Teaching Controversial Issues and Media Literacy

WiFi: Go to RU Wireless and login as “guest”. No password needed
Shared Folder:
https://drive.google.com/drive/folders/1UMhOz06Bh0XjcsLFHximSfd7Gx1i32bU?usp=sharing

New Jersey Center for Civic Education Rutgers, The State University
http://civiced.rutgers.edu
An education in social studies fosters a population that:

- Is **civic-minded**, globally aware, and **socially responsible**;
- Exemplifies fundamental **values of democracy and human rights** through active participation in local, state, national, and global communities;
- Makes **informed decisions** about local, state, national, and global events based on inquiry and analysis;
- Considers **multiple perspectives**, values diversity, and promotes cultural understanding;
- Recognizes the relationships between people, places, and resources as well as the implications of an interconnected global economy;
- Applies an understanding of **critical media literacy skills** when utilizing technology to learn, communicate, and collaborate with diverse people around the world; and
- Discerns fact from falsehood and **critically analyzes information** for validity and relevance.
How do we help our students to become informed and reasoned decision-makers?
An effective social studies curriculum cannot avoid controversial issues!

Nor should we try to avoid them…
Why should we teach controversial issues?

- Democratic self-government requires constant discussions and decisions about controversial issues.

- Silence about controversial issues makes it more likely that bad policies will prevail.

- There is an intrinsic and crucial connection between the discussion of controversial political issues and the health of democracy.

- You cannot have democracy without discussing controversial issues.

- Therefore, we need to teach our students how to “do” democracy by practicing the skills of discussing controversial issues in the classroom.

Research shows

Discussing current controversial public issues:

- Is authentic and relevant
- Enhances sense of political efficacy
- Improves critical thinking skills
- Increases students comfort with conflict that exists in the world outside of classroom
- Develops political tolerance
- Motivates students
- Results in students gaining greater content knowledge

Problems Facing Teachers

- How to ensure civil discourse within the classroom and a positive school and classroom climate.
- How to protect the classroom from outside partisan pressures.
- How to teach about controversial issues and elections during a highly partisan era.
- How to emphasize that which unites us as Americans.
- How to ensure students are civically literate.
- Are there any problems that we missed and you want to add?
What Are Controversial Issues?

- Any public issue that defies an easy solution and may challenge deeply held beliefs or interests
- Issues that test the balance between individual freedom and safety or order for the common good
- What are some controversial issues that you are encountering or expect to encounter?
Critical Race Theory

● Since the 1980s, Critical Race Theory has become a growing movement in the study of law. It’s a graduate-level academic framework that encompasses decades of scholarship. It’s focused on institutions and their historical impact on race.

● Nobody is teaching “Critical Race Theory” in middle or high school.

● The phrase has come to mean teaching about race, period. And teaching about the role of race in American history is likely to make some people uncomfortable, as it juxtaposes the historical record against a preferred narrative of America as an unblemished success and challenges their sense of identity.

● It is impossible to accurately teach U.S. history or civics without addressing issues of race.
Redlining map by the HOLC of Essex County from the 1930s
An Ounce of Prevention: Preparing for Controversy

- School policies
- Your community
- Communicating with your school administrators
- Classroom climate
- Sharing your opinions
School Policies On Teaching Controversial Issues

- In addition to hiring and evaluating the school superintendent, school boards work primarily through policies, which set guidelines for principals, teachers, parents and students.

- School policies are written, public records

- Your school should have a policy that:
  - supports and encourages the teaching of controversial issues, usually policy #2240
  - sets guidelines for teaching controversial issues, including a process for dealing with challenges
Look at your school policy on teaching controversial issues

- [https://www.straussesmay.com/seportal/Public/DistrictPolicy.aspx?policyid=2240&id=7286f1c73007451c9e06cc5042ad218f](New Brunswick)
- [https://drive.google.com/file/d/19QQmnwbbgZI8GDv_bIbCt7NbTbuRJjkl/view](Paterson)
- [https://westfield.schoolboard.net/sites/nj.westfield.schoolboard.net/files/Policies%20-%20Attachment%20%231_24.pdf](Westfield)
- [https://boe.nutleyschools.org/sites/default/files/policies/2240.pdf](Nutley)

- More recently adopted policies on controversial issues provide more guidance.
- What key words or ideas do you see?
  - Balanced, unprejudiced, no indoctrination, fair, objective.
- Look at your district’s policy. Advocate for one if none exists—Use these as models.
Know Your Community

- Do you live in the community where you teach?
- If not, google the town where you teach to get an idea about the demographics
- Look at the local newspaper or online media
- How might this knowledge help you?
Know What Your Objectives Are

- Classroom activities should encourage critical thinking.
- You are not trying to convince students of any particular point of view.
- Be able to articulate why you are using or discussing controversial materials—it may be to demonstrate a prevailing view of a past time period.
- Preview any materials, especially visual media which may be very powerful or provocative.
- Be aware of biased sources of information.
Talk With Your Administrators

- Plan in advance: Tell your supervisor and/or principal that you plan to teach about the upcoming election or another controversial event or issue.

- Refer your supervisor/principal to your school policy about Teaching Controversial Issues, #2240.

- Refer your supervisor/principal to your district’s stated mission which is usually to create critical thinkers who are informed, engaged citizens.

- Note the state social studies standards which are extremely broad and progressive and encourage teaching controversial issues and critical thinking activities.

- Explain the value of what you are planning to teach.

- If you anticipate controversy send a note and/or talk with parents/parents organizations.
Create a Respectful Classroom Climate

• Establish a process and rules of adequate evidence or support so that discussion is based on facts rather than simply opinions

• Use activities that require students to actively listen when considering controversial issues

• Carefully consider how students should be grouped

• Provide closure, which may simply be an acknowledgement of the difficulty of the issue
Should you disclose your viewpoint?

