www.yucatan.com.mx/20110624/nota-13/140575-impulsa-cuevas-ley-para-calendarizar-marchas-en-el-df.htm> (accessed July 19, 2011).
- <sup>10</sup> Marc Becker, “Ecuador, Indigenous Uprisings In,” *Oxford Encyclopedia of the Modern World* (Oxford, UK: Oxford University Press, 2008), [http://www.yachana.org/research/oxford\\_uprisings.html](http://www.yachana.org/research/oxford_uprisings.html) (accessed June 24, 2011).
- <sup>11</sup> “Disputed Peru Land Laws Suspended,” *BBC News* (June 10, 2009), <http://news.bbc.co.uk/go/pr/fr/-/2/hi/americas/8094304.stm> (accessed June 24, 2011).
- <sup>12</sup> Brandt Williams, “Debate in Minneapolis Over City’s Protest Permit Policy,” *Minnesota Public Radio* (June 3, 2008), <http://minnesota.publicradio.org/display/web/2008/06/03/mplsprotestpermits/> (accessed June 24, 2011); and Rob Quinn, “Denver Can ‘Corral’ Convention Protesters: Court: Judge Rules Security Concerns Take Priority Over Free Speech,” *Newser* (August 7, 2008), <http://www.newser.com/story/34357/denver-can-coral-convention-protesters-court.html> (accessed June 24, 2011).
- <sup>13</sup> Heather Steeves, “Teen Proposes Bill to Ban Protests at Military Funerals,” *Bangor Daily News* (December 27, 2010), <http://bangordailynews.com/2010/12/27/news/teen-proposes-bill-to-ban-protests-at-military-funerals/> (accessed June 24, 2011).
- <sup>14</sup> Joe Richman and Anayansi Diaz-Cortes, “Mexico’s 1968 Massacre: What Really Happened?” *Radio Diaries, NPR* (December 1, 2008), <http://www.npr.org/templates/story/story.php?storyId=97546687> (accessed on June 24, 2011).



## Public Demonstrations—Glossary

**Assembly:** A gathering of people; congregating in a group or crowd.

**Association:** A group of people joined together for a shared purpose.

**Counter-protesters:** People who demonstrate in opposition to others who are expressing their views in the same public space.

**Grievances:** Complaints.

**Petition:** v. Make a request of a public official.

**Protest:** The act of expressing an objection to law or policies.

**Public demonstrations:** Expressions of a group's support or opposition to a policy or government official conducted in space belonging to the community.

**Redress:** Fix, remedy, satisfy a wrong or injury.

**Repression:** The process of having political, social, or cultural freedoms suppressed by force or threat of force.

**Status quo:** The way things are at present.



## Public Demonstrations—Quotations

“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.”

~Margaret Mead, *U.S. cultural anthropologist (1901 – 1978)*

---

“Typically originating from the socially insecure lower middle class and inflamed by a sense of social outrage, these millions of students are revolutionaries-in-waiting, already semi-mobilized in large congregations, connected by the Internet and pre-positioned for a replay on a larger scale of what transpired years earlier in Mexico City or in Tiananmen Square. Their physical energy and emotional frustration is just waiting to be triggered by a cause, or a faith, or a hatred...”

“[The] major world powers, new and old, also face a novel reality: while the lethality of their military might is greater than ever, their capacity to impose control over the politically awakened masses of the world is at a historic low. To put it bluntly: in earlier times, it was easier to control one million people than to physically kill one million people; today, it is infinitely easier to kill one million people than to control one million people.”

~Zbigniew Brzezinski, *Former U.S. National Security Advisor (December 2008)*

Quoted in Andrew Gavin Marshall, “Are We Witnessing the Start of a Global Revolution? North Africa and the Global Political Awakening, Part 1,” *Taking Liberty* (January 27, 2011), <http://www.takingliberty.org/2011/01/new-liberties-for-egypt-and-tunisia/> (accessed June 24, 2011).

