

# SHOULD HATE SPEECH BE PROTECTED BY THE FIRST AMENDMENT?

***THIS ACTIVITY SHOULD TAKE ABOUT 90 MINUTES. IF STUDENTS ARE ABLE TO REVIEW MEDIA FOR HOMEWORK, IN-CLASS TIME SHOULD BE 45 TO 60 MINUTES.***

## INVESTIGATE

Read, watch, and listen to the three media resources on the Thinkalong module. Students can use the Investigate graphic organizer to summarize each piece of media and record new information. Below are summaries of the three pieces of media curated in the Thinkalong module.

### **FREEDOM OF SPEECH: CRASH COURSE GOVERNMENT #25**

Crash Course | February 9, 2016 | Video  
6:48 minutes

Crash Course Government host Craig describes which types of speech are protected under the first amendment.

- Two important reasons why the first amendment of free speech is protected are one, to allow citizens to critique the government, and two, the first amendment protects citizens from the government doing things that try to deny one's speech, but not anyone else, specifically not one's employer.
- Political speech gets the strongest free speech protection. This notion was solidified by the Supreme Court ruling in *Brandenburg V. Ohio* in 1968 when a KKK leader gave a threatening and offensive public speech; the court ruled that because the speech was political, it was protected under the first amendment.
- Symbolic speech, such as carrying signs, wearing armbands, or burning a flag, is protected under the first amendment.
- Hate speech is also protected under the first amendment. Colleges that have tried to discipline students for hate speech have been criticized as violating the first amendment.
- Speech that is not protected is anything that could incite danger or qualifies as "fighting words."

### **FREE SPEECH OR HATE SPEECH: WHEN DOES ONLINE HATE SPEECH BECOME A REAL THREAT?**

NPR | November 19, 2018 | Audio  
4:27 minutes

A clip from *All Things Considered* about the implications of online hate speech and social media sites' responsibility in censoring hateful posts.

- Rochelle Ritchie tried to report threatening tweets she received to Twitter but her request was denied. Weeks later, the man who threatened Ritchie was accused of sending explosive devices nationwide.
- The Pittsburgh synagogue shooter posted anti-Semitic rants on Gab, a social media site, prior to the shooting, yet CEO and founder of Gab Andrew Torba says that censorship is not the answer. Torba claims that social media platforms do not kill people, people kill people.
- Brookings Institute senior fellow Jonathan Rauch says that minorities are better off in a society that protects hate speech than in a society that protects minorities from hate speech. Rauch says that the problem isn't the speech, the problem is the hate.

*Using public media — video, audio and digital reports — about newsworthy topics, these classroom-based exercises help students to think critically about media messages, develop informed opinions, and practice how to take a stand.*

- In contrast, Director of the Southern Poverty Law Center’s Intelligence Project Heidi Beirich believes that people are radicalized by interacting with others to learn how to hate, citing how in Myanmar, the military published hateful posts about Rohingya Muslims on Facebook that the UN says contributed to the mass murder, rape, and forced exodus of the Rohingya.
- As private companies, Facebook and Twitter can censor users, unlike the government, which is prevented from censorship under the First Amendment. NPR’s Jasmine Garsd asks if people are better off when social media sites censor.

## FREE SPEECH OR A THREAT? VERMONT SUPREME COURT DECISION HIGHLIGHTS CONTINUING TENSION

Vermont Public Radio | May 11, 2018 | Audio  
3:42 minutes

This VPR clip hears from ACLU and Black Lives Matter representatives react to the Vermont Supreme Court’s decision to overturn charges against a man who posted KKK flyers.

- The Vermont Supreme Court overturned charges against a man who put KKK flyers on the homes of two women of color. The court claims that the action itself of posting the flyers does not fall under the category of “threatening behavior.”
- Jabari Jones from Black Lives Matter of Greater Burlington disagrees with the decision, asking how serious a threat needs to be for it to be taken seriously.
- While the court decided that the act of leaving the flyers did not cause immediate threats to the women, according to court records, one woman feared for her safety after the incident based on the history of the KKK.
- Jones believes that the court’s decision to ignore the KKK’s history of violence and intimidation reinforces white supremacist violence.
- The ACLU agrees with the court’s decision stating that it is important never allow the criminalization of speech because in the end the First Amendment protects everybody.

### KEY WORDS

Look out for these important keywords in the news stories. Discuss the definitions with your classroom and see how they affect the understanding of the story.

- Hate Speech
- First Amendment
- Political Speech

### CONTEMPLATE

Students will use media literacy questions to critically engage with news by thinking about its purpose, searching for bias and discussing missing perspectives. They will answer the 5 Key Questions of Media Literacy created by the Center for Media Literacy, which are:

1. Who created this message?
2. What creative techniques are used to attract my attention?
3. How might different people understand this message differently than me?
4. What values, lifestyles and points of view are represented in, or omitted from, this message?
5. Why is this message being sent?

*Using public media — video, audio and digital reports — about newsworthy topics, these classroom-based exercises help students to think critically about media messages, develop informed opinions, and practice how to take a stand.*



A graphic organizer is included in this guide and the Thinkalong website to help students answer these five questions about each piece of media.

## DEBATE

Students will engage their peers in an evidence-based debate using the media they just analyzed. Use the debate tool on the module webpage to help form an evidence-based response to the debate question.

In addition to rich in-class discussions, teachers can also connect with other classrooms through the Thinkalong website.

*Using public media — video, audio and digital reports — about newsworthy topics, these classroom-based exercises help students to think critically about media messages, develop informed opinions, and practice how to take a stand.*

# LET'S INVESTIGATE

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

Use this worksheet to help you investigate the media sources in the Thinkalong module.



**SUMMARIZE THE TOPIC**

**KEY VOCABULARY**

## MEDIA RESOURCE 1

TITLE \_\_\_\_\_

DATE PUBLISHED \_\_\_\_\_

**MAIN IDEAS**

## MEDIA RESOURCE 2

TITLE

DATE PUBLISHED

MAIN IDEAS

## MEDIA RESOURCE 3

TITLE

DATE PUBLISHED

MAIN IDEAS

# CONTEMPLATE YOUR SOURCES



**NAME:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

After watching the media in the module, answer the questions below.

1. **AUTHORSHIP:** Who created this message?

**MEDIA 1**

**MEDIA 2**

**MEDIA 3**

2. **FORMAT:** What creative techniques are being used to grab my attention?

**MEDIA 1**

**MEDIA 2**

**MEDIA 3**

3. **AUDIENCE:** How might different people understand this message differently than me?

**MEDIA 1**

**MEDIA 2**

**MEDIA 3**

4. **CONTENT:** What values and points of view are represented? What's left out of this message?

**MEDIA 1**

**MEDIA 2**

**MEDIA 3**

5. **PURPOSE:** Why is this message being sent?

**MEDIA 1**

**MEDIA 2**

**MEDIA 3**

# CREATE YOUR ARGUMENT

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

Create strong arguments for both sides from the resources in the Thinkalong module.



<b>DEBATE QUESTION</b>	
<b>PRO ARGUMENT</b>	<b>CON ARGUMENT</b>
<b>REASONING</b>	<b>REASONING</b>
<b>EVIDENCE</b>	<b>EVIDENCE</b>