



STUDY GUIDE

THE DARK ART OF FRAMING

KEY TERMS: framing
freedom

arguments
biased

Socialism
truth

NOTE-TAKING COLUMN: Complete this section during the video. Include definitions and key terms.

CUE COLUMN: Complete this section after the video.

Why is socialism enjoying renewed popularity, especially among young people?

In what ways can framing weaken or strengthen an argument or a position on a given topic?

What does the U.S. Constitution state about the right to worship and to hold religious beliefs?

What can be done to counter biased framing, in terms of being able to engage in meaningful, civil discourse on a given topic?

How are people who oppose abortion, even late term abortion in a healthy pregnancy, often 'framed' as?

DISCUSSION & REVIEW QUESTIONS:

- At the beginning of the video, Mr. Myers contends that, “Often arguments end up unfairly skewed by the information they include or leave out. If you understand how framing works, you’ll have a better chance of seeing through weak arguments and appreciating good ones.” What exactly does Mr. Myers mean when characterizing arguments as being ‘unfairly skewed’ by the information they include or leave out? Why is it so important to be able recognize weak arguments and to appreciate strong arguments? Explain.
- After giving us an example of how biased framing skews the topic of Socialism, Mr. Myers points out that, “Another example of framing is the issue of religious freedom. The American Civil Liberties Union website says that, ‘The Free Exercise Clause of the First Amendment gives you the right to worship or not as you choose. The government can’t penalize you because of your religious beliefs.’ It sounds good, but only because of the framing. The Constitution doesn’t speak about the right to worship and hold beliefs. Those are a given. The Constitution specifically defends the free exercise of religion. That means freedom to act on your religious beliefs and not to be forced to violate them. And that also includes the right to influence others, just as secular people can. Yet people who want to exercise their religion in these ways are framed as bigots.” Why do you think that the ACLU attempts to frame the topic of religious freedom in such a narrow way? Explain. Why do you think that the Left often mischaracterizes people who disagree with them, and frames those who disagree with them in such a broad and absolute manner? Explain.
- Later in the video, Mr. Myers shares with us that people, “ ...who question climate change policies are framed as ‘science deniers,’ people who oppose abortion (even late term abortion) in a healthy pregnancy, are framed as ‘waging a war on women.’ So how does someone who wants to present the other side of these arguments deal with this framing tactic?” How would you answer this question? Do you think that people who have been framed by opponents should use framing for their own side of the argument? Why or why not?
- Mr. Myers answers the last set of questions by suggesting that viewers should, “Reject biased framing. Now that you know what framing is, you’ll be able to spot it. That’s half the battle. Say something like, ‘Do you think that’s the whole story? Let me suggest another way of looking at it.’” In what other ways might one ‘reject’ biased framing? Explain. Mr. Myers states that identifying biased framing is ‘half the battle,’ what do you think the other half of the battle might be? Explain.
- At the end of the video, Mr. Myers cautions viewers by advising, “...don’t forget to look out for biased frames. They’re great for making movies. But not for finding truth.” Why is it so important to ‘look out’ for biased frames? Do you think that finding truth is important? Why or why not?

EXTEND THE LEARNING:

CASE STUDY: Hate Speech

INSTRUCTIONS: Read the article “Sorry, College Kids, There’s No Such Thing As Hate Speech,” then answer the questions that follow.

- What does the author want to make clear about hate speech? What is college supposed to be all about? What is ‘hate speech’ to college students, professors, and administrators? Where does ‘hate speech’ start and stop? What is the difference between free speech and hate speech? What is the legal definition of hate speech? How have courts defined ‘fighting words?’ What did the U.S. Supreme Court rule in *R.A.V. v. City of St. Paul*, and what was the explanation for the majority opinion? What compelled students to violently attack Professor Murray and another professor at Middlebury College? Why isn’t incitement hate speech? What legal principle regarding protected speech came from the U.S. Supreme Court ruling in *Whitney v. California*? What is the ‘heckler’s veto,’ and who is engaging in it? What do many college constituents, such as the editors of college publications at U.C. Berkeley and Wellesley College, believe free speech is and what do they think hate speech is? Why have college students come to this impasse?
- Why do you think that so many young people, such as college students, think that hate speech exists? Why do you think that some people frame expression that they don’t like as hate speech? What role, if any, do you think social media plays in shaping the way young people debate and express their viewpoints? Explain. Why do you think that so many people believe that violence is an acceptable method for opposing speech that they find offensive?
- Do you think that universities have more of an obligation to let students be challenged and possibly offended, or more of an obligation to protect them from ‘harmful’ or ‘hateful ideas that might ‘trigger’ them? Explain. What might be some better methods for people to cope with being offended and for coping with expression that they do not like?