---

[The conflict between] “free speech and other interests is a problem as persistent as it is perplexing...”

~Felix Frankfurter, *U.S. Supreme Court Justice (1951)*

*Niemotko v. Maryland* 340 U.S. 268 (1951), <http://laws.findlaw.com/us/340/268.html> (accessed June 24, 2011).

---

“The demonstrations on the streets were the normal reaction of angry people . . . Of course, it is better for discussions on necessary measures to take place through socially effective procedures rather than on the streets, and for this to happen we need to have working mechanisms for communication between the public and the authorities.”

~ Dmitri Medvedev, *Chief of Staff for Russian President Vladimir Putin (2005)*

Dmitri Medvedev, “We Really Do Need to Preserve This Vast State,” *Expert Magazine*, vol. 13, no. 13 (April 4, 2005), <http://www.kremlin.ru/eng/text/publications/2005/04/86313.shtml> (accessed June 24, 2011).

---

“You can't drink everywhere, you can't smoke everywhere, you can't carry a gun everywhere,” he says. “All of those things are protected constitutionally, but have time, place and manner restrictions around them. So this is merely a time, place and manner restriction.”

~Ralph Remington, *Minneapolis Council Member (2008)*, explaining his support for regulations to restrict protestors at the Republican Party's national convention in St. Paul, Minnesota

Brandt Williams, “Debate in Minneapolis over City's Protest Permit Policy,” *Minnesota Public Radio* (June 3, 2008), <http://minnesota.publicradio.org/display/web/2008/06/03/mplsprotestpermits/> (accessed June 24, 2011).

---

“We have to organize better, who wants to march, you must give notice to the authorities, must comply with the law, go for one or two lanes, not to close the avenue, much less take them by force... We do not want to see more police abuses in Mexico City. This is about letting those who want to speak out, while respecting the right of transit.”

~ Gabriela Cuevas, *president of the Distrito Federal Commission in the Chamber of Deputies, Mexico City (2011)*, explaining his proposal for new laws balancing the right to protest with the need for better regulation

“Impulsa Cuevas Ley Para Calendarizar Marchas en el D.F.,” *El Diario de Yucatan* (June 24, 2011), <http://www.yucatan.com.mx/20110624/nota-13/140575-impulsa-cuevas-ley-para-calendarizar-marchas-en-el-df.htm> (accessed July 19, 2011).

---

“...the term of the right of assembly is a feature of democratic life and its exercise does not allow more restraint than that related to safety or public health...nor should municipal autonomy be confused with autarchy, because local governments are subject to the [national] Constitution and of the constitutional rules.”

~ Alberto Quimper Herrera, Perú (2006), *in an editorial denouncing a Lima municipal law that restricted public demonstrations*

Alberto Quimper Herrera, “El Derecho de Reunion (Final),” *La Republica.pe* (January 15, 2006), <http://www.larepublica.pe/archive/all/larepublica/20060115/pasadas/1634/82727> (accessed July 19, 2011).



## Public Demonstrations—Constitutional Excerpts

The constitutions of many countries include the rights to free speech, assembly, and petition. The excerpts below provide the language used to protect these rights in Colombia, Ecuador, Mexico, Peru, and the United States of America.

### **Constitución Política de Colombia (Colombian Constitution)**

Título II, Capítulo I, Artículo 20 (Title II, Chapter I, Article 20):

“Se garantiza a toda persona la libertad de expresar y difundir su pensamiento y opiniones, la de informar y recibir información veraz e imparcial, y la de fundar medios masivos de comunicación... No habrá censura.”

*It is guaranteed that everyone has the freedom to express and disseminate his thoughts and opinions, to transmit and receive truthful and impartial information, and to establish mass media... There will be no censorship.*

Título II, Capítulo I, Artículo 23 (Title II, Chapter I, Article 23):

“Toda persona tiene derecho a presentar peticiones respetuosas a las autoridades por motivos de interés general o particular y a obtener pronta resolución. El legislador podrá reglamentar su ejercicio ante organizaciones privadas para garantizar los derechos fundamentales.”

