Directions: Each of the following texts presents a viewpoint on the limits of the right to free speech, a right guaranteed by the First Amendment to the United States Constitution. The First Amendment states, "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"

Read each article and the short bio on the author. You will find questions for each article at the end of all the readings. Read each article, and then answer the few questions for each. After reading all the articles, there are four questions to help you make connections. In class the first week of school, you will enter the conversation yourself when you write an essay telling your point of view on the topic. You may print off the questions, and answer on that paper. A **HARD COPY** OF THE QUESTIONS DUE THE FIRST DAY OF SCHOOL

Article One: Should Neo-Nazi Be Allowed Free Speech?

By Thane Rosenbaum: An American writer and law professor at New York University; published in the Daily Beast , 2014

Over the past several weeks, free speech has gotten costlier—at least in France and Israel.

In France, Dieudonne M'Bala M'Bala, an anti-Semitic stand-up comic infamous for popularizing the quenelle, an inverted Nazi salute, was banned from performing in two cities. M'Bala M'Bala has been repeatedly fined for hate speech, and this was not the first time his act was perceived as a threat to public order.

Meanwhile, Israel's parliament is soon to pass a bill outlawing the word Nazi for non-educational purposes. Indeed, any slur against another that invokes the Third Reich could land the speaker in jail for six months with a fine of $29,000. The Israelis are concerned about both the rise of anti-Semitism globally, and the trivialization of the Holocaust—even locally.

To Americans, these actions in France and Israel seem positively undemocratic. The First Amendment would never prohibit the quenelle, regardless of its symbolic meaning. And any lover of "Seinfeld" would regard banning the "Soup Nazi" episode as scandalously un-American. After all, in 1977 a federal court upheld the right of neo-Nazis to goose-step right through the town of Skokie, Illinois, which had a disproportionately large number of Holocaust survivors as residents. And more recently, the Supreme Court upheld the right of a church group opposed to gays serving in the military to picket the funeral of a dead marine with signs that read, "God Hates Fags."

While what is happening in France and Israel is wholly foreign to Americans, perhaps it's time to consider whether these and other countries may be right. Perhaps America's fixation on free speech has gone too far. Actually, the United States is an outlier among democracies in granting such generous free speech guarantees. Six European countries, along with Brazil, prohibit the use of Nazi symbols and flags. Many more countries have outlawed Holocaust denial. Indeed, even encouraging racial discrimination in France is a crime. In pluralistic nations like these with clashing cultures and historical tragedies not shared by all, mutual respect and civility helps keep the peace and avoids unnecessary mental trauma.

Yet, even in the United States, free speech is not unlimited. Certain proscribed categories have always existed—libel, slander and defamation, obscenity, "fighting words," and the "incitement of imminent lawlessness"—where the First Amendment does not protect the speaker, where the right to speak is curtailed for reasons of general welfare and public safety. There is no freedom to shout "fire" in a crowded theater. Hate crime statutes exist in many jurisdictions where bias-motivated crimes are given more severe penalties. In 2003, the Supreme Court held that speech intended to intimidate, such as cross burning, might not receive First Amendment protection.

Yet, the confusion is that in placing limits on speech we privilege physical over emotional harm. Indeed, we have an entire legal system, and an attitude toward speech, that takes its cue from a nursery rhyme: "Stick and stones can break my bones but names can never hurt me."
All of us know, however, and despite what we tell our children, names do, indeed, hurt. And recent studies in universities such as Purdue, UCLA, Michigan, Toronto, Arizona, Maryland, and Macquarie University in New South Wales, show, among other things, through brain scans and controlled studies with participants who were subjected to both physical and emotional pain, that emotional harm is equal in intensity to that experienced by the body, and is even more long-lasting and traumatic. Physical pain subsides; emotional pain, when recalled, is relived.

Pain has a shared circuitry in the human brain, and it makes no distinction between being hit in the face and losing face (or having a broken heart) as a result of bereavement, betrayal, social exclusion and grave insult. Emotional distress can, in fact, make the body sick. Indeed, research has shown that pain relief medication can work equally well for both physical and emotional injury.

