

MODULE

10

# EnACT x CORE

*"I believe in the First Amendment. But I also believe we should be mindful of how other people feel."*

- *Theo Epstein*

## Agenda

1. The First Amendment
2. Social Movements
  - a. Hong Kong
3. WikiLeaks
  - a. Chelsea Manning

## Student Objectives:

1. Students will understand the connection between EnACT and Core
2. Students will be able to understand the complexities of the First Amendment
3. Students will learn about modern day examples of conflicts over the First Amendment

## Facilitation Notes

- Add any notes that would help with facilitation. This can be what order to facilitate, details on how activities would work best, etc

## Theories

- Transformational Leadership
- Decentralized Leadership
- Task-Oriented Leadership

## Concepts

- Situational Awareness

# The First Amendment

## Let Them Eat Cake

### Sources:

<https://www.colorado.gov/dora/masterpiece-cakeshop-v-colorado-civil-rights-commission>

<https://www.colorado.gov/pacific/dora/civil-rights/public-accommodations-discrimination>

### Core Crash Course:

The first amendment of the United States reads “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.”

The first amendment protects the freedom of religion for all US citizens. However, there have been many instances where religious beliefs interfere with the rights of other citizens, which is where confusion can arise. Most notably, Masterpiece Cakeshop v. Colorado Civil Rights, a Supreme Court case, juxtaposed the Freedom of Religion with LGBT+ rights. When the shop refused to make a cake for an LGBT couple’s wedding, they sued for the violation of their civil rights.

### Discussion Questions:

- Do first amendment rights justify discrimination?
- Where does “hate speech” start? Should it be protected by the 1st amendment?

## Social Movements

### Social Movements

**CORE Crash Course (CCC):** Since the creation of social media, social movements have a new means to gain support and organize events. Due to the first amendment, people in the United States have the right to free speech and the freedom to assemble. The question lies in the point at which a protest can no longer be tolerated by the government. Arrests, tear gas, and physical violence are often actions condemned by activists, but when are they really necessary? What should the government do when things go too far? As much as social movements are important to the development of policy when is enough enough?

## Simulation:

### **Purpose:**

To show students the nuances of government reactions to social movements

### **Directions:**

[https://docs.google.com/document/d/1y5rGp8loZILN\\_dIJpSTNHc247Y9hasdFIL-DwQjAzGs/edit#](https://docs.google.com/document/d/1y5rGp8loZILN_dIJpSTNHc247Y9hasdFIL-DwQjAzGs/edit#)

This document contains a simulation of a protest gone wrong. The facilitator should guide the class through the simulation as if they are a governing body making these decisions, asking them to vote on which path they would like to take.

### **Discussion Questions:**

- What could the government have done to avoid the final outcome?
- At what point should it be acceptable to use excessive force on a group of protesters?
- What is the difference between a protest and a riot? How does connotation affect perception?

## Example: Hong Kong

### **Resources:**

1. [https://www.washingtonpost.com/world/asia\\_pacific/hong-kong-protest-movement-faces-tipping-point-in-battle-for-hearts-and-minds/2019/08/14/0989c29a-be07-11e9-a8b0-7ed8a0d5dc5d\\_story.html?noredirect=on](https://www.washingtonpost.com/world/asia_pacific/hong-kong-protest-movement-faces-tipping-point-in-battle-for-hearts-and-minds/2019/08/14/0989c29a-be07-11e9-a8b0-7ed8a0d5dc5d_story.html?noredirect=on)
2. <https://www.nytimes.com/2019/06/10/world/asia/hong-kong-extradition-bill.html>
3. <https://www.bbc.com/news/world-asia-china-48607723>
4. <https://www.theguardian.com/world/2019/aug/13/what-do-the-hong-kong-protesters-want>
5. <https://www.cnn.com/2019/08/13/asia/hong-kong-airport-protest-explained-hnk-intl/index.html>

### **CORE Crash Course (CCC):**

In early June, hundreds of thousands of people took to the streets to protest. Police then responded with force, using tear gas and batons to disperse the crowds. The response inspired more protests. In mid-June, 2 million people are believed to have joined the streets for what was probably the largest protest in Hong Kong's history.

