

Skokie and Hate Speech



In collaboration with
High School Law Review

The 1977 Supreme Court case, *National Socialist Party of America v. Village of Skokie* was a major decision protecting free speech in the United States, even as it raised concerns about the proliferation of hate speech for minorities and vulnerable communities who had experienced the traumas of collective persecution and violence. The case provides students with an opportunity to contemplate the value of protecting speech, even that which is disagreeable, in a democratic society.

In this lesson, students will examine the tensions in establishing free speech as a democratic principle, particularly when this right may create space for hate speech. Students will practice the skills of formulating informed opinions, posing questions, and articulating positions in a manner informed by history.

Essential Questions:

1. Why is it important to protect speech we don't agree with? Are there limits to this idea?
2. What is the tension between hate speech and free speech?

Learning Objectives:

1. Students will be able to explore the tension between free speech and hate speech by examining the facts and decision of the Supreme Court case, *National Socialist Party of America v. Village of Skokie*.
2. Students will be able to engage in critical deliberation about the implications of free speech and hate speech in contemporary society.

Enduring Understandings:

1. Dissent is a necessary facet of life in a democratic society.
2. Hate speech tests the boundaries of free speech and demands a commitment to the value of civil discourse.

Materials:

- [Debating Skokie Slide Deck](#)
- [Video of Olivia Gross](#)
- [High School Law Review *National Socialist Party of America v. Village of Skokie* Worksheet](#)



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Lesson Procedures:

Framing The Case: Dissent in Democracy

Begin by explaining to students that they will be discussing a Supreme Court case, one where the dispute revolved around the types of speech that are permitted in a democratic society. Prior to learning the facts of the *National Socialist Party of America v. Village of Skokie* case, show [Slide 2](#) and have students respond to the prompt:

*Reflect on the term “free speech.”
In one sentence, share how you feel about “free speech.”*

Next, screen the [video of Olivia Gross](#), founder of High School Law Review, in which she discusses the relationship between her family history, her Jewish identity, and her commitment to free speech and dissent. After viewing, have students turn-and-talk, focusing on the question found on [Slide 4](#):

*Olivia said, “Free speech, it’s having the right to not agree.”
Why is “the right not to agree” valuable in a democratic society? When may it be challenging?*

The Facts of the Case: National Socialist Party of America v. Village of Skokie

Explain to students that dissent is valued as a principle of democratic life in the United States. Share that this value has been tested throughout history, for Jewish people and for people in the United States. Assign students to small groups and have them read the background and facts of a 1977 Supreme Court case, *National Socialist Party of America v. Village of Skokie*, as a milestone case where Jewish people and all other Americans, alike, were confronted with questions of free speech and the right to dissent.

Distribute the [High School Law Review National Socialist Party of America v. Village of Skokie Worksheet](#) and have small groups read the Background, Facts of the Case, and Precedent and Relevant Cases sections, summarized on slides [6](#) and [7](#). After students have read these sections, have them discuss the following questions in small groups, found on [Slide 8](#):

How does the Skokie case show the struggle between letting people speak freely and keeping the public safe?

Collins’ lawyer, David Goldberger, was Jewish. Why would a Jewish lawyer choose to defend Collins’ speech?

Allow time for each group to share their reflections.



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Discussing the Outcome: The Skokie Ruling

Have students independently read the majority and dissenting opinions. As a whole class, discuss the outcome of the case, where the Supreme Court ruled 5-4 for the National Socialist Party of America, using the following questions on [Slide 9](#):

What was the main argument used in the Majority and Dissent opinions?

Which opinion do you agree with? Why?

Which opinion do you disagree with? Why?

What does this Supreme Court decision mean for American society?

Would you consider it "good" for society?

Choosing to Speak: Centering Student Voice

Share with students that it is now their opportunity to compose and share their own thoughts regarding these issues. Provide time for students to independently write and reflect on the Skokie case, the opinions found in the decision, and the tensions between hate and free speech.

Project [Slide 10](#) with independent reflection questions:

What is your stance on free speech, as a part of democratic life?

How do you balance free speech with the responsibility to stand up against hateful speech?

Have you experienced or witnessed hate speech before? How would you recommend responding to hate speech in a principled manner?

Allow time for students to share their reflections as a whole class, centering their voices and the original thoughts and insights generated as they have considered the tensions that can arise in a democratic society that values free speech, even when such speech can test the boundaries of an inclusive and pluralistic society.