We impose speed limits on driving and regulate food and drugs because we know that the costs of not doing so can lead to accidents and harm. Why should speech be exempt from public welfare concerns when its social costs can be even more injurious?

In the marketplace of ideas, there is a difference between trying to persuade and trying to injure. One can object to gays in the military without ruining the one moment a father has to bury his son; neo-Nazis can long for the Third Reich without re-traumatizing Hitler's victims; one can oppose Affirmative Action without burning a cross on an African-American's lawn.

Of course, everything is a matter of degree. Juries are faced with similar ambiguities when it comes to physical injury. No one knows for certain whether the plaintiff wearing a neck brace can't actually run the New York Marathon. We tolerate the fake slip and fall, but we feel absolutely helpless in evaluating whether words and gestures intended to harm actually do cause harm. Jurors are as capable of working through these uncertainties in the area of emotional harms as they are in the realm of physical injury.

Free speech should not stand in the way of common decency. No right should be so freely and recklessly exercised that it becomes an impediment to civil society, making it so that others are made to feel less free, their private space and peace invaded, their sensitivities cruelly trampled upon.

Article Two: No, There's No "Hate Speech" Exception to the First Amendment

[By] Eugene Volokh is the Gary T. Schwartz Distinguished Professor of Law at the University of California Los Angeles School of Law and an expert on the First Amendment. In 2015, he wrote this article for his regular column: "The Volokh Conspiracy," *Washington Post***.**

I keep hearing about a supposed "hate speech" exception to the First Amendment, or statements such as, "This isn't free speech, it's hate speech," or "When does free speech stop and hate speech begin?" But there is no hate speech exception to the First Amendment. Hateful ideas (whatever exactly that might mean) are just as protected under the First Amendment as other ideas. One is as free to condemn Islam — or Muslims, or Jews, or blacks, or whites, or illegal aliens, or native-born citizens — as one is to condemn capitalism or Socialism or Democrats or Republicans.

To be sure, there are some kinds of speech that are unprotected by the First Amendment. But those narrow exceptions have nothing to do with "hate speech" in any conventionally used sense of the term. For instance,

there is an exception for "fighting words" — face-to-face personal insults addressed to a specific person, of the sort that are likely to start an immediate fight. But this exception isn't limited to racial or religious insults, nor does it cover all racially or religiously offensive statements. Indeed, when the City of St. Paul tried to specifically punish bigoted fighting words, the Supreme Court held that this selective prohibition was unconstitutional (*R.A.V. v. City of St. Paul* (1992)), even though a broad ban on all fighting words would indeed be permissible. (And, notwithstanding CNN anchor Chris Cuomo's Tweet that "hate speech is excluded from protection," and his later claims that by "hate speech" he means "fighting words," the fighting words exception is not generally labeled a "hate speech" exception, and isn't coextensive with any established definition of "hate speech" that I know of.)

The same is true of the other narrow exceptions, such as for true threats of illegal conduct or incitement intended to and likely to produce imminent illegal conduct (i.e., illegal conduct in the next few hours or maybe days, as opposed to some illegal conduct sometime in the future). Indeed, threatening to kill someone because he's black (or white), or intentionally inciting someone to a likely and immediate attack on someone because he's Muslim (or Christian or Jewish), can be made a crime. But this isn't because it's "hate speech"; it's because it's illegal to make true threats and incite imminent crimes against anyone and for any reason, for instance because they are police officers or capitalists or just someone who is sleeping with the speaker's ex-girlfriend.