### **Video on the Causes of the protests (Extradition bill and LegCo)**

This video is pretty good at summarizing the history of Hong Kong within 10 min

[https://www.youtube.com/watch?v=6\\_RdnVtfZPY](https://www.youtube.com/watch?v=6_RdnVtfZPY)

### **History**

Hong Kong was a British Territory for 99 years (given to them after the opium wars). The legal system of Hong Kong is quite similar to the British model but they also have the Hong Kong Basic Law which includes freedoms like the right to protest, right to a free press, and freedom of speech. They can also have their own democracy and Chinese officials even said that they wouldn't interfere with it, but lately Beijing has frequently reassessed the Basic Law and is now saying that they have control over Hong Kong. In the early 1980s, a deadline approached and Britain and Beijing decided that Hong Kong would return to China in 1997, under the principle

of "one country, two systems." This means that while Hong Kong would be a part of China, they would still be entitled to "a high degree of autonomy, except in foreign and defense affairs" for 50 years. The Basic Law was supposed to protect Hong Kong for 50 years after it was taken over, but China is already starting to take control of Hong Kong again before the 50 years are over.

The beginning of Hong Kong's pro-democracy protests and Hong Kong's fight for independence began with their 2014 Umbrella Revolution. The so-called "umbrella revolution" turned the city's gleaming central business district into a virtual conflict zone, replete with shouting mobs, police in riot gear, and clouds of tear gas. Tens of thousands of Hong Kong residents – young and old, rich and poor – peacefully occupied major thoroughfares across the city, shuttering businesses and bringing traffic to a halt. They claimed that Beijing reneged on an agreement to grant them open elections by 2017, and demand "true universal suffrage". Organizers publicly stated that the protest would not end until Beijing changes its electoral guidelines and Leung Chun-Ying, the city's pro-Beijing chief executive steps down.

### **Causes of the Protest**

Critics say that the rights held by Hong Kong are on the decline. The BBC says, "Rights groups have accused China of meddling in Hong Kong, citing examples such as legal rulings that have disqualified pro-democracy legislators. They've also been concerned by the disappearance of five Hong Kong booksellers, and a tycoon - all eventually re-emerged in custody in China."

The current wave of protests was initially started by a Chinese bill that would allow the Chinese government to extradite Hong Kong citizens to China. This was a major problem for Hong Kongers because the Communist Party controls the courts in China and Hong Kongers worried that it would allow China to extradite virtually anyone they wanted and then give them an unfair trial in Chinese courts. The harsh police response to these original protests, including the use of tear gas and rubber bullets, caused them to broaden to more pro-democracy goals.

### **What do protestors want**

- Complete withdrawal of the extradition bill (it was suspended by Hong Kong's chief executive but not fully withdrawn)
- The government to stop referring to the protests as riots
- The unconditional release and dropping of all charges of all arrested protestors
- An independent inquiry into police behavior
- Implementation of genuine universal suffrage

### **Protests and Effects**

Recently, protesters have moved to airports which were previously safe spaces from these discussions. Five people were arrested and six people were harmed and the situation became much more chaotic. Chinese officials say that these protesters have committed serious violent crimes and 'broken the bottom line of the law, morality, and humanity'.

The protests have had a major effect on the economy. The airport contributes to about 5% of Hong Kong's GDP and so the closure of the airport causes major damage to the economy. The

protests also have caused major damage to companies.

### Important Leaders

Joshua Wong- Joshua Wong, the Hong Kong pro-democracy protest leader who became a symbol of the 2014 Umbrella Movement, will return to prison after an appeals court ruling Thursday.