*Everyone has the right to submit respectful petitions to the authorities regarding general or particular interests and to secure their prompt resolution. The legislature may regulate against private organizations to ensure fundamental rights.*

Título II, Capítulo I, Artículo 37 (Title II, Chapter I, Article 37):

“Toda parte del pueblo puede reunirse y manifestarse pública y pacíficamente. Sólo la ley podrá establecer de manera expresa los casos en los cuales se podrá limitar el ejercicio de este derecho.”

*Any number of people can gather and demonstrate publicly and peacefully. Only the law may establish explicitly the cases that may limit the exercise of this right.*

Título II, Capítulo I, Artículo 38 (Title II, Chapter I, Article 38):

“Se garantiza el derecho de libre asociación para el desarrollo de las distintas actividades que las personas realizan en sociedad.”

*The right of free association for the development of different activities that people perform in society is guaranteed.*

## **Constitución Política del Ecuador (*Ecuadorian Constitution*)**

### Título 2, Capítulo 6, Artículo 66 (*Title 2, Chapter 6, Article 66*):

“El derecho a opinar y expresar su pensamiento libremente y en todas sus formas y manifestaciones... El derecho a asociarse, reunirse y manifestarse en forma libre y voluntaria... El derecho a dirigir quejas y peticiones individuales y colectivas a las autoridades y a recibir atención o respuestas motivadas...”

*The right to have an opinion and express their thoughts freely and in all its forms and manifestations...The right to associate, assemble, and demonstrate freely and voluntarily ... The right to lodge complaints and individual and collective petitions to the authorities and receive attention or responses....*

## **Constitución Política de México (*Mexican Constitution*)**

### Artículo 6 (*Article 6*):

“La manifestación de las ideas no será objeto de ninguna inquisición judicial o administrativa, sino en el caso de que ataque a la moral, los derechos de tercero, provoque algún delito, o perturbe el orden público; el derecho de réplica será ejercido en los términos dispuestos por la ley.”

*The manifestation of ideas shall not be subject to any judicial or administrative inquisition, only in the case of attacks on the moral rights of others, inciting a crime, or disturbing public order, the right of reactions shall be exercised in terms provided by law.*

### Artículo 7 (*Article 7*):

“Es inviolable la libertad de escribir y publicar escritos sobre cualquiera materia. Ninguna ley ni autoridad puede establecer la previa censura, ni exigir fianza a los autores o impresores, ni coartar la libertad de imprenta, que no tiene más límites que el respeto a la vida privada, a la moral y a la paz pública. En ningún caso podrá secuestrarse la imprenta como instrumento del delito.”

*It is an inviolable freedom to write and publish on any subject. No law or authority may establish censorship, require bonds from authors or printers, or restrict the freedom of the press, which has no limit but the respect for private life, morals and public peace. In no case can the press be seized as an instrument of crime.*

### Artículo 8 (*Article 8*):

“Los funcionarios y empleados públicos respetarán el ejercicio del derecho de petición, siempre que ésta se formule por escrito, de manera pacífica y respetuosa; pero en materia política sólo podrán hacer uso de ese derecho los ciudadanos de la República. A toda petición deberá recaer un acuerdo escrito de la autoridad a quien se haya dirigido, la cual tiene obligación de hacerlo conocer en breve término al peticionario.”

*Public officials and employees shall respect the right to petition, provided it is made in writing and in a peaceful and respectful manner, but in political terms, only citizens of the Republic may use this right. Every petition must be borne by the written agreement of the authority to whom it is addressed, which has the obligation to inform the petitioner in the near future.*

Artículo 9 (Article 9):

“No se podrá coartar el derecho de asociarse o reunirse pacíficamente con cualquier objeto lícito; pero, solamente los ciudadanos de la República podrán hacerlo para tomar parte en los asuntos políticos del país. Ninguna reunión armada, tiene derecho de deliberar.