The Supreme Court did, in *Beauharnais v. Illinois* (1952), uphold a "group libel" law that outlawed statements that expose racial or religious groups to contempt or hatred, unless the speaker could show that the statements were true, and were said with "good motives" and for "justifiable ends." But this too was treated by the Court as just a special case of a broader First Amendment exception — the one for libel generally. And *Beauharnais* is widely understood to no longer be good law, given the Court's restrictions on the libel exception. See *New York Times Co. v. Sullivan* (1964) (rejecting the view that libel is categorically unprotected, and holding that the libel exception requires a showing that the libelous accusations be "of and concerning" a particular person); *Garrison v. Louisiana* (1964) (generally rejecting the view that a defense of truth can be limited to speech that is said for "good motives" and for "justifiable ends"); *Philadelphia Newspapers, Inc. v. Hepps* (1986) (generally rejecting the view that the burden of proving truth can be placed on the defendant); *R.A.V. v. City of St. Paul* (1992) (holding that singling bigoted speech is unconstitutional, even when that speech fits within a First Amendment exception); *Nuxoll ex rel. Nuxoll v. Indian Prairie Sch. Dist. # 204*, 523 F.3d 668, 672 (7th Cir. 2008) (concluding that *Beauharnais* is no longer good law); *Dworkin v. Hustler Magazine Inc.*, 867 F.2d 1188, 1200 (9th Cir. 1989) (likewise); *Am. Booksellers Ass'n, Inc. v. Hudnut*, 771 F.2d 323, 331 n.3 (7th Cir. 1985) (likewise); *Collin v. Smith*, 578 F.2d 1197, 1205 (7th Cir. 1978) (likewise); *Tollett v. United States*, 485 F.2d 1087, 1094 n.14 (8th Cir. 1973) (likewise); Erwin Chemerinsky, *Constitutional Law: Principles and Policies* 1043-45 (4th ed. 2011); Laurence Tribe, *Constitutional Law,* §12-17, at 926; Toni M. Massaro, *Equality and Freedom of Expression: The Hate Speech Dilemma*, 32 Wm. & Mary L. Rev. 211, 219 (1991); Robert C. Post, *Cultural Heterogeneity and Law: Pornography, Blasphemy, and the First Amendment*, 76 Calif. L. Rev. 297, 330-31 (1988).

Finally, "hostile environment harassment law" has sometimes been read as applying civil liability — or administrative discipline by universities — to allegedly bigoted speech in workplaces, universities, and places of public accommodation. There is a hot debate on whether those restrictions are indeed constitutional; they have generally been held unconstitutional when applied to universities, but decisions are mixed as to civil liability based on speech that creates hostile environments in workplaces (see the pages linked to at this sitefor more information on the subject). But even when those restrictions have been upheld, they have been justified precisely on the rationale that they do not criminalize speech (or otherwise punish it) in society at large, but only apply to particular contexts, such as workplaces. None of them represent a "hate speech" exception, nor have they been defined in terms of "hate speech."

For this very reason, "hate speech" also doesn't have any fixed legal meaning under U.S. law. U.S. law has just never had occasion to define "hate speech" — any more than it has had occasion to define rudeness, evil ideas, unpatriotic speech, or any other kind of speech that people might condemn but that does not constitute a legally relevant category.

Of course, one can certainly argue that First Amendment law *should* be changed to allow bans on hate speech (whether bigoted speech, blasphemy, blasphemy to which foreigners may respond with attacks on Americansor blasphemy or flag burning or anything else). Perhaps some statements of the "This isn't free speech, it's hate speech" variety are deliberate attempts to call for such an exception, though my sense is that they are usually (incorrect) claims that the exception already exists.

I think no such exception should be recognized, but of course, like all questions about what the law ought to be, this is a matter that can be debated. Indeed, people have a First Amendment right to call for speech restrictions, just as they have a First Amendment right to call for gun bans or bans on Islam or government-imposed race discrimination or anything else that current constitutional law forbids. Constitutional law is no more set in stone than any other law.

But those who want to make such arguments should acknowledge that they are calling for a change in First Amendment law, and should explain just what that change would be, so people can thoughtfully evaluate it. Calls for a new First Amendment exception for "hate speech" shouldn't just rely on the undefined term "hate speech" — they should explain just what viewpoints the government would be allowed to suppress, what viewpoints would remain protected, and how judges, juries, and prosecutors are supposed to distinguish the two. Saying "this isn't free speech, it's hate speech" doesn't, I think, suffice.

Article Three: Free Speech Is the Most Effective Antidote to Hate Speech

[By] Sean Stevens is a postdoctoral research at New York University, and Nick Phillips is at New York University School of Law. They published the following article in 2016 on the website of the Heterodox Academy, whose mission is "to improve the quality of research and education in universities by increasing viewpoint diversity, mutual understanding, and constructive disagreement."