- Be mindful of your position as the “classroom expert” and the potential impact on the students. Personal views should probably not be shared with elementary or middle school classes. There are also arguments for not sharing with high school classes.
- Sometimes, students may directly ask for your opinion. If you prefer NOT to disclose your view, explicitly state that and explain why.
- If you decide to disclose your own views, do it carefully and ONLY AFTER students have expressed their views.
- Disclosure should be accompanied by a disclaimer:
  - This is my view because...
  - Other people may have different views.
- Unrequested disclosures may be seen as preachy, or may stop the discussion contrary to the goal of having students investigate and develop their own informed opinions. Unrequested disclosures may also be viewed as efforts to indoctrinate your students.
Teach in a neutral, balanced manner that does not try to indoctrinate students

- First Amendment protection of academic freedom for teachers is not absolute: teachers must be teaching within the state standards and within their local school curriculum. (E.g., Kirkland v. Northside Ind. School District, 1989: a teacher has no right to substitute his own book list for the one approved by the district without permission or consent.)

- New Jersey has taken a very broad approach to classroom content, with standards setting a framework for each content area, but unlike many other states which establish a state curriculum, leaving significant control to local school boards.

- NJ teachers are protected as long as what they are teaching is within the state standards and the local curriculum and is being taught in a neutral, balanced manner that does not seek to indoctrinate students.
Start with American Ideals

- American ideals are a source of unity for a diverse nation and provide an important context for civic education.

- Focusing on American ideals places valid parameters on classroom discussions, rather than opening classroom discussions to random statements potentially disruptive of the school climate.

- Basing instruction on American ideals in founding documents (especially the Constitution), rather than a cable news broadcast or other potentially biased source, provides a non-partisan basis for responding to any outside advocacy or pressure groups. *It is crucial that instruction be non-partisan.*

- American ideals can form the basis for inquiry-based lessons and provide a reference point for questions and discussions during the year that can be revisited. It can facilitate the infusion of civic education across the curriculum.
American Ideals: The Process

First Inquiry: What ideals define and unite us as Americans?

- Guide the class to the inquiry and supporting questions regarding ideals.
- Brainstorm the concept of ideals.
- Interpret documents (in this case, the Constitution) and locate ideals. Make sure the students actually examine the document.
- Once ideals are listed, and before narrowed down to the best or most important five or six, expect to dedicate class time to the precise definition of the terms (ex. What is really meant by “liberty”?)
- Present, critique and defend conclusions on ideals, developing a class consensus.

Second Inquiry:

- Guide class to inquiry question regarding which candidate best articulates and supports the identified American ideals from the Constitution he/she will swear to uphold.
- If doing this with another controversial issue, such as policies affecting the LBGQT community, skip the oath of office part and construct an inquiry question evaluating the policies in question to the identified American Ideals from the founding documents. Ex. Should private businesses be able to refuse service to LBGQT patrons? If using in history, how well did the historical figure meet the selected ideal?
- Interpret documents and/or candidate statements, comparing candidates or policies to ideals.
- Identifying ideals should precede any discussions of government, the electoral process, or the candidates. State and defend conclusions.
What Are “Ideals”?

- Define what is meant by the word, “ideals”. Students may confuse these with practices and policies.

- Ideals may be defined as those values and principles that are the *ultimate goal or aim* of our founding documents and institutions and which define the best of America.

- For example, limited government is an ideal, checks and balances is the practice to help achieve limited government.

- Democracy is an ideal, voting is a practice.

- The rule of law is an ideal, establishing a system of courts is a practice.
Possible List of American Ideals*

- Democracy
- Liberty (negative conception)
- Limited Government
- Equality
  - Of opportunity, both political and economic
  - Equal protection under the laws
- Property Rights

* This is just one possible list developed during the activity. Many others are possible
Second Inquiry Based On Oaths of Office

- If using this for an election, guide the class to the inquiry question regarding which candidate best articulates and supports the identified American ideals from the Constitution he/she will swear to uphold.

- Interpret documents and candidate statements, comparing candidates to ideals.

- State and defend conclusions, with evidence.
On Inauguration Day, the president swears a solemn oath to uphold the Constitution: I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States.

What ideals from the Constitution should the president uphold? Which candidate best expresses those ideals?
The Constitution (Article VI, clause 3) requires that members of Congress swear a solemn oath to uphold the Constitution. Each candidate hopes to take this oath in January. What ideals does he/she implicitly agree to defend and uphold? Which candidate best articulates these ideals?

The oath: *I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.*

What ideals from other founding documents should members of Congress uphold?
Assessing the Veracity of Sources

● Today information is readily available from multiple media sources
● Most sources are not balanced
● Sources of positions by candidates:
  □ Media—does it have a political perspective?
  □ Political Parties—clearly have a political perspective!
  □ Organizations—sometimes “grassroots” organizations are funded by big money
  □ Party Platforms
  □ Candidates position papers
● Sources must be assessed—MEDIA LITERACY
● Consider more than ONE source and compare them
Links to Documents

For copies of these founding documents free of partisan annotations you can go to:

- The Constitution:  

- The Amendments:  

- The Declaration of Independence:  
  https://www.civiced.org/resource-materials/declaration-of-independence
Teaching Students About Elections

● The previous American Ideals activity can be used to consider how well historical figures or currently debated potential public policies adhere to our stated ideals in the founding documents. In the previous examples, we mostly showed how it can also be used to evaluate how well candidates in an election and their stated policies measure up against ideals.