“No se considerara ilegal, y no podrá ser disuelta una asamblea o reunión que tenga por sujeto hacer una petición o presentar una protesta por algún acto o una autoridad, si no se profieren injurias contra esta, ni hiciere uso de violencias o amenazas para intimidarla u obligarla a resolver en el sentido que se desee.”

*Individuals shall be entitled to associate or gather with others peaceably to achieve a lawful objective; this right shall not be restricted, but only citizens of the Republic shall be entitled to participate in the country's political affairs. Individuals participating at armed meetings shall not be entitled to engage in any deliberation whatsoever.*

*Any meeting or assembly organized either to make a petition or to protest shall not be dissolved and shall be considered a lawful one as long as neither injurious statements are made against public authorities nor violence of any kind is exerted to intimidate such authorities or to compel them to resolve a particular issue in a convenient way.*

## **Constitución Política del Perú (Peruvian Constitution)**

Título 1, Capítulo 1, Artículo 2, Sección 4 (Title 1, Chapter I, Article 2, Section 4):

“Toda persona tiene derecho a las libertades de información, opinión, expresión y difusión del pensamiento mediante la palabra oral o escrita o la imagen, por cualquier medio de comunicación social, sin previa autorización ni censura ni impedimento algunos, bajo las responsabilidades de ley.

“Los delitos cometidos por medio del libro, la prensa y demás medios de comunicación social se tipifican en el Código Penal y se juzgan en el fuero común.

“Es delito toda acción que suspende o clausura algún órgano de expresión o le impide circular libremente. Los derechos de informar y opinar comprenden los de fundar medios de comunicación.”

*Everyone has the right to freedom of information, opinion, expression and dissemination of thought by spoken or written words or images, through any social media without prior authorization or censorship or impediment whatsoever, under the law.*

*Crimes committed through books, newspapers and other media social communication are typified in the Penal Code and are judged in the common courts.*

*The crime is any action that suspends or closes any means of expression or prevents that means of expression from circulating freely. The rights to report and comment include forming means of communication.*

Título 1, Capítulo 1, Artículo 2, Sección 12 (Title 1, Chapter I, Article 2, Section 12):

“Toda persona tiene derecho a reunirse pacíficamente sin armas. Las reuniones en locales privados o abiertos al público no requieren aviso previo. Las que se convocan en plazas y

vías públicas exigen anuncio anticipado a la autoridad, la que puede prohibirlas solamente por motivos probados de seguridad o de sanidad públicas.”

*Everyone has the right to assemble peacefully without arms. Meetings in private or open to the public do not require notice. Those which are held in public squares and thoroughfares require prior notification to the authority, which may prohibit them only on proven grounds of security or public health issues.*

Título 1, Capítulo 1, Artículo 2, Sección 13 (Title 1, Chapter I, Article 2, Section 13):

Toda persona tiene derecho a asociarse y a constituir fundaciones y diversas formas de organización jurídica sin fines de lucro, sin autorización previa y con arreglo a ley. No pueden ser disueltas por resolución administrativa.

*Everyone has the right to organize and establish foundations and various forms of legal non-profit organizations, without prior authorization and under the law. They cannot be dissolved by administrative decisions.*

Título 1, Capítulo 1, Artículo 2, Sección 20 (Title 1, Chapter I, Article 2, Section 20):

“Toda persona tiene derecho a formular peticiones, individual o colectivamente, por escrito ante la autoridad competente, la que está obligada a dar al interesado una respuesta también por escrito dentro del plazo legal, bajo responsabilidad. Los miembros de las Fuerzas Armadas y de la Policía Nacional sólo pueden ejercer individualmente el derecho de petición.”

