

**Nadine Strossen's presentations about the themes of her 2018 book, *HATE: Why We Should Resist It with Free Speech, Not Censorship* (with an updated paperback edition, including a new Epilogue about social media, forthcoming in 2020)**

**Form memo about potential titles and formats** – last updated, 8/23/19

This form memo addresses questions that many inviters/hosts of my presentations have raised about the titles of the talks and the format, including the potential involvement of participants with different perspectives.

My overriding goal for each event is to tailor it in every way – including substantive focus, format, and other participants – to the specific preferences of the inviters/hosts. Therefore, I'm very flexible. In terms of the substantive focus, I constantly update my presentations to reflect the latest pertinent real-world developments, as well as the fruits of my never-ending research into the ongoing information and evidence from the many pertinent fields. My discussion below about possible titles and formats draws on my extensive experience in many diverse forums all over the U.S. and beyond, throughout the past several years.

**Potential titles**

Many inviters kindly ask me for suggestions about titles for the presentation. I eagerly welcome title suggestions from inviters themselves, but am happy to suggest here some titles that other hosts have used in the past.

Some simply entitle the presentation with the title of my book: *HATE: Why We Should Resist It with Free Speech, Not Censorship*.

Others use some variation on the book's title, including by turning it into a question – which I welcome, because it signals the discussion/exchange/audience engagement mode that I prefer: with a big emphasis on exchanging ideas with audience members, as well as potentially others (e.g., in the format of an interview or discussion – see below for more on that possibility). Below I list some title options in this questioning vein:

“HATE: Should We Resist It with Free Speech, Not Censorship?”

“HATE: Why Should We Resist It with Free Speech, Not Censorship?”

“Should We Resist Hate with Free Speech, Not Censorship?”

“Why Should We Resist Hate with Free Speech, Not Censorship?”

Other inviters have preferred more specific, more provocative titles, such as:

“Why Shouldn't We Censor Hatemongers and Extremists?”

“Why Should Hatemongers and Extremists Have Free Speech Rights?”

**Format options – including interviewers, commentators and/or co-panelists, fostering discussion/debate**

(I realize that for some events, there is an established format that cannot be modified, which could make the following section of this form memo irrelevant.)

As noted above, at the invitor's choice (with my enthusiastic assent), the format of my presentations is often more interactive in nature than a conventional lecture approach. While I am happy to deliver a conventional lecture-style talk if that is what the invitor prefers (and I promise to do so in a dynamic style!), my experience indicates that audiences tend to be even more engaged by a more interactive, informal format in the nature of an exchange. Accordingly, many of my presentations are in the form of interviews or discussions/debates with one or more other participants, or with the audience as a whole.

Given the complex, interrelated issues that my book and talks discuss, it would be difficult to identify interviewers/commentators/co-panelists who disagree diametrically with any/all points. But it is nonetheless interesting and thought-provoking to include interviewers and/or commentators who have different or complementary perspectives on one or more of the pertinent issues, including strong disagreements. To underscore that a particular presentation will feature such a format, it would be helpful to add a subtitle to whatever the main title is, such as:

--A Discussion with Nadine Strossen

-- A Discussion between Nadine Strossen and [insert name(s)]

-- A Conversation with Nadine Strossen

-- A Conversation between Nadine Strossen and [insert name(s)]

--A Conversation with Nadine Strossen – COME PREPARED WITH YOUR QUESTIONS AND IDEAS! [This last sample title would be apt if I were the sole initial speaker, but I held my remarks to a very brief length, so the bulk of the time could be spent in audience Q&A/discussion – in my extensive experience, there never has been any shortage of audience questions/comments on these hot-button topics!]

I have long been a great fan of such alternative formats -- and I say that from the perspective of an audience member as well as a presenter. I have participated in such alternative approaches for many years, in a wide array of venues, always with very positive audience response. I have been glad to observe that, in the recent past, these alternative formats seem to have become even more prevalent and expected than the traditional lecture mode. I have noted with special interest – and enthusiasm -- that, in the more recent past, on some campuses, students and other community members have initiated requests that outside speakers should always – or at least presumptively -- engage in such alternative modes of presentation, as a way of ensuring maximum opportunity for community members to question, challenge, and debate the speaker's ideas. Since my themes concern contentious and divisive topics, including about identities and ideology, it is often especially valuable to – and appreciated by – audience members, to use a format that involves one or more other participants, in order to include a more diverse range of identities and ideologies.

