**Applied Government Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
Hate Speech Harkness**  **Mr. Faulhaber Class Period\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Background**

Many Americans wrongly believe that hate speech can and should be banned. Both parties, the Republicans and Democrats, will demonize their opponents when they support free speech bans by limiting hate speech (they either don’t consider hateful or find should be protected in the marketplace of ideas) but will support the bans when their respective issues are the subject of what they find unconscionable hate speech. For Republicans those issues usually center around patriotism (burning the American flag, kneeling for the national anthem, sitting during the Pledge of Allegiance) while Democrats focus on the oppressed (micro aggressions, cultural appropriation, marginalization of minorities). Gone are the days where sticks and stones can break bones but words will never harm to the idea that worse are violence and those violent words should me met with censorship (or violence itself). The Supreme Court, however, has consistently ruled that unlike defamation, obscene expressions, fighting words, incitement to violence, etc. hate speech is protected speech under the First Amendment. Those Supreme Court rulings have been limited to government agents and not private actors. Facebook, X, and other social media organizations regulate what they consider hateful content. Moreover, public schools have been considered a “special place” in which free speech rights are watered down, especially if the speech causes a substantial disruption. Considering most debate today occurs on social media or at public schools and those actions appear to have broad public support, it is no wonder that a broad swath of American believe hate speech can and should be banned. Recent events, including the rise of antisemitism and hate crimes have led to renewed calls for action against hate speech. Public opinion does not get the last words on Constitutional issues though, the Supreme Court does under its power of judicial review. Like all constitutional powers, judicial review is subject to checks and balances. In this case, the check is the ability of Congress to propose a constitutional amendment (Article V) with two-thirds vote in each chamber and ratification by three-fourths of state legislatures.

**Questions To Consider\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

* What countries favor laws against hate speech and why?
* What countries oppose laws against hate speech and why?
* How do history and traditions within a country affect a country’s hate speech laws?
* What are the most persuasive reasons to support a constitutional amendment that bans hate speech?
* What are the most persuasive reasons to oppose a constitutional amendment that bans hate speech?
* How should public schools approach hate speech?
* How should social media approach hate speech?
* What was the rational for the Supreme Court to protect hate speech (including laws against a heckler’s veto)
* What recent events have transpired to renew calls for hate speech bans

**Overarching Question**

* Should a 28th Amendment (modeled off Great Britain’s Public Orders Act) be enacted?

**Harkness/Deliberation Steps\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  
 **1. Before you research, determine what you know, would like to know, and need to know to be successful in the Harkness. In your note sheet, write down the following categories and answer the questions:**

* What I think I know (or think I know) includes…

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* What I want to know includes… Why I want to know this includes…

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* What I hope to get out of the Harkness…

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* What I want to know includes… Why I want to know this includes…

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* **When I asked my Parent(s)/Guardian(s)/Adult(s) in my life the overarching question I was told me...**

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**What Is Deliberation? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Deliberation is the focused exchange of ideas, and the analysis of multiple views with the aim of making a personal decision and finding areas of agreement within a group. From the beginning of the year we have focused on civil discourse and the ability to discuss the big ideas that permeates the American culture in a respectful manner with the goal of developing a deep understanding of contemporary politics and the issues surrounding the political arena and their varying perspectives.

* Each of you has a unique perspective based upon your own political socialization process built upon factors that no other member of this class shares. Share those perspectives and learn deeply from one another. Understand though the two most common complaints thus far have been some students have not come to class with the appropriate research done to be an active participant or to positively contribute to the goal of understanding the issue in greater depth and some students have refused to share with their classmates their unique perspective, experience, and/or research. Do the legwork to be an active contributor to a deeper understanding of the issue. Talk to share your perspective and research so others can learn from you but only if you have done your research.
* The Stanford experiment found that when educated citizens came together to share their opinion, polarization was reduced. Be willing to be open-minded and change your opinion. Do not be puritanical. Come in with the idea you do not know everything and humble enough to be aware that you might actually be wrong. In that vein, what you decide today should become more nuanced or change throughout the remainder of the year and your life