*Everyone has the right to petition, individually or collectively, in writing to the competent authority, which is required to give an answer in writing within the statutory period, under responsibility. Members of the Armed Forces and National Police may only exercise the right to petition individually.*

## **United States Constitution (Constitución de Estados Unidos)**

Bill of Rights, First Amendment (Carta de derechos, Enmienda Uno):

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

*El Congreso no hará ley alguna por la que adopte una religión como oficial del Estado o se prohíba practicarla libremente, o que coarte la libertad de palabra o de imprenta, o el derecho del pueblo para reunirse pacíficamente y para pedir al gobierno la reparación de agravios.*



## Public Demonstrations—Selected Resources

- “20,000 Aymaras Occupy Puno,” *The Free Press* (May 28, 2011), <http://thefreeonline.wordpress.com/2011/05/28/peru-indigenous-anti-mine-protestors-hold-puno-city> (accessed June 24, 2011).
- Article 20, Universal Declaration of Human Rights (New York: United Nations, 1948), <http://www.un.org/Overview/rights.html> (accessed June 24, 2011).
- Becker, Marc, “Ecuador, Indigenous Uprisings In,” *Oxford Encyclopedia of the Modern World* (Oxford, UK: Oxford University Press, 2008), [http://www.yachana.org/research/oxford\\_uprisings.html](http://www.yachana.org/research/oxford_uprisings.html) (accessed June 24, 2011).
- Congressional Research Service, “First Amendment: Annotations,” in *The Constitution of the United States of America: Analysis and Interpretation* (Washington, DC: Library of Congress, 1992; updated 2000 by FindLaw.com), <http://caselaw.lp.findlaw.com/data/constitution/amendment01/06.html#1> (accessed July 27, 2011).
- Disputed Peru Land Laws Suspended” *BBC News* (June 10, 2009), <http://news.bbc.co.uk/go/pr/fr/-/2/hi/americas/8094304.stm> (accessed June 24, 2011).
- Emerson, Thomas I., “Internal Order: Meetings, Demonstrations, Canvassing,” in *The System of Freedom of Expression* (New York: Vintage Books, a Division of Random House, 1970), 285-388 (especially 285-292 and 386-388).
- Herrera, Alberto Quimper, “El Derecho de Reunion (Final),” *La Republica.pe* (January 15, 2006), <http://www.larepublica.pe/archive/all/larepublica/20060115/pasadas/1634/82727> (accessed July 19, 2011).
- “Impulsa Cuevas Ley Para Calendarizar Marchas en el D.F.” *El Diario de Yucatan*. (June 24, 2011), <http://www.yucatan.com.mx/20110624/nota-13/140575-impulsa-cuevas-ley-para-calendarizar-marchas-en-el-df.htm> (accessed July 19, 2011).
- Najar, Alberto, “No Más Sangre por Narcoviolencia, Reclamo de Miles en México,” *BBC Mundo* (April 7, 2011), [http://www.bbc.co.uk/mundo/noticias/2011/04/110407\\_protestas\\_violencia\\_mexico\\_lf.shtml](http://www.bbc.co.uk/mundo/noticias/2011/04/110407_protestas_violencia_mexico_lf.shtml) (accessed June 24, 2011).
- “Protesting Terror in Colombia: One Million Voices Against FARC,” *Tavaana Media Monitor* (Washington, DC: Center for Liberty in the Middle East, March 30, 2011), [http://www.tavaana.org/archive.jsp?restrictids=nu\\_repeatitemid&restrictvalues=0101141870701301270947825&lang=en](http://www.tavaana.org/archive.jsp?restrictids=nu_repeatitemid&restrictvalues=0101141870701301270947825&lang=en) (accessed June 24, 2011).
- Redish, Martin H., “Unlawful Advocacy and Free Speech,” in *The Logic of Persecution: Free Expression and the McCarthy Era* (Stanford, CA: Stanford University Press, 2005), 63-131 (especially 78-106).

Richman, Joe, and Anayansi Diaz-Cortes, "Mexico's 1968 Massacre: What Really Happened?"  
*Radio Diaries, NPR* (December 1, 2008),  
<http://www.npr.org/templates/story/story.php?storyId=97546687> (accessed on June 24,  
2011).



## 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?