

LESSON TWO: A MOCK CONGRESSIONAL HEARING

OBJECTIVES:

Students will learn:

- To use the format of a congressional hearing to consider issues of free speech.
- To lobby for their point of view.
- To consider motivations for limiting free speech.
- To consider the consequences of limiting free speech.

PROCEDURES:

1. Revisit the concept of limited speech.

Now that you have discussed limited speech in general, reopen the discussion in the context of national security:

Can free speech ever be dangerous to the U.S. as a country? Who should decide when free speech is dangerous enough that it should be limited?

Is there ever a time when the public's right to know is in conflict with national security?

What are the tensions between freedom of expression and national security?

Are there dangers in limiting free speech in the interest of national security? What are they?

2. Introduce the Bureau of Information Control Act (BICA).

The Bureau of Information Control Act is a hypothetical act designed to limit free speech in the interest of national security. Begin by giving your students a copy of BICA, which you'll find at the end of this lesson plan. Make sure students have read and understood BICA, but save discussion of the issues for the hearing.

3. Prepare students for a congressional hearing to consider the Bureau of Information Control Act.

Divide the class into three role groups:

Citizens for a Strong America

This group will lobby for BICA.

Citizens for a Free America

This group will lobby against BICA.

House Committee on the Judiciary

This group will decide whether or not to recommend the proposed act to the full House of Representatives.

Citizens for a Strong America and Citizens for a Free America should each meet to develop as many arguments as possible in favor of their position. They should also develop counter arguments to use against their opponents.

The House Committee members should prepare questions to ask the citizen groups during the congressional hearing. They should also choose a chairperson.

4. Hold the congressional hearing.

At the beginning of the hearing, lobbyists from each citizen group should present the group's main arguments to the House Committee. After all the lobbyists speak, members of the Committee should ask each group questions about their position.

After the arguments have been heard and the lobbyists have been cross-examined, the House Committee Chairperson will ask the committee members if they wish to amend or change the proposed act. Any proposed amendments or changes should be discussed by the House Committee. The citizen groups can also be recognized to speak in favor of or against proposed changes. After this discussion, changes can be passed by a simple majority vote of the Committee.

Finally, the House Committee Chairperson will call for each committee member in turn to announce his or her vote and the reasons for recommending or not recommending the act. A simple majority is needed to recommend the proposed Bureau of Information Control Act.

5. Discuss the mock congressional hearing experience.

Use these questions for a final wrap-up discussion:

Are you pleased with the outcome of the hearing? Are you glad the BICA passed or didn't pass?

Did your opinion about the BICA change during the hearing? What new arguments persuaded you?

Did your opinion about the First Amendment and free speech change during the hearing? Why or why not ?

Do you think the U.S. should consider adapting an act like BICA?

EVALUATION:

This lesson is successful if:

- Students have a deeper understanding of the motivations for limiting free speech.
- Students have a deeper understanding of the consequences of limiting free speech.
- Students learn to use the format of a congressional hearing.
- Students learn to lobby for their position.
- Students learn to think about how legislation could affect free speech.

A MOCK CONGRESSIONAL HEARING

A World Out of Control

Imagine that you are in the future. Ideas, words, and images have created serious problems for countries like the United States. Terrorist groups spread their radical propaganda at will. People are afraid the government will be attacked or overthrown. People also fear for their personal safety, as crime runs rampant.

Since the use and misuse of information have become so important, some American leaders have recently argued for a new centralized government agency to detect, prevent, and stop the communication of ideas, words, and images that pose “a clear and present danger” to the people of the United States. For this purpose, the Bureau of Information Control Act has been proposed in Congress.

The Bureau of Information Control Act

A. Purpose

This act establishes a Bureau of Information Control within the Department of Justice. This agency is authorized by Congress to detect, prevent, and stop the unauthorized communication of any ideas, words, or images that, in the judgment of the agency, pose “a clear and present danger” to the people of the United States. The following will be illegal to communicate:

1. Scientific information necessary for the security and defense of the United States;
2. Scientific and technological information necessary for the economic prosperity and competitiveness of the United States;
3. Any ideas, words or images threatening the order of American society such as:
 - a. Speeches or other material calling for violent protest or the violent overthrow of the government of the United States;
 - b. Speeches or other material maliciously attacking a race or religion;
 - c. Movies and recordings glamorizing illegal drug use, promiscuous behavior, or violence.

B. Procedural Authority

Upon finding that information in any of the areas defined above poses “a clear and present danger” to the people of the United States, the Bureau of Information Control is authorized by Congress to initiate the following procedures:

1. The Bureau of Information Control will request the offending person or party to immediately cease any plans or acts involving production, publication, or other communication of material in question.

2. If the offending person or party refuses to cease its plans or acts, the Bureau of Information Control will seek a federal court order to stop the activity in question. This procedure will replace the current practice of officials in different government departments requesting such orders.

3. Once a court order is in place, an offending person or party who violates it will be subject to fines, imprisonment, or other penalties to be assessed by the Federal Courts.