● However, there is another very important consideration to investigate when evaluating candidates:
Candidate’s Qualifications

- Identify the duties, powers responsibilities and limits of the position
- What qualifications should the person have?
- Consider the candidates’
  - Character
  - Experience and qualifications
  - Positions on issues (this can link back to ideals)
- Determine who would best meet the duties, powers, responsibilities, and limits of the position
The following worksheet is from the national Center for Civic Education [Home - civiced.org](Home - civiced.org).
Since it is important to assess both the qualifications of a candidate and how well they will protect American ideals, teachers should consider using both activities when teaching about elections.
Remember, elections are an essential feature of American democracy and should not be avoided just because they are inherently controversial. Helping students become rational, informed voters is an important responsibility of social studies education.
Determining qualifications for the presidency

Examine Article II of the Constitution and review what you learned in this lesson to help you complete the following chart. You might cooperate with one or more students to do so.

<table>
<thead>
<tr>
<th>Duties, powers, limits</th>
<th>Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What are the duties of the president?</strong></td>
<td><strong>What qualifications should a person have to carry out these duties?</strong></td>
</tr>
<tr>
<td>1</td>
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<td>2</td>
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<td>3</td>
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<tr>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

| **What are the powers of the president?** | **What qualifications should a person have to exercise these powers?** |
| 1 | 1 |
| 2 | 2 |
| 3 | 3 |
| 4 | 4 |

| **What are the limits on the powers of the president?** | **What qualifications should a person have to observe these limits to power?** |
| 1 | 1 |
| 2 | 2 |
| 3 | 3 |
| 4 | 4 |
New Jersey Student Mock Election

- Designed for either remote or in-school instruction. Student privacy carefully protected.
- Voting procedures – digital or paper ballots available
- Voting dates: Two weeks before the actual election
- Web site and resources: [http://njmockeelection.org/](http://njmockeelection.org/)
- Results mapped by legislative district and grade band. These can be the basis for a post-election lesson.
- Help your students get in the habit of being an informed voter in *every* election.

CIVIL DISCOURSE REQUIRES ACTIVE LISTENING

The biggest communication issue is we do not listen to understand.

We listen to reply.
Civil Discourse in the Classroom

- Wait to be recognized by the teacher before speaking.
- Don’t interrupt or talk over someone else who is speaking.
- Listen for content in the statements of others, even if you disagree. Don’t engage in side conversations that distract from the speaker who has the floor.
- Don’t assume that you know what someone else means. Ask questions that help you understand perspectives different from your own.
- Relate your comments to those of previous speakers.
- Don’t get personal. No demeaning or inappropriate comments, facial expressions, or gestures.
- Differentiate between facts and opinions. Both are valid when expressed appropriately.
- Listen more than you speak.

Source: United States Courts: Guidelines for a Civil Discussion
Classroom Strategies for Building Skills for Civil Discourse

- Continuum/Take a stand
- Active Listening/Civil Conversations
- Moot courts—structured format for considering constitutional issues
- Inquiry Questions
- Philosopher’s Stone
- Guided discussions
- Socratic Seminars
- Philosophical Chairs discussion
- Legislative hearings—structured format for considering solutions to problems
- Structured debates
Take a Stand/Continuum

- Can use with any controversial topic—e.g., immigration, reparations for racial discrimination, fracking, Electoral College, hate speech on social media, etc.

- Phrase a question as either/or (yes or no, agree or disagree)—e.g., Should the Electoral College be abolished? Should fracking be illegal? Should we establish a process for illegal immigrants become citizens?
Take a Stand/Continuum

- Ask the students to stand to one side of you if they agree and to the other if they disagree. You can ask those who are unsure to stand in the middle. The stronger the opinion, the farther the students move from the center.
- Now the students have taken a stand and formed a continuum of views. Turn and face the line.
- Ask those at either ends of the line to explain WHY they take their position.
- There are no rebuttals, students explain their views (why) and listen to others.
- If you hear a viewpoint that does not fit with where the student stands, have the student move to an appropriate spot.
- Ask those in the middle who were unsure if what they heard helped them decide and ask them to move to the appropriate spot.
- Ask others if they changed their views based on what they heard and ask them to move to the appropriate spot.
Take a Stand/Continuum

Should the federal government regulate social media platforms?
Should the federal government regulate social media platforms?

- Print media controls what its reporters write and are responsible and liable for the veracity or falsity of what they print.
- Broadcast media, including cable TV, are subject to liability for falsehoods the same as print media.
- Online social media platforms were specifically exempted by federal law from liability for the content that is placed by third parties and spread on social media platforms.
- Should they be?
Should the federal government regulate social media platforms?

- Those who agree, stand to the right
- Those who disagree, stand to the left
- Those who are unsure, stand in the middle
- Ask those at either ends of the line to explain WHY they take their position
- There are no rebuttals, students explain their views (why) and listen to others
- If you hear a viewpoint that does not fit with where the student stands, have the student move to an appropriate spot.
- Ask those in the middle who were unsure if what they heard helped them decide and ask them to move to the appropriate spot
- Ask others if they changed their views based on what they heard and ask them to move to an appropriate spot
The value of doing the continuum is that students are listening, reflecting on what they hear, explaining their views, and perhaps changing their views based on what they hear from others. They are *NOT DEBATING*. Afterwards, you might have the class do research and see if some additional information causes some students to change their initial opinions.
What is Active Listening?

- Eye contact, Nodding, Shaking head?
- Saying yes or no?
- Seeking information: asking a question?
- Seeking confirmation: rephrasing or paraphrasing?
Directions: Active Listening/Civil Conversations

- Select a controversial issue—gun control, health care, reparations, guaranteed minimum income, carbon taxes, NATO, border security, almost anything with two (or more) sides (but start by simplifying it to two)
- Place 4-8 chairs in front of the classroom, 2 rows facing each other
- Form teams of two, three or four people
- First person states viewpoint and briefly explains why
- No one interrupts
- Opposite side takes turn making argument
- Before person across from him or her can respond, must in some way restate his or her understanding of what has been said.
Should the U.S. government provide reparations for slavery?