QUIZ

THE DARK ART OF FRAMING

- 1. Why is socialism enjoying renewed popularity, especially among young people?**
 - a. Because socialism has brought such prosperity and equality to nations like Venezuela.
 - b. Because the education system so heavily promotes capitalism – thus young people naturally rebel against it.
 - c. Because socialism has been very cleverly framed by its proponents.
 - d. None of the above.

- 2. Martin Castro, former chair of the U.S. Commission on Civil Rights for the Obama Administration, wrote that religious freedom is a ‘code word’ for _____.**
 - a. discrimination
 - b. racism
 - c. homophobia
 - d. All of the above.

- 3. In the current culture common on college campuses, what counts as ‘hate speech’?**
 - a. Any speech involving religion.
 - b. Whatever people who say ‘hate speech is not free speech’ find hateful.
 - c. Any speech that is critical of conservative viewpoints.
 - d. Any speech that is critical of the U.S. Constitution.

- 4. People who question climate change policies are framed as ‘science deniers.’**
 - a. True
 - b. False

- 5. One of the best ways to counter a biased framing tactic is to _____.**
 - a. reject biased framing
 - b. get up to speed on the big issues
 - c. set some basic ground rules
 - d. All of the above.



QUIZ - ANSWER KEY

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<https://thefederalist.com/2017/04/20/sorry-college-kids-theres-no-thing-hate-speech/>



Sorry, College Kids, There's No Such Thing As Hate Speech

Progressive college students seem to think violence is okay as long as it's silencing 'hate speech.' Someone should tell them there's no such thing.

By John Daniel Davidson
April 20, 2017

For the sake of campus protestors and their professors across the country, it's time to make something clear: there's no such thing as hate speech.

That should go without saying, since freedom of speech and free inquiry is supposed to be what college is all about. But the recent spate of violent student protests, from the University of California at Berkeley to Middlebury College in Vermont, have been met with a collective shrug from an alarming number of college students, professors, and administrators who seem to be under the impression that violence is okay so long as its purpose is to silence "hate speech."

By hate speech, they mean ideas and opinions that run afoul of progressive pieties. Do you believe abortion is the taking of human life? That's hate speech. Think transgenderism is a form of mental illness? Hate speech. Concerned about illegal immigration? Believe in the right to bear arms? Support President Donald Trump? All hate speech.

But in fact, there is no “hate speech” exception to the First Amendment. The answer to the question, “Where does free speech stop and hate speech begin?” is this: nowhere. For the purposes of the First Amendment, there is no difference between free speech and hate speech. Ideas and opinions that progressive students and professors find offensive or “hateful” are just as protected by the Bill of Rights as anti-Trump slogans chanted at a campus protest.

‘Fighting Words’ Are Not Hate Speech

There are, of course, certain kinds of speech that are not protected by the First Amendment. But those have nothing to do with hate speech, which has no legal definition. For example, there’s an exception for “fighting words,” which the courts have defined as a face-to-face insult directed at a specific person for the purpose of provoking a fight.

But fighting words can’t be expanded to mean hate speech—or even bigoted speech. In the early 1990s, the city of St. Paul tried to do just that, by punishing what it considered bigoted fighting words under its Bias-Motivated Crime Ordinance. The case, which involved a white teenager burning a cross made from taped-together broken chair legs in the front yard of a black family that lived across the street, went to the U.S. Supreme Court.

The court ruled the city’s ordinance was facially unconstitutional (which means a statute is always unconstitutional and hence void) and that it constituted viewpoint-based discrimination. Writing for the majority in *R.A.V. v. City of St. Paul* (1992), Justice Antonin Scalia explained that, as written,

the ordinance applies only to ‘fighting words’ that insult, or provoke violence, ‘on the basis of race, color, creed, religion or gender.’ Displays containing abusive invective, no matter how vicious or severe, are permissible unless they are addressed to one of the specified disfavored topics. Those who wish to use ‘fighting words’ in connection with other ideas—to express hostility, for example, on the basis of political affiliation, union membership, or homosexuality—are not covered. The First Amendment does not permit St. Paul to impose special prohibitions on those speakers who express views on disfavored subjects.