On December 6, Texas A&M University will play host to Richard Spencer, a leader of the "alt-right" movement, and an open white supremacist. Many will likely view Spencer's presence at Texas A & M as confirmation that Donald Trump's election to the presidency has allowed fringe political views to enter mainstream discussion. When Spencer, or someone like him, makes a statement like "America was, until this last generation, a white country, designed for ourselves and our posterity. It is our creation and our inheritance, and it belongs to us," many people may question why we should remain committed to the First Amendment. This post argues why members of an academic community need to remain steadfast in that commitment, even when faced with a figure like Richard Spencer.

When hardcore racists and xenophobes remain consigned to obscure message boards and poorly attended events, it's fairly easy to believe in freedom of speech and expression. But when organized hatred arrives on campus, such defenses can be perceived as granting unacceptable cover to viewpoints that are widely considered despicable and immoral. To many, such viewpoints don't deserve the protection of the First Amendment. Unfortunately, the impulse to start limiting speech – either with on-the-books campus speech codes or simply through stepped-up social enforcement of speech taboos – is likely to pour gasoline on the fire and make the problem worse.

Research suggests that restrictions perceived to threaten or possibly eliminate behavioral freedoms may trigger "psychological reactance", and increase one's desire to engage in the restricted behavior. For instance, Worchel and colleagues (1975) assessed desire to hear censored material among students at the University of North Carolina. The experimenter informed participants that they would soon be hearing a tape recording of a speech and that the study was interested in how personal characteristics impact a speaker's ability to get their message across. Some participants were then

informed that because a student group (either the YM-YWCA or the John Birch Society) on campus was opposed to the content of the speech, the experimenter would not be able to play the taped recording. Consistent with reactance theory, participants who were informed they could not hear the content of the speech, reported a stronger desire to do so. This effect occurred regardless of whether the student group was viewed positively (YM-YWCA) or negatively (the John Birch Society). More recently, Silvia (2005) investigated if interpersonal similarity could override the experience of psychological reactance. In two separate studies, psychological reactance occurred when people felt their attitudinal freedom was threatened when interpersonal similarity was low, but not when interpersonal similarity was high.

More broadly, while ingroup favoritism may depend more on positive affect towards the ingroup, perceived discrimination by an outgroup increases ingroup identification, and can increase anger, hostility and aggression towards outgroups. If we incorporate these findings into our thinking about whether to censor a speaker, the following chain of events does not seem to be an implausible reaction:

1. Censoring a speaker may increase some people's desire to hear that speaker's message, particularly those who perceive the speaker as similar to them in some way.
2. Censoring a speaker may be perceived as threatening to people who perceive the speaker as similar to them.
3. The perception of threat is likely to increase identification with a salient ingroup.
4. Increased ingroup identification in response to threat may result in anger, hostility, and aggression towards outgroups.

In other words, censoring and disinviting a speaker such as Richard Spencer may actually make him and his views more popular. Instead of acting as an antidote to hatred, censorship may pour gasoline onto an already simmering fire. Calls to disinvite, and thus censor, Spencer may produce the unintended consequence of promoting his vile, racist views.

People like Spencer revel in the power of their words to arouse emotions and strong reactions in their opponents. They interpret attempts to silence and exile their voices as fear of the truth they possess. The alt-right movement confidently hoists the pirate flag of rebellion, but it can only claim to be rebellious if it can point to the "powers that be" trying to shut them down.

Meeting hate speech with more speech is hard. It is extremely difficult to engage with people who hold beliefs that call another's humanity into question. But engagement may be the most effective tool we have. Speech codes and disinvitations may feel good in the moment, but they represent an easy way out. Often, what has been made taboo and socially undesirable comes back stronger than before.

We believe a stronger antidote is needed, and that antidote is more speech. To challenge Spencer, this speech can take different forms; and on December 6, some may find it cathartic, empowering and/or exciting to do so. However, we urge that opposition be constructive, not disruptive. Donating to counter causes, such as the Anti-Defamation League, the Simon Wiesenthal Center, and the National Organization for Advancement of Colored People's legal defense fund, that are actively combatting people like Spencer and his ideas is one useful tactic. Indeed, shortly after the announcement that Spencer would be speaking on campus, the psychology department at Texas A & M launched a fundraising campaign to protest Spencer and his racism. Joining this protest and funding groups opposed to Spencer is a form of speech and action that makes Spencer weaker, not strong. Same thing for attending his talk and rebutting his speech during the question and answer period. Speech can be deployed as a scalpel, able to cut through vitriol, rhetoric and mendacity to help counter speech that advocates for harmful ideas and outcomes.