- Form two rows of chairs with one row arguing yes and the other arguing no.
- The first person arguing for the idea states his or her position and briefly explains why.
- No one interrupts.
- Opposite side takes turn making argument.
- Before the person starting with the opposing view can respond, he or she must in some way restate his or her understanding of what has been said.
Debrief: Active Listening/Civil Conversations

- This can be a bit tedious because we do not normally take the time to acknowledge and give feedback for each statement made. However, it is serious active listening practice.

- Value: explaining, listening, reflecting and changing views. Not debating.

- You might have the class do research and see if opinions have changed
Moot Courts

- A moot court is a mock appellate court hearing
- The court, composed of a panel of judges or justices, is asked to rule on a lower court’s decision
- No witnesses are called, nor are the basic facts of the case in dispute
- The focus is on the application, fairness or constitutionality of the law.
- Each side presents arguments for consideration by the judges
- A moot court is an effective strategy for focusing student attention on the underlying principles and concepts of justice
Mini Moot Court

Ensures that every student is involved in the moot court, by having students work in groups of three.

Set Up:

1. Make sure that everyone understands the factual and legal background.

2. Divide your class into triads (groups of three) by counting by 3s or assigning student to roles.

3. In each group of three, one person is the judge or justice, one the attorney for the appellant/petitioner (bringing the appeal) and one the attorney for the respondent (responding)
Should colleges and universities continue affirmative action programs?

This question is current before the U.S. Supreme Court: *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College and Students for Fair Admissions, Inc. v. University of North Carolina*
What is Affirmative Action?

Federal policies requiring that businesses and universities receiving federal funding undertake active measures ("affirmative action") to remedy past discrimination and ensure that African-Americans and other minorities enjoy the same opportunities for promotions, salary increases, career advancement, school admissions, scholarships, and financial aid that had been the nearly exclusive province of whites.
Background: Affirmative Action

- Began in 1961 with Pres. Kennedy issued Exec. Order 10925, which mandated that federally funded projects take "affirmative action" to insure that hiring and employment practices were free of racial bias.
- Broadened to include women, Native Americans, Hispanics, and other minorities and extended to colleges and universities and state and federal agencies under the Civil Rights Act of 1964 and Pres. Johnson’s Ex. Order 11246.
- *Regents of the University of California v. Bakke* (1978), U.S. Supreme Court ruled (5–4) that quotas may not be used to reserve places for minority applicants but allowed colleges to use race as a factor in making admissions decisions.
- In two companion cases at the University of Michigan in 2003, the Supreme Court reaffirmed the constitutionality of affirmative action when race considered as one of many factors (*Grutter v. Bollinger*) but struck down admissions policy that awarded points to students on the basis of race (*Gratz v. Bollinger*).
The Case Background

- Student for Fair Admissions argued that affirmative action is racial discrimination and violated the equal protection clause of the 14th Amendment. They claim that affirmative action was envisioned as a temporary remedy that would end once there was a "level playing field" for all Americans and that time has come.

- Harvard and North Carolina argued that affirmative action has been held to be constitutional in the *Grutter* decision, the playing field is not level, there is a value in having diversity at universities, and affirmative action is still needed.

- The equal protection clause of the 14th Amendment requires the government (including government funded universities) to treat every person equally.
The questions to be answered

• Is affirmative action consistent with the equal protection clause of the 14th Amendment?
• Is affirmative action fair?
• What has been the impact of affirmative action?
• What would the impact be if affirmative action were discontinued?
• Should the policy of affirmative action in college and university acceptance be continued or discontinued?
The hearing and decision

- Preparation: attorneys prepare their arguments; judges prepare several questions they may want to ask.

- Hearing:
  - Attorneys make brief 2 minute arguments (Attorneys for Students for Fair Admission go first because they are the ones appealing the decision from the First Circuit).
  - Judges may interrupt with 1-2 short questions (you might have time for more in your classroom).

- Decision: After the arguments have been made, ask all of the judges to come to the front of the room and have an “open court hearing” where the judges discuss their opinions and reasons. Some judges may decide to change their views after they have heard from their colleagues.
Mini moot court directions

Count by 3s:

1s = attorneys arguing for Harvard University and University of North Carolina

2s = attorneys arguing for Students for Fair Admissions

3s = judges
Debriefing

● Debrief the activity by discussing the actual ruling in the case, if a decision has been rendered, or the strongest and weakest arguments if a decision is still pending, or if it is a purely hypothetical case.

● A moot court is a very structured way for students to consider issues of fairness within a constitutional context and also to gain an understanding of how appellate courts function.
Inquiry Question from *We the People: The Citizen and the Constitution*

Presidential power has increased dramatically since the early 1930s. What factors have contributed to that growth of power? On balance, is the growth of presidential power a healthy or a detrimental development? Why?

- How is the system of checks and balances designed to limit the exercise of presidential power and how well does it work?
- How can public opinion affect presidential power?
Background - Presidential Power

- In Federalist #70, A. Hamilton argued for the necessity of an “energetic executive”
- Since the 1930’s, Presidents have acted with great energy, especially in times of national emergency
- Here are some examples:
  - FDR - New Deal; World War II powers
  - Truman - Undeclared Korean War
  - Kennedy - Escalation in Vietnam
  - Johnson - Great Society; Gulf of Tonkin
  - Nixon - Cambodia; Watergate
  - Reagan - Iran- Contra Affair
  - H.W. Bush - Panama; Persian Gulf War
  - Clinton - Undeclared War in Bosnia
  - W. Bush - Iraq War; Terrorist Surveillance
  - Obama - Drone Strikes; DACA
  - Trump - Russian Inter.; Election Denial

Has the expansion of presidential power created imbalance in our system of Checks and Balances?
Oral Hearing - Presidential Power

Designed for groups of 3-4

**Step 1. Delegation of Responsibility:** Intra-group discussion determines responsibility for each student/question in the prompt.