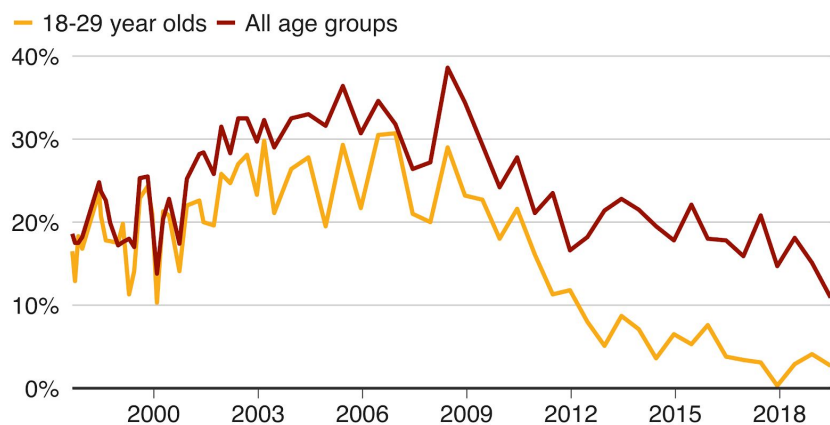
Claudia Mo - Journalist-turned-politician who identifies as an “independent Democrat” was elected as a legislator to Kowloon West in 2012 and re-elected. However, she recently resigned from the Civic Party because of disagreements on issues within the party.

### Here are some other fun numbers

Surveys from the University of Hong Kong show that most people identify themselves as "Hong Kongers" - only 11% would call themselves "Chinese" - and 71% of people say they do not feel proud about being Chinese citizens.

## Young Hong Kongers are increasingly unlikely to identify as 'Chinese'

% of respondents asked about ethnic identity (1997-2019)



Source: Public Opinion Programme, University of Hong Kong



One of the biggest conflicts is the perception of this movement. The protests have often been referred to as riots, which carries a very negative connotation. This has made the justification for violence against protests easier. In the United States, the rights to protest are strictly protected by the First Amendment. However, in China (aside from Hong Kong), these kinds of laws do not exist. This is why the government treatment is so controversial since essentially this is a conflict between Hong Kong’s democratic ideals and the rest of China’s way of life. Protests have expanded substantially because of the violation of their version of the 1st amendment.

# Where Activism Meets Treason

## Wiki Leaks

### Resources:

1. <https://progressive.org/dispatches/judging-the-u-s-for-its-war-crimes-chelsea-manning-kelly-190311/>
2. <https://www.ibtimes.com/who-chelsea-manning-what-did-she-release-wikileaks-2540137>
3. <https://www.theguardian.com/world/2010/jul/30/us-military-wikileaks-afghanistan-war-logs>
4. <http://www.channel4.com/news/articles/uk/taliban+hunt+wikileaks+outed+afghan+informers/3727667.html>
5. <https://www.reuters.com/article/us-usa-wikileaks-manning/mannings-leaks-endangered-informants-trial-witness-idUSBRE9710WK20130802>

### CORE Crash Course (CCC):

WikiLeaks is an international non-profit organization that publishes news leaks, and classified media provided by anonymous sources. According to the WikiLeaks website, its goal is "to bring important news and information to the public ... One of our most important activities is to publish original source material alongside our news stories so readers and historians alike can see evidence of the truth." Another of the organization's goals is to ensure that journalists and whistleblowers are not prosecuted for emailing sensitive or classified documents.

Bradley Manning (now Chelsea Manning) was a military intelligence officer, with access to sensitive materials regarding U.S. involvement in the conflicts in Afghanistan and Iraq. In January of 2010, Manning downloaded 400,000 documents, known as the Iraq War Logs, and 91,000 additional documents, now known as the Afghan War Logs.

Manning initially attempted to give this information to the Washington Post or New York Times, but neither publication showed interest.

### History:

- The website was established and published its first document in December 2006. It is represented in public by Julian Assange. WikiLeaks was originally established with a "wiki" communal publication method, which was terminated by May 2010.
- Many questions have been posed as to the legality of WikiLeaks, as well as how it could potentially falsify its documents/emails.