Article Four: Free Speech Isn't Always Valuable. That's Not the Point.

[By] Lata Nott is a lawyer and Executive Director of the Newseum Institute's First Amendment Center in New York City. This was posted for the Newseum Institute's website in 2017.

You may think you love the First Amendment. You may get misty-eyed just thinking about it. It calls to mind Woodward and Bernstein unraveling the Watergate scandal, Dr. King leading the March on Washington, Voltaire proclaiming, "I disapprove of what you say, but I will defend to the death your right to say it." (Voltaire didn't actually say that, but he probably wouldn't mind that you think he did.)

But sooner or later, you will come across something that will make you wonder just what's so great about freedom of speech.

It could be a campus speaker arguing that Hitler might have been onto something. Or a protester burning an American flag. Or your neighbor's teenage son, who just bought a drone on Amazon and is now using it to take pictures of your front yard.

You will not disavow the First Amendment (because you love it, of course). You will squarely place the blame on those idiots who are clearly misinterpreting what it means, who think that free speech is somehow a free pass to be a total jerk. They're the problem, you tell yourself. The First Amendment, when applied *properly*, is great.

Maybe it's time for us to come to terms with the truth: While everybody loves the First Amendment in theory, nobody's all that fond of it in practice.

Consider the massive popularity of partisan media, and, as The Wall Street Journal's "Blue Feed, Red Feed" project has shown, the *complete lack of overlap* between liberal and conservative Facebook feeds. We love speakers and media outlets that articulate the thoughts that we were already thinking. We can barely tolerate the ones that contradict our world view. As Nat Hentoff argued in his book, "Free Speech For Me But Not For Thee," most of us struggle with the desire to relentlessly censor one another.

Supreme Court Justice Oliver Wendell Holmes understood this back in 1919: "Persecution for the expression of opinions seems to me perfectly logical. If you…want a certain result with all your heart, you naturally express your wishes in law, and sweep away all opposition." Of course, he followed this with an instruction to resist this natural urge, and to think of speech as a marketplace where all ideas should be allowed to compete so that the best ideas can emerge victorious.

It's nice to think about a bustling marketplace of ideas, but it might be a little tough to hold that cheery picture in your mind when you think about, say, the First Amendment right to sell dog-fighting videos, or to hold up a "Thank God for dead soldiers" banner outside a military funeral. When you picture a marketplace, you can't help but assess the value of the goods for sale. Do we really have to make space for the vendors selling rotten fruit, or that candy that contains trace amounts of lead?

Hate speech may be protected by the First Amendment, but what benefit do we actually derive from it? How much did Milo Yiannopoulos's controversial campus visits contribute to intelligent debate when his speeches primarily revolved around publicly ridiculing audience members and basking in his own outrageousness? If the point of free speech is to encourage that intellectual marketplace, to make us a better society, why should we care about defending speech that we find intellectually worthless?

But there's another way to look at the First Amendment. Maybe we shouldn't think about free expression in terms of value. Free speech isn't always valuable, no matter how loosely you define that word. Sometimes it's hurtful, or nonsensical, or idiotic. What's important is that free expression rights are always indivisible. Remember: The First Amendment protects your speech from *government* censorship. It's meant to keep the power to decide what's valuable expression and what isn't out of the hands of public officials. You are

not in competition with the people who disagree with you. In the real conflict, all of us are on the same side: How much control over speech do we want to cede to the people in power?

In other words: Your rights are my rights. This is true even if I hate you. Nevertheless, I have to stand up for your rights to speak, to publish, to protest, even if I think your opinions are junk and you are wrong about everything. Not just in service of a lofty ideal, but also out of my own self-interest.

The same holds true for you, for all of us. You may advocate for hate speech policies that will silence bigots, but once they're passed, these same laws can be used to silence you. You may support laws that are intended to restrict and neuter public protests, but you will find yourself without many options when it comes time to stand up for a cause that you believe in.