**Step 2. Individual Paragraph:** Each student drafts an individual paragraph for their delegated responsibility. Emphasize: clear answer to the question asked, **factual** support, and reasoning.

**Step 3. Prepared Statement Development:** Students collaborate to finalize a three-paragraph prepared statement.

**Step 4. Hearings:** Each group orally presents their prepared 3-minute statement. All group members expected to speak. A panel of students listen, then questions the presenting group for a maximum of 4 minutes. After the questioning, the panel offer the presenting group constructive feedback.
Oral Hearing Activity - Step 1

Each table will constitute a group. 3 members at that table should be selected to present. Because of time we will shorten the activity in two respects.

- The group will skip steps 1 and 2 and begin with step 3 - development of the prepared statement.
- The group will address only the opinion part of the prompt - “On balance, is the growth of presidential power a healthy or a detrimental development? Why?”

Your Goal - directly answer the question asked; offer factual support for your answer; demonstrate reasonable connections between the answer and the factual support.

You have 10 minutes to prepare. In that 10 minutes, I will circulate and give each table a number (1 or 2) The number will ultimately determine whether your group presents your statement or acts as a panel. I will also identify a timekeeper for each table.
Oral Hearing Activity - Step 2

● Arrange your seats facing members of your neighboring group.
● Group number ____ presents their prepared statement in a maximum of two minutes:
● Group number ____ acts as panel - listens to the presentation and offer follow-up with questions.
● The Q&A session is a maximum of three minutes.
● Timekeeper from group number ____ calls time.
● Finally, the panel offers the presenting group constructive feedback.

You have 10 minutes to present, question, and offer feedback.
Defense, Prevention, and Guard Rails

- **Defense** - The structure is the first layer of a teacher’s defense against accusations of bias.

  Student Groups - Determine the direction of the arguments. Teachers – Determine the framework that encourages civil discourse.

- **Prevention** - How can you ensure that students will not pursue arguments that veer off the academic road, into a ditch, or worse, off a cliff? Three forms of **accountability** provide

<table>
<thead>
<tr>
<th>Group Mates</th>
<th>Teacher Assessment</th>
<th>Classmates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collaboration/Consensus</td>
<td>Incentives for Clear Assertions Factual Support Rational Connection Constructive Feedback</td>
<td>Presented openly Audience of peers Confirmation Bias Uncertain/Unlikely</td>
</tr>
<tr>
<td>Argument of 3 or 4</td>
<td>Never an argument of 1</td>
<td></td>
</tr>
</tbody>
</table>
Oral Hearing - Grading Rubric
Presentation - 75 pts.

- **Step 1 - Delegation of Responsibility.** Classwork Assessment **5 pts.**
- **Step 2 - Individual Paragraphs.** Classwork Assessment. **10 pts.** Is there a clear assertion/answer to the question asked? Is there factual support? Is there reasonable connection between assertion between assertion and factual support?
- **Step 3 - Presentation Development.** No Assessment
- **Step 4 - Oral Presentation.** Major Assessment. **60 points.**
  - **Responsiveness** - 15 pts. Are there clear assertions and answers to the each area of the three part prompt?
  - **Factual Support** - 15 points. Is there verified factual support in three areas: Constitutional, Historical, and/or Current Event Support.
  - **Reasoning** - 15 points. Is there rational connection between the assertions made and factual support in each paragraph? Also, are there transitions that connect the paragraphs into one narrative?
  - **Participation** - 15 pts. Do all members offer clear participation in their presentation. Is that participation balanced.
Oral Hearing - Grading Rubric
Panel - 25 pts.

Students have three responsibilities when they panel:

- **Listen** attentively to the presenting group’s oral presentation. No direct assessment offered, though deductions are possible for distraction, interruptions, or inattentiveness.

- **Questioning. - 10 pts.** Paneling students are to ask questions that are clearly worded, concise, reasonably related to the presentation, and insightful. The questions may respectfully challenge the presenters’ argument or understanding, but should never *quiz* presenters for additional knowledge.

- **Constructive Feedback - 10 pts.** Following the Q&A session, paneling students should offer the presenting students constructive feedback on the argument made, the clarity of verbal presentation, and the responsiveness and support offer in Q&A. “Constructiveness” is measured by evidence of encouragement, empathy, and the intention to “build up” the presenters.

- **Participation - 5 pts.** Do all members offer clear participation in their presentation? Is that participation balanced?
The grading rubric offered for the Oral Hearing Presentation and Panel activity is adapted from two resources offered by the Center for Civic Education.

1. “Scoring Criteria Description” for judges in the We the People Simulated Legislative Hearing competitions.

   ScoringCriteria (civiced.org)

2. “Congressional Hearing Group Scoring Sheet

   Unit 1 (civiced.org)
We the People: The Citizen and the Constitution

• Initiated in 1987 as part of the bicentennial of the Constitution
• Materials for upper elementary, middle and high school classes, updated every decade
• One of the few social studies programs repeated subjected to independent evaluations, which showed that participating students:
  o made significantly greater gains than comparison students in their understanding of core values and principles of democracy, constitutional limits on governmental institutions, and rights and responsibilities of citizenship
  o improved their civic skills, including their ability to analyze issues, debate, persuade, and achieve group consensus
  o “significantly outperformed comparison students” on civics tests, displayed greater political tolerance and were more likely to vote
• Annual statewide We the People competition held each winter—Jan. 25, 2023—at Rutgers University—with national competition
“Reporters with Fake News” 1894 by Frederick Burr Oper

On August 21, 1835 The New York Sun reported that an astronomer used “hydro-oxygen magnifiers” to find life on the moon. The paper announced it was fake a month later.
Where do you get your news/information? Where do your students get news/information?

- Newspapers
- Radio
- Television News
- Television talk shows
- Television “comedy” shows
- Cable television
- Friends and relatives
- Online
- Social Media
News consumption on social media

% of U.S. adults who get news from social media...

- Don't get digital news: 7%, 9%, 8%
- Never: 21%, 24%, 21%
- Rarely: 18%, 19%, 20%
- Sometimes: 30%, 29%, 33%
- Often: 23%, 19%, 17%

Note: Figures may not add up to 100% due to rounding.

PEW RESEARCH CENTER
2017 New Jersey Student Mock Election Student Issue Question Responses. Sample only includes those students who chose to respond.
Figuring out what is true is not so easy these days...

- What is “fake news” and what is “real news”?
- What is “fact” and what is “opinion”?
- What sources can we trust and what sources should we be wary of?
- How can we identify efforts to confuse and distract?
- Why is this important?
Three Types of “Fake News”

- **Fabricated News** - completely made up without any basis in fact
- **Biased News** - stating an opinion as factual news
- **Distracting News** - accurate news intended to change the focus of an ongoing issue, as well as clickbait articles.
Fabricated News - Definition

This is what we mostly think of as “fake news”: reporting that has no basis in fact and is simply false.

In 2016, an entirely false story about Morgan Freeman calling for the jailing of Hillary Clinton spread on the news.

In 2020, QAnon, which the FBI identified as a potential domestic terrorist threat, is spreading unfounded conspiracy theories about prominent Democrats.
Distracting News - Definition

- It is easy for a story to get drowned out in social media.
- Distracting news about irrelevant topics, such as what someone looked like or what they wore, can be purposely used to distract people from the real issues.
- This junk news is a waste of time, but in more serious ways it breaks down our civic dialogue. This news is often built to reinforce our specific bubble.
- How can we make sure that our students know what to focus on?
“Biased” news has always existed: it is new analysis/opinion or propaganda. It is not factual news at all.

When someone finds an article too slanted or biased, they may try to invalidate it by calling it “fake news”.

The issue for “biased” news is how to understand the difference between news (facts) and news analysis (opinions).
“Confirmation bias” is our brain’s tendency to seek out information that confirms things we already think we know.

It can result in ignoring what the facts actually say if they conflict with what we think we know (see image).

Help your students learn to recognize their own biases so that they will examine competing opinions and ideas and avoid drawing questionable conclusions.

Have your students take an op-ed piece (or two) and ask them to highlight what they feel is news and what is news analysis.

Then have the students compare who highlighted what and why to see their confirmation biases.
Print Media

- We need to develop the skills to be able to separate fact from fake, biased or distracting news.

- Print media is regulated:
  - Print media must clearly separate “News” articles from “Opinion” articles
  - Print media controls what its reporters write and is responsible (and liable) for the veracity of what it prints
  - Libel and slander are NOT protected speech. You can sue a publication for defamation if it published a false fact about you and you suffered damage as a result—such as a lost job, a decline in revenue, or a tarnished reputation. If you are an ordinary, private person, you must show that the news outlet was negligent (careless).
Television and Radio

- Broadcast media (not cable) are subject to significant federal regulation because, according to U.S. law, the public owns the airwaves and television and radio broadcasters must get a license.

- For many years a federal “fairness doctrine” required broadcast media to provide fair coverage of political candidates and political opinions. The requirement has been removed but the practice continues, which is why you have so many talking heads with “differing opinions”

- Broadcast media, including cable TV, are subject to liability for falsehoods the same as print media. E.g., Dominion Voting System sued Fox News for defamation for its bocus claims that its voting machines were rigged and that’s why Trump lost in 2020.

- Today’s problem is that news has become entertainment and entertainment (e.g., Saturday Night Live, The Daily Show, etc.) has become a source of news.
Online Digital Media

- Is where most of our young people get their news, as well as their information for their class assignment
- Is not subject to Federal Communication Commission requirements
- Is so easy to access and has so much information
- How can we help our students to identify and use reliable sources of information?
Search Smarter: Exercise “Click Restraint”

- Too often students click on the first “hit” in any Internet search. This may not be the best source but could be a sponsored item or misinformation.
- Teach students to carefully investigate the list of potential sites before choosing to click.
- [https://cor.stanford.edu/videos/better-info-click-restraint](https://cor.stanford.edu/videos/better-info-click-restraint)
Use Wikipedia Wisely

- Wikipedia can be a good starting point for gathering information if you use it wisely
- Check the sources in the footnotes and follow them
- Go to https://cor.stanford.edu/videos/how-to-use-wikipedia-wisely
HOW TO SPOT FAKE NEWS

CONSIDER THE SOURCE
Click away from the story to investigate the site, its mission and its contact info.

READ BEYOND
Headlines can be outrageous in an effort to get clicks. What’s the whole story?

CHECK THE AUTHOR
Do a quick search on the author. Are they credible? Are they real?

SUPPORTING SOURCES?
Click on those links. Determine if the info given actually supports the story.

CHECK THE DATE
Reposting old news stories doesn’t mean they’re relevant to current events.

IS IT A JOKE?
If it is too outlandish, it might be satire. Research the site and author to be sure.