### Important Leaders

- Julian Assange
  - Julian Assange is the public face of WikiLeaks. In November 2010, Sweden issued an international arrest warrant for Assange, after questioning him months earlier about allegations of sexual assault. Assange denied the allegations and said that they were just a pretext for him to be extradited from Sweden to the United States because of his role in publishing secret American

documents. Assange surrendered to UK police on 7 December 2010 but was released on bail within 10 days. Having been unsuccessful in his challenge to the extradition proceedings, he breached his £340,000 bail in June 2012 to seek asylum from Ecuador. In August 2012, Assange was granted asylum by Ecuador due to fears of political persecution and possible extradition to the United States. He remained in the Embassy of Ecuador in London for almost seven years.

### Connection To Theory

- Task-Oriented Leadership:

Julian Assange is an example of Task-Oriented leadership. He does not care about how people perceive what he is doing, or how he harms his relationships with others. Rather, he focuses almost entirely on staying true to his task: To make information available to the public. Even though he's been in the center of so much controversy, he has kept Wikileaks up and running strong.

### Discussion Questions:

- Is WikiLeaks moral? Should the site be taken down? Why?
- Is it ever okay to disclose information that is important for the safety of the state?

### Example: Chelsea Manning

#### Resources:

1. <https://www.biography.com/activist/chelsea-manning>
2. <https://www.npr.org/tags/214589939/chelsea-manning>

### CORE Crash Course (CCC):

Chelsea Manning is a well known American whistleblower. She released nearly 750,000 classified, or unclassified but sensitive, military and diplomatic documents. The documents she leaked for which she was arrested for, the worst of which being "aiding the enemy," could have resulted in the death penalty. In 2009 Chelsea Manning was stationed in Iraq as an intelligence analyst. As an intelligence analyst, she had access to a large amount of information, including footage of unarmed citizens being shot and killed. This footage horrified Manning. She began to collect information such as war logs about Iraq and Afghanistan conflicts and private cables of state departments. In February of 2010 while on leave in Maryland passed hundreds of thousands of confidential documents to Wikileaks publisher, Julian Assange. In April, Wikileaks released a video that showed a helicopter crew shooting civilians after confusing a telephoto lens for weaponry. Manning was then imprisoned in Kuwait where she was kept in solitary confinement, she became suicidal and her imprisonment conditions became controversial. Manning was then transferred to a different hospital.

### Discussion Questions:

- Should Manning have selectively decided which documents to leak?
- Should she have been allowed to run for public office? She ran for a seat on the senate once she was pardoned

- Should protection for whistleblowers extend to people who commit treason?
- Should there be a way to whistleblow without revealing your identity?

## Debate

- Obviously the 1st amendment is a crucial aspect of any democracy. It is important to know and have information about the government, however, if too much is released, then that can endanger the nation. Similarly, it is important for people to protest issues of the government that they see as unjust, however, if allowed to go too far, they can lead to violence, economic issues, and even possibly the failing of the state. Given these issues, at what point do actions that fall under the protection of the 1st amendment end and treason to the state begin.
  - Is it okay for the NHL to oppose protests “disrespecting” the American flag and national anthem?

## Supplemental Content

### References

1. <https://www.biography.com/activist/chelsea-manning>
2. <https://www.npr.org/tags/214589939/chelsea-manning>
3. <https://progressive.org/dispatches/judging-the-u-s-for-its-war-crimes-chelsea-manning-kelly-190311/>
4. <https://www.ibtimes.com/who-chelsea-manning-what-did-she-release-wikileaks-2540137>
5. <https://www.theguardian.com/world/2010/jul/30/us-military-wikileaks-afghanistan-war-logs>
6. <http://www.channel4.com/news/articles/uk/taliban+hunt+wikileaks+outed+afghan+informers/3727667.html>
7. <https://www.reuters.com/article/us-usa-wikileaks-manning/mannings-leaks-endangered-informants-trial-witness-idUSBRE9710WK20130802>
8. <https://www.colorado.gov/dora/masterpiece-cakeshop-v-colorado-civil-rights-commission>
9. <https://www.colorado.gov/pacific/dora/civil-rights/public-accommodations-discrimination>