**Consensus:** Try to build consensus or get the class to come together as a group and agree upon a solution **(Status Quo, Policy Proposal, Alternative Plan).**

Do not be beholden to any pre-deliberation view and concentrate on what questions you have and what arguments you need to hear to change your mind. Your group should discuss each person’s opinion about the deliberation question, what they think should occur, what you need to know to change your mind; focusing on the following:

* Listen carefully to what others are saying.
* Understand and analyze what others are saying.
* Use relevant background knowledge, including life experiences, in a logical way.
* Remain engaged and respectful when controversy arises.
* Speak and encourage others to speak.
* Refer to the reading to support your ideas

**Alternative Assignment**

Conduct a 1 hour “alternative Harkness” outside of class with 2 or more classmates.  
**OR**  
Write a persuasive essay answering the overarching question with the information required in the “preparation and research” section of the rubric and found on the class website while also including responses to the “questions to consider.” The essay should include parenthetical citations.

**DIRECTIONS: Read through each category and its criteria***. Complete either or both columns to give yourself an accurate grade.*   
  
In the LEFT column: Place a check plus next to those you completed in an exceptional manner, a check plus/check mark if it was only completed well, a check mark next to the criteria in which you completed okay, a check mark/check minus if it was completed okay but not great, a and a check minus that you completed but not very well, and place an X next to the criteria not completed at all.   
  
In the RIGHT column: Place the appropriate grade in the space to the immediate left of EACH criteria required by determining those areas you performed or were lacking and based upon the point value listed. Place a N/A or “not applicable next to any criterion not required for your specific role. Average the points together in place that score in the “your estimate” blank.   
 ***\*\*\*Remember, a perfect grade should reflect perfect work and only be used when the work done had no deficiencies & could not have been performed any better***. \*\*

* **PREPARATION AND RESEARCH (1-25):**

\_\_\_\_\_ \_\_\_\_\_Completed Hate Speech Background Assignment (and utilized that information to understand role in simulation):

\_\_\_\_\_ \_\_\_\_\_Annotated (Highlighted or Underlined, commented, and emojied)

* Foundations Textbook Debate Page 447
* USA Today Article First Amendment Synopsis

\_\_\_\_\_ \_\_\_\_\_Perused the Websites and Links and read, took notes, and utilized information to be able to answer the overarching question

* Wikipedia Webpage Outlining Britain’s Hate Speech Ban
* Crown Prosecution Services Webpage
* NYT Article "Britain Passes Sweeping New Online Safety Law"

\_\_\_\_\_ \_\_\_\_\_Listened to and took notes from the NCC PODCAST

\_\_\_\_\_ \_\_\_\_\_Conducted research on own to answer “question to consider” and the ‘overarching question”

\_\_\_\_\_ \_\_\_\_\_**Discussed with one or both** Parents**, grandparent, and/or adults in one’s life** about the assigned above in preparation

\_\_\_\_\_ \_\_\_\_\_Gathered information to be effective in deliberation & Attached and turned in Research Notes with rubric and other documents

**Your Average** \_\_\_\_\_\_/25

* **CONTENT COVERED/PERSUASIVENESS/PARTICIPATION/OVERALL PERFORMANCE (1-15):**

\_\_\_\_\_ \_\_\_\_\_Cited information from research including data you found relevant and persuasive

\_\_\_\_\_ \_\_\_\_\_Referred to anecdotes and opinions from parents, peers, etc.  
**\_\_\_\_\_ \_\_\_\_\_**Kept ungrounded opinions (those that could not be substantiated and backed up by data/evidence to prove one’s case) out of discussion   
\_\_\_\_\_ \_\_\_\_\_Did not simply echo the thoughts of others or make irrelevant comments just to fulfill participation