You don't have to love the First Amendment. Just acknowledge that we all need it.

Article Five: The Case for Restricting Hate Speech

[By] Laura Beth Nielsen is Director of the Center for Legal Studies and a professor of sociology at Northwestern University as well as a research professor at the American Bar Foundation. The following op-ed was published by the *Los Angeles Times* in 2017.

As a sociologist and legal scholar, I struggle to explain the boundaries of free speech to undergraduates. Despite the 1st Amendment—I tell my students—local, state, and federal laws limit all kinds of speech. We regulate advertising, obscenity, slander, libel, and inciting lawless action to name just a few. My students nod along until we get to racist and sexist speech. Some can't grasp why, if we restrict so many forms of speech, we don't also restrict hate speech. Why, for example, did the Supreme Court on Monday rule that the trademark office cannot reject "disparaging" applications—like a request from an Oregon band to trademark "the Slants" as in Asian "slant eyes."

The typical answer is that judges must balance benefits and harms. If judges are asked to compare the harm of restricting speech – a cherished core constitutional value – to the harm of hurt feelings, judges will rightly choose to protect free expression. But perhaps it's nonsense to characterize the nature of the harm as nothing more than an emotional scratch; that's a reflection of the deep inequalities in our society, and one that demonstrates a profound misunderstanding of how hate speech affects its targets.

Legally, we tell members of traditionally disadvantaged groups that they must live with hate speech except under very limited circumstances. The KKK can parade down Main Street. People can't falsely yell fire in a theater but can yell the N-word at a person of color. College women are told that a crowd of frat boys chanting "no means yes and yes means anal" is something they must tolerate in the name of (someone else's) freedom.

At the same time, our regime of free speech protects the powerful and popular. Many city governments, for instance, have banned panhandling at the behest of their business communities. The legal justification is that the targets of begging (commuters, tourists, and consumers) have important and legitimate purposes for being in public: to get to work or to go shopping. The law therefore protects them from aggressive requests for money.

Consider also the protections afforded to soldiers' families in the case of Westboro Baptist anti-gay demonstrations. When the Supreme Court in 2011 upheld that church's right to stage offensive protests at veterans' funerals, Congress passed the Honoring America's Veterans' Act, which prohibits any protests 300 to 500 feet around such funerals. (The statute made no mention of protecting LGBTQ funeral attendees from hate speech, just soldiers' families).

So soldiers' families, shoppers and workers are protected from troubling speech. People of color, women walking down public streets or just living in their dorm on a college campus are not. The only way to justify this disparity is to argue that commuters asked for money on the way to work experience a tangible harm, while women catcalled and worse on the way to work do not — as if being the target of a request for change is worse than being racially disparaged by a stranger.

In fact, empirical data suggest that frequent verbal harassment can lead to various negative consequences. Racist hate speech has been linked to cigarette smoking, high blood pressure, anxiety, depression and post-traumatic stress disorder, and requires complex coping strategies. Exposure to racial slurs also diminishes academic performance. Women subjected to sexualized speech may develop a phenomenon of "self-objectification," which is associated with eating disorders.

These negative physical and mental health outcomes — which embody the historical roots of race and gender oppression — mean that hate speech is not "just speech." Hate speech is doing something. It results in tangible harms that are serious in and of themselves and that collectively amount to the harm of subordination. The harm of perpetuating discrimination. The harm of creating inequality.

Instead of characterizing racist and sexist hate speech as "just speech," courts and legislatures need to account for this research and, perhaps, allow the restriction of hate speech as do all of the other economically advanced democracies in the world.

Many readers will find this line of thinking repellent. They will insist that protecting hate speech is consistent with and even central to our founding principles. They will argue that regulating hate speech would amount to a serious break from our tradition. They will trivialize the harms that social science research undeniably associates with being the target of hate speech, and call people seeking recognition of these affronts "snowflakes."

But these free-speech absolutists must at least acknowledge two facts. First, the right to speak already is far from absolute. Second, they are asking disadvantaged members of our society to shoulder a heavy burden with serious consequences. Because we are "free" to be hateful, members of traditionally marginalized groups suffer.