### **Potential interviewers/interview questions**

On campuses and in other venues, I have been interviewed by a wide array of individuals, including the following: University/College Chancellors, Presidents, Provosts, and other officials; Deans of law schools, public policy schools, and other schools; Chairs of political science, philosophy, and other departments; faculty members; staff members, including from Human Resources, Diversity/Equity/Inclusion programs, Student Affairs offices; students; journalists; government officials; political candidates; human rights activists; and community organizers. Some of the interviewers have collected questions from other people to include among those they ask. For example, some student interviewers have gathered questions from other students.

The topics of my book are so widely discussed that I think just about everyone could easily rattle off many challenging, thought-provoking, interesting questions on point, without even reading the book! However, I am including below a list of sample questions that I have distributed to interviewers who requested them. Recipients have consistently said that they found these sample questions helpful, even if they proceeded to ask other questions of their own (or collected from other people); for many interviewers, these potential questions serve as a stimulator and/or safety net, facilitating their development of their own questions.

### **Some proposed sample questions for Nadine Strossen (in no particular order) – just by way of suggestion**

What is the legal definition of “hate speech”?

Why should we defend freedom even “for the thought that we hate”?

How can you, as the daughter of a Holocaust survivor, possibly defend free speech for neo Nazis and other racists?

We often hear that the First Amendment protects “hate speech,” but we also often hear that “hate speech is not free speech” under the First Amendment. Which, if either, of these statements is correct?

Is the U.S. an international outlier on these issues? How does the First Amendment law compare/contrast to international human rights law on point (under the International Covenant on Civil and Political Rights)?

Do you deny that “hate speech” causes harm, including psychological and emotional harm to its targets, as well as fostering discrimination and violence?

Many other countries have long enforced anti-“hate speech” laws, including Britain, Canada, Australia, and other democracies very similar to ours. Surely you’re not contending that there isn’t sufficiently robust free speech in these places, are you? Or that their democratic self-government is undermined?

How can you, as a privileged, well-educated white person, presume to tell members of vulnerable minority groups that they should have to endure being subjected to hateful, disparaging, dehumanizing expression?

You advocate “counterspeech” as an alternative to censorship. But isn’t it unfair to expect targets of “hate speech” to have to bear this burden? Many of them may not have the education, or access to technology to effectively engage in counterspeech. And many may feel intimidated and chilled from speaking.

Isn’t it true that Hitler rose to power in Germany because the Nazis’ anti-Semitic and other “hate speech” fueled the spread of discrimination, violence, and ultimately genocide?

Universities have no obligation to invite controversial speakers, do they? Why should they give a platform to hateful, hated views?

In a situation such as that faced by Berkeley, where demonstrators engaged in property damage and actual or threatened violence against people in connection with the scheduled speech by Milo Yiannopoulos in 2017, isn’t there a justification for cancelling the speech?

Was the ACLU wrong to defend the free speech rights of the “Unite the Right” demonstrators in Charlottesville?

Was the ACLU wrong to subsequently state that it would no longer defend the free speech (or other) rights of demonstrators who are armed?

Why should the ACLU use its scarce resources to defend free speech (or other) rights of people who are using those rights to advocate hateful, discriminatory views and policies? Shouldn’t it leave those cases to other lawyers and organizations?

Doesn’t the rise of Donald Trump show that “hate speech” has adverse consequences?

Doesn't a private college or university have its own First Amendment rights to declare certain ideas off limits?

Don't the Internet and social media present unique new dangers from "hate speech," justifying online censorship of such speech, even if such censorship wouldn't be justified in traditional media?

In the wake of rising "hate speech" and hate crimes in the recent past, online intermediaries have been increasingly denying their platforms and services to "hate speech." Specifically in the wake of Charlottesville, even Cloudflare, which had previously maintained a strict policy of not enforcing any such content limits, finally denied its services to a neo-Nazi website. In fact, online intermediaries have been criticized for not moving quickly or forcefully enough to deny their services to "hate speech" and other extremist, potentially dangerous, content. These questions/controversies continue to arise in the wake of continuing episodes of hateful, extremist violence, including in El Paso, some of which were preceded by hateful online screeds. What do you think the online companies should do to monitor and remove "hate speech" and other extremist, potentially dangerous expression?

When are you and the ACLU finally going to follow in the footsteps of the online companies, and deny your services to such abhorrent speech?

Since you oppose censoring "hate speech," what steps would you support to reduce the harms that "hate speech" potentially causes: psychic injury, discrimination, and violence? Are there such steps that you would recommend specifically in the campus context?

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I hope this form memo has been helpful. My overriding concern is to make the presentation – in substance and format – as ideally tailored as feasible to