

# Digital Citizenship: Joshua Kloyda

## Lesson Title: Freedom of Speech vs. Internet Controls

### Grade Level: High School



#### Project and Purpose:

Students clarify their thoughts and write a letter to a government official regarding First Amendment rights and Internet pornography.

#### Essential Question:

Should the First Amendment protect pornography on the Internet? Why or why not?

#### Notes:

**BEFORE beginning these lessons:** Underscore the serious nature of this topic (Internet pornography) and remind students that they can talk to trusted adults about this. Ask them to think about one adult they could go to if they feel they need to discuss the topic further.

#### Materials:

- Means to post the words of 1st Amendment and the Information from the **Legal Dictionary** regarding the Miller test
- Formal Letter Format
- Draft and final product paper and writing implements
- Business envelopes and postage

#### Procedure:

1. Begin class by writing/posting the words from the 1st Amendment: "Congress shall make no law... abridging freedom of speech."
2. Ask students to work with a partner to determine exactly what that means. Use any/all of the following questions to help them formulate their explication.
  - What constitutes freedom of speech?
  - What mediums does it cover (think: spoken, print, media, etc.)?
  - What forums (locations/events) does it cover?
  - Does this mean anybody is allowed by law to say anything, anywhere, anytime? Why or why not?
3. Have students share their thoughts with the large group.
4. Explain to students that the Supreme Court has set 1st Amendment parameters regarding clear and present danger as well as obscenity. The session will deal with the latter.

**5.** Post and/or read the following excerpt from the **Legal Dictionary**:

Materials that are judged obscene are not protected by the First Amendment. The three-part Miller test stands as the yardstick for differentiating material that is merely offensive and therefore protected by the First Amendment, from that which is legally obscene and therefore subject to restriction (MILLER V. CALIFORNIA, 413 U.S. 15, 93 S. Ct. 2607, 37 L. Ed. 2d 419 [1973]). The Miller test determines that material is obscene if (1) the average person, applying contemporary community standards, would find that it appeals to shameful or morbid sexual interests; (2) it depicts or describes patently offensive sexual conduct; and (3) it lacks serious literary, artistic, political, or scientific value.

**6.** Have students work with a partner to discuss how the Miller test applies to the Internet pornography sites Josh Kloyda explored as well as all Internet pornographic sites.

- Does Internet pornography defy the First Amendment, or does the First Amendment support the right to post Internet pornography?
- Should the government restrict Internet pornography? Why or why not?
- Should Internet pornography sites be allowed to exist? Why or why not?

**7.** Tell students that one of the ways to express their freedom of speech is the opportunity to write their government leaders. Have students use the website USA.gov to identify their local, state, and federal elected officials. Each student will select one official and write a letter expressing their opinions about Internet pornography and the First Amendment. Their opinions should be supported by evidence from the First Amendment and the Miller Test as well as their own experiences. They should consider the information they learned from the video as well.

**8.** A formal letter format is provided; use the school's writing process for student drafts and final product. If available, allow students to use computer writing programs to create their letters.

**9.** When all letters are complete, offer envelopes and postage for students to mail their letters to their selected officials. Remind them it is standard practice for government officials to reply to every letter received and they can expect to receive a response addressing their concerns.

## Conclusion:

Review the themes of the lesson. Ask students how it felt to exercise their First Amendment right of freedom of speech and then ask them to consider if the same right should be extended to Internet pornography sites.

## Resources:

- [www.legal-dictionary.thefreedictionary.com/Freedom+of+Speech](http://www.legal-dictionary.thefreedictionary.com/Freedom+of+Speech)
- [www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does](http://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does)
- [www.law.cornell.edu/wex/first\\_amendment](http://www.law.cornell.edu/wex/first_amendment)
- [www.usa.gov/elected-officials](http://www.usa.gov/elected-officials)

# Formal Letter Formats

Your name  
Your address  
Your city, state, zip code

Today's date

Title and name of person to whom you are writing (President First Name Last Name)  
Name of building where person works (White House)  
Street address of building (1600 Pennsylvania Avenue)  
City, state, zip code (Washington, DC 20500)

Dear President/Senator/Representative/etc. \_\_\_\_\_ ,

The text of first paragraph does not need to be indented but rather typed or written flush left. There should be one inch margins on either side of the paragraph.

Be sure to skip a line before the second paragraph; it follows the same rules as the first paragraph.

Any subsequent paragraphs follow the same rules as the second paragraph.

Closing,

Your signature (yes, handwritten!)

Your Typed or Printed Signature

**Note:** A closing should be simple and short, most often one or two words. Some suggestions include:

- Sincerely,
- Best Regards,
- Respectfully,
- Yours Truly,