As for discriminating against certain viewpoints, Scalia noted that fighting words are excluded from First Amendment protection not because they communicate a particular idea but because “their content embodies a particularly intolerable (and socially unnecessary) *mode* of expressing *whatever* idea the speaker wishes to convey.” The city’s ordinance, he wrote, simply didn’t fit the definition of fighting words:

St. Paul has not singled out an especially offensive mode of expression—it has not, for example, selected for prohibition only those fighting words that communicate ideas in a threatening (as opposed to a merely obnoxious) manner. Rather, it has proscribed fighting words of whatever manner that communicate messages of racial, gender, or religious intolerance. Selectivity of this sort creates the possibility that the city is seeking to handicap the expression of particular ideas.

Of course, no one is pretending that today’s campus rioters are reacting to fighting words. The protesters who shouted down Charles Murray at Middlebury last month and later attacked him and another professor in a parking lot (sending the professor to the hospital) were not impelled to violence by fighting words. They chose violence as their response to particular ideas they found offensive, nothing more.

Incitement Isn’t Hate Speech, Either

Same thing goes for incitement. Shouting “Fire!” in a crowded theater or tweeting your plans to attack Murray at a specific date and time are not forms of speech protected by the First Amendment—not because

they're hate speech but because they're crimes. It's illegal to make a specific threat against someone, just as it's illegal to incite a panic (or a riot).

Those restrictions on speech apply to everyone at all times, not just those whom campus protesters believe are engaging in hate speech. The prohibition against "imminent lawless action" comes from a 1969 Supreme Court case, *Brandenburg v. Ohio*, in which a Ku Klux Klan leader was charged with advocating violence under the Ohio Criminal Syndicalism statute. At a KKK rally in 1964, the Klan leader gave a speech calling for a march on Washington and made references to the possibility of "revenge" against Jews and African-Americans and their supporters.

The court overturned Ohio's syndicalism statute and overruled an earlier decision, in *Whitney v. California* (1927), that held if speech has a "tendency" to cause lawlessness it can be prohibited. Instead, it articulated "the principle that the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action."

In other words, you're allowed to call for the eradication of the Bill of Rights, even the overthrow of the government, as long as you're not inciting "imminent lawless action." Campus protesters opposing *Citizens United* or gun ownership are effectively calling for the suppression of the First and Second Amendments, just as the black-shirted "antifa" protestors at Berkeley last week were advocating "resistance" against the Trump administration.

Their rioting wasn't legal, but their advocacy for resistance was. Just like it's legal to advocate for a border wall to keep out illegal immigrants. No matter how hateful some college students think that is, it has nothing to do with incitement and is therefore protected by the First Amendment.

‘Hate Speech’ Is a Pretext for the Heckler’s Veto

Shutting down free speech with violence is becoming commonplace on college campuses across the country. Instead of cracking down on violent protests, college administrators are simply canceling controversial events, giving in to the heckler's—or rioter's—veto.

On Wednesday, UC-Berkeley announced it had canceled an event with Ann Coulter scheduled for next week, citing recent violent clashes downtown and, back in February, on campus, ahead of a planned appearance by Milo Yiannopoulos. After that protest, at which masked individuals set fires, threw fireworks and Molotov cocktails, attacked members of the crowd, and threw rocks at police, the student newspaper ran an editorial boasting, "Protests show presence of free speech on campus."

But the student editors at UC-Berkeley, like the Wellesley College editors who recently warned that politically incorrect speech should be met with "hostility," have no idea what free speech is. They believe free speech is only for certain people with certain ideas. Everything else is "hate speech," and anyone engaging in it should be muzzled—by force if necessary.

Our college students have come to this impasse in large part because their parents, high school teachers, college professors, and school officials have all failed them. They have not only refused to instill in them a reverence for the First Amendment, they have taught them to despise the Constitution and the Bill of Rights, the very things that protect their right to protest. In so doing, they have turned them into the thing they claim to despise most: fascists.

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