CHECK YOUR BIASES
Consider if your own beliefs could affect your judgement.

ASK THE EXPERTS
Ask a librarian, or consult a fact-checking site.

INTERNATIONAL FEDERATION OF LIBRARY ASSOCIATIONS AND INSTITUTIONS
Deep fake videos are becoming more prevalent and the technology creating them is improving.

Deep fake video of Zelensky supposedly telling Ukrainians to surrender

Fortunately the technology is not foolproof and other technology is evolving to combat deep fakes

The next slides are from How to Spot Deep Fake Videos - 15 signs to look for (Norton LifeLock).
15 Hints to Spot a Deep Fake Video

1. Unnatural eye movement
2. Unnatural facial expressions
3. Awkward facial-feature positioning
4. A lack of emotion
5. Awkward-looking body or posture.
6. Unnatural body movement.
7. Unnatural coloring.
8. Hair that doesn’t look real
9. Teeth that don’t look real.
10. Blurring or misalignment.
11. Inconsistent noise or audio.
12. Images that look unnatural when slowed down.
13. Hashtag discrepancies.
15. Reverse image searches.
Strategies to Identify Fabricated News

- Teaching for Justice (formerly Teaching Tolerance) has a Digital and Civic Literacy Framework to help students understand how digital information comes to them and how to evaluate online searches.

- The Hamilton 68 Dashboard, a project of the Alliance for Securing Democracy at the Marshall Fund, provides a summary analysis of the narratives and topics promoted by Russian, Chinese and Iranian government officials and state-funded media on Twitter, YouTube, state-sponsored news websites, including bots and trolls.
Strategies to Identify Fabricated News

1. Consider the source: Who made it (author and publisher)?
2. When was it made?
3. Why was it made?
4. How is it written (are there lots of exclamation points to get your attention!!!)?
5. What was your emotional reaction?
6. What makes sense?
7. Consider other sources on this topic--read laterally

Media Literacy Resources at The Newseum

“Ten Questions for Fake News Detection,” thenewslliteracyproject.org

IFLA also made a nice flyer of fake news procedures and translated it into over 35 languages!
Stanford History: Civic online Reasoning

Offers a series of free, online lessons for you and your students to help assess the reliability of online resources at

Home | Civic Online Reasoning (stanford.edu)
Lateral Reading

To help determine the reliability of a source, read laterally rather than simple reading down the page.

- https://www.learningforjustice.org/classroom-resources/lessons/choosing-reliable-sources
Climate Change: Which sources are reliable?

- The Institute for Energy Research
  https://www.instituteforenergyresearch.org/about/

- Journal of Climate Resilience and Climate Justice at MIT
  https://direct.mit.edu/crcj

- Yale Program on Climate Change Communication
  https://climatecommunication.yale.edu/for-educators/?gclid=Cj0KCQjwvy5maBhDdARIsAMxrkw0LKOqjpbc0MqS_EFB3K8xIK9PlqH7l9UEe51qZGj6WNqVE4Ihl6sgaAsDZEALw_wcB

- Heartland Institute
  https://www.heartland.org/topics/climate-change/

- Intergovernmental Panel on Climate Change
  https://www.ipcc.ch/
Criteria for Reading Laterally
Climate Change: Which sources are reliable?

● What is the source?
● Where does the funding come from?
● Who is the author? Check the bio or other publications
● When was it written?
● Is it peer reviewed?
● Does it make sense?
Climate Change: Which sources are reliable?

- The Institute for Energy Research is funded by
- Journal of Climate Resilience and Climate Justice at MIT
- Yale Program on Climate Change Communication
- The Heartland Institute
- Intergovernmental Panel on Climate Change is the United Nations body for assessing the peer-reviewed literature on climate change every 5 to 6 years.
Social Media

- Sec. 230 of the Communications Act of 1996 provides immunity to online platforms from civil liability based on third-party content (with exceptions, such as federal crimes): "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider".

- E.g., If you or I or *The New York Times* puts an article on Facebook, you or I or the *Times* are responsible for its veracity, not Facebook.

- Social media earn large profits from their platforms and websites

- Large internet platforms use sophisticated opaque algorithms to determine the content their users see—to maximize the amount of time spent on platforms—help to spread false claims, some promoting violence, to millions of people.

- Social media sites (e.g., Facebook, Twitter, TikTok, Snapchat, Reddit, and other online platforms) are free to set their own practices and rules on what can be posted and spread.
Social media is the main source of news for today’s students

- What problems with social media have you encountered with your students?
- How can we help students navigate this unregulated area?
- Have students practice click restraint, identify the source, check a variety of sources, and use critical thinking skills with social media.
- Teach students “don’t amplify until you verify”
Bots and Trolls

The Clemson University Media Forensics Hub offers *Spot the Troll*, a quiz where students can practice with actual social media content to determine if it is from a legitimate account or an Internet troll.
Critical Thinking:

Logical Fallacies

Errors in reasoning that invalidate the argument
Media Literacy: A Little Logic

“In a republican nation, whose citizens are to be led by reason and persuasion and not by force, the art of reasoning becomes of first importance.” - Thomas Jefferson
Why Teach Logical Fallacies?

- A little logic probably doesn’t seem like a social studies or media literacy topic, but there is a good reason for doing this.
- Critical thinking about statements provides a means for addressing some problematic statements that may be stated in classroom discussions. It allows critiques according to *structure*, rather than *content*. It also helps avoid the problem of "vulgar relativity".
- Logic is a key part of media literacy and critical thinking, which are essential for addressing controversial issues.
- Logical fallacies are committed by politicians and partisan pundits, either with the intent to deceive or as a result of sloppy thinking, leading to false conclusions and untrue positions. Students need the tools to recognize this.
- Similar to other media literacy skills, this can also help students become better consumers and protect their financial security.
Ad Hominem

- This is when the statement falsely directs attention from claim evidence to the person making the claim.
- Candidate X attempts to discredit Candidate Y’s economic policies by describing her as a career politician.
Strawman

- This is replacing the original claim with an extreme or exaggerated version. When a candidate cannot refute the opponent’s original claim, he/she may attack an extreme version easier to knock down, as a strawman would be easier to knock down.
- Candidate Y criticizes a particular (unpopular) treaty. Candidate X claims Candidate Y will rip up all of the nation’s security treaties endangering the nation.
Red Herring

• These are intentional diversions to redirect the conversation away from an argument the candidate doesn’t want to address.

• During a debate, Candidate X identifies potential conflicts of interest on the part of Candidate Y. Candidate Y starts talking about the age of Candidate X.
Slippery Slope

- A slippery slope is when the candidate *falsely* posits a sequence leading to an unfavorable outcome.
- Candidate X says if we pass regulations prohibiting dumping in rivers, the chemical industry will go bankrupt. If the chemical industry goes bankrupt, the economy will collapse. If the economy collapses, America will be weak and conquered by enemies. Therefore, we should not pass regulations prohibiting dumping in rivers.
- This one is tricky. Our example was preposterous to make it easy to understand. However, in the “real world” if one can show evidence that a sequence does lead to unfavorable consequences, a slippery slope doesn’t occur.
Question Begging Definition

- The candidate attempts to redefine terms to rule out contrary views.
- Candidate X asserts that no “true American” can support a peace treaty. Candidate Y points out that Person W, an American war hero and diplomat, does support a peace treaty. Candidate X states that this just goes to show that Person W is not a “true American”.
Appeal To Fear

- This fallacy occurs when the candidate, in the absence of evidence or reason, plays upon people’s fears to damage an opponent or discredit a policy.
- Candidate X asserts that “if we continue the past administration's immigration policies terrorists will be ravaging our streets and taking citizens hostage.”
Bandwagon

- This is the fallacy of basing the truth of a position on a large number of followers.
- Candidate X says that his policy of printing lots of extra money is sound because many people say so.
In our deeply divided partisan era, this one is especially problematic. This is the fallacy of claiming that a combination of possibilities cannot occur. While some options are indeed mutually exclusive, that is not always the case.

- You’re either with us or against us.
- You’re voting for either Republican or Democratic candidates.
- Candidate X is either on the side of the police or Black Lives Matters.
- This fallacy is used by those who disdain compromise and may profit from exploiting wedge issues.
NOW LET’S TRY A FEW

- Go to the Google folder and locate the logical fallacies document
- Take a few minutes to discuss them with your table. Identify the fallacy. Be prepared to explain your reasoning.
- We will reconvene to briefly discuss them and compare notes.
List of Potential Fallacies to Consider

- Ad Hominem
- Strawman
- Red Herring
- Bandwagon
- Question Begging Definitions
- False Disjunct
- Slippery Slope
- Appeal to Fear
During a discussion of anti-Semitic chants by neo-Nazi marchers in Charlottesville, a student says “what about the yelling and looting during the Newark riots in the ’60s?”

What is wrong with this statement?

This fallacy is . . .

Red Herring
• Of course the student council president is in favor of a reduced homework policy, she’s a student.

• What is wrong with this statement?

• This fallacy is . . .

Ad Hominem
During a party policy conference, a Republican states that it is the belief of Republicans that the 2020 election was fraudulently stolen and there should be tighter restrictions on voting. Someone points out that a former Bush administration official stated the election was fair, without widespread fraud, and that the GOP should increase voter rights to attract diverse voter groups. The Republican then states “That just proves he’s a RINO (Republican In Name Only)”

What is wrong with this statement?

The fallacy is . . .

**Question Begging Definition**
President Biden announces his pledge to have the United States reduce carbon emissions, part of which may suggest a reduction in meat production. A right-wing media commentator announces “America has to stop eating meat” and a colleague says the “elites will mandate a 90% meat reduction, limiting Americans to one burger per month.” (based on a true scenario).

What is wrong with this statement?

This fallacy is . . .

Strawman
“Recreational drug use should be legal because it’s completely harmless. I know lots of kids who say so.”

What is wrong with this statement?

The fallacy is . . . Bandwagon
“If bakeries have to make cakes for LGBQT couples, it will destroy the institution of marriage as we know it. If marriage is destroyed, families will fall apart across America. If families fall apart, society will collapse and the United States will cease to exist.”

What is wrong with this statement?

This fallacy is . . .

**Slippery Slope**
“Why are we discussing whether a protester has the right to kneel during the national anthem? You’re either a patriot for this country and its policies or against it.”

What is wrong with this statement?

This fallacy is . . .

False Disjunct
• “We shouldn’t be discussing gun control. Crime is out of control and people need to defend themselves. Criminals are emboldened and out to get us! Do you want to be the victim of a home invasion?”

• What is wrong with this statement?

• This fallacy is . . .

Appeal to Fear
There are many more logical fallacies:

- This is only small sample to give you the idea of how to evaluate some statements you may hear from students.
  - Other fallacies include:
    - False Alternatives
    - False Analogy
    - Weasel Words
    - Circular Arguments, including Question-Begging Definitions
    - ...and many more.
- If you are interested, the Center can design a workshop on this topic.
The bottom line: Help your students develop and use their critical thinking skills!

These are life skills they will need as consumers of media and other products and as citizens who need to make reasoned decision-makers in elections.
Go to our website for resources

Contact us at:

- Arlene Gardner at arlenega@sas.rutgers.edu
- Robert O’Dell at ro205@scarletmail.rutgers.edu