Political Cartoon Six: Free Speech

[By] Signe Wilkinson is an American political cartoonist whose work appears in newspapers nationally? The following was completed in 2017.

Writing Assignment: Questions for Each Article

Define: Op-Ed:

Article One: Should Neo-Nazi Be Allowed Free Speech?

1. Why does Rosenbaum open his essay with examples from France and Israel?

    a. In what says are their free speech laws different from those of the United States?

2. What do you think Rosenbaum means when he says, "In pluralistic nations like theses [six European countries and Brazil] with clashing cultures and historical tragedies not shared by all, mutual respect and civility helps keep the peace and avoids unnecessary mental trauma" (para 6)?

    a. Do you think that description can apply to the United States? Explain

3. How does Rosenbaum classify the categories of free speech that are limited?

    a. What does he think of these limitations?

    b. What support does he offer for his viewpoint?

4. In paragraph 12, Rosenbaum gives examples of the difference between "trying to persuade and trying to injure." Do you find his examples compelling? Explain

Article Two: No, There's No "Hate Speech" exception to the First Amendment

5. What is the purpose of Eugene Volokh's piece?

6. According to Volokh, what kinds of speech are unprotected by the First Amendment?

7. What purpose do the court cases serve in Volokh's argument?

    a. How effective do you find them to be? Explain

8. What suggestions does Volokh have for those who would like to change First Amendment law?

9. How would you characterize the tone of this oped? Support your response with specific details from the text?

Article Three: Free Speech Is the Most Effective Antidote to Hate Speech

10. How would you describe the argument that Sean Stevens and Nick Phillips make?

11. Characterize the evidence Stevens and Phillips use.

    a. Do you find it convincing? Explain your answer

12. Why do Stevens and Phillips believe that censoring hate speech is more harmful than allowing it – that is, what is the logic behind their central argument?

13. What suggestions do they make for combatting hate speech without putting limits on it?

    a. Do you think those suggestions are practical? Explain

    b. Do you think they would ultimately prove successful?

Article Four: Free Speech Isn't Always Valuable. That's Not the Point.

14. What aspects of human nature does Lata Nott hold responsible for the ways the First Amendment is misinterpreted?

15. What point does Nott make in paragraph 5 when she discusses partisan media?

    a. How does this point contribute to her overall argument?

16. How does Nott use rhetorical questions to develop her argument?

17. Why does Nott believe we all need to stand up for the First Amendment even if we don't "love" it?

Article Five: The Case for restricting Hate Speech

18. Laura Beth Nielsen's op-ed focueses on the targets of unlimited free speech as well as groups who are "protected from troubling speech" (para 6). How does she classify them?

19. Why does Nielsen consider unlimited free speech to be equity issue – that is, an issue that created an unfair disparity between and among groups of people?

20. How does Nielsen define harm in the context of her argument?

    a. How does this definition relate to how she develops her position?

21. How does Nielsen acknowledge the counterargument?

    a. How does she refute it?

Political Cartoon Six: Free Speech

22. Why is Uncle Sam holding the Free Speech umbrella?

23. Look carefully at the people underneath the umbrella. Make a list: Who are they? What does each represent?

    a. To what extent is Wilkinson suggesting these people exist on even moral footing?

24. What is the message of Wilkinson's cartoon?

    a. Do you think she is in favor of limiting free speech? Explain

Making Connections

1. Laura Beth Nielsen and Thane Rosenbaum refute the notion that while sticks and stones can break bones, names never do lasting harm. What might Lata Nott have to say on the subject?

2. In his op-ed, Eugene Volokh argues that there is no hate speech exception to the First Amendment. He concedes, however, that adding one might be up for debate. How might Rosenbaum or Nielsen debate him?

a. What limitations might they propose, and under what circumstances?

3. Would Rosenbaum find Sean Stevens and Nick Phillips's phychological testing convincing enough to lift limits on free speech?

a. Would Stevens and Phillips be convinced by Rosenbaum's assertion? Explain your answer.

4. Cartoonist Signe Wilkinson satirizes the push and pull of individual needs and rights in the question of limiting free speech. How would Nielsen draw a cartoon illustrating her views?