\_\_\_\_\_ \_\_\_\_\_Was inquisitive; Asked peers ***clarification*** questions to gain information   
\_\_\_\_\_ \_\_\_\_\_When asked a question, showed ability to think on feet providing clear main arguments and an understanding of the material \_\_\_\_\_ \_\_\_\_\_Was a **Frequent** Participant (spoke at least 5 times) **BUT** did not hog the conversation

\_\_\_\_\_ \_\_\_\_\_Clearly outlined your position on the question proposed or asked Questions to develop a position

\_\_\_\_\_ \_\_\_\_\_Performed to the best of your abilities and was an attribute, not detriment to this simulation; Felt good about your performance  
\_\_\_\_\_ \_\_\_\_\_In Peers evaluation, they will recognize your research and background knowledge regarding the issue discussed

\_\_\_\_\_ \_\_\_\_\_In Peers evaluation, they will have positive comments about your performance **Your Average** \_\_\_\_\_\_/15

* **RESPECTFUL/RESPONSIBLE BEHAVIOR/REFLECTION AND SELF-EVALUATION (1-10):**

\_\_\_\_\_ \_\_\_\_\_Professional and Attentively listened by looking at speakers. did not interrupt peers, and followed proceedings- taking notes   
**Attached your notes to this self-evaluation**   
\_\_\_\_\_ \_\_\_\_\_Was Respectful to Peers both verbally and through mannerisms; Avoided ad hominin attacks   
\_\_\_\_\_ \_\_\_\_\_Let others speak before we spoke again **(general rule to follow: at least 3 people spoke before I spoke again)**

\_\_\_\_\_ \_\_\_\_\_Did not interrupt peers or tell them “they could not argue that”  
\_\_\_\_\_ \_\_\_\_\_Had a positive Attitude and Played Well with Others  
\_\_\_\_\_ \_\_\_\_\_Read and followed direction when completing rubric: Placed the appropriate mark next to EACH category  
\_\_\_\_\_ \_\_\_\_\_Did not just use whole numbers and only gave yourself a 10 if your performance was PEFERCT and a model for future classes  
\_\_\_\_\_ \_\_\_\_\_Answered reflection questions with deep thought and provided honest feedback  
\_\_\_\_\_ \_\_\_\_\_Answered reflection questions with MINIMALLY three sentences for each question  
\_\_\_\_\_ \_\_\_\_\_In Peers evaluation, they will acknowledge you as an attribute, not a detriment to the simulation

**Your Average** \_\_\_\_\_\_/10  
**TOTAL\_\_\_\_\_\_\_\_\_\_\_/50 or \_\_\_\_\_\_\_\_\_\_\_/%**

**REFLECTION QUESTIONS:**   **Answer each question with deep thought and in as much detail as necessary. \_\_\_\_\_\_**   
  
QUESTION #1 List and describe the most meaningful idea(s), concept(s), and/or principle(s) learned through this project.   
  
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QUESTION #2: A classmate I’d give a shout-out to for being best prepared, most persuasive and/or original thought, etc.  would be… because…  
  
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QUESTION #3: What classmate(s) was the least prepared for their obligations in the Harkness? Explain  
  
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QUESTION #4: Explain what you did well on the project. What could you have done differently and would change if you could go back in time?   
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QUESTION #5: When your peers complete their reflections, the chances you will be listed in their answers to Questions #2-3 are…because…  
  
  
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QUESTION #6: How would you rate **your overall during for the Harness** (1-10) based upon your preparation, knowledge and understanding of the issue, and performance in regards to your prior projects and your peers? Justify the ranking. Is this grade Reflected by the Rubric? If the overall score determined through the rubric is different from the grade you believe you deserve explain why and the grade you believe is warranted.  
  
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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
  
QUESTION #7: How would you rank the value of the project (1-10)? Justify the ranking. What can be done to improve the process to make it more meaningful.? How would you rank the value of the project (1-10)? Justify the ranking.  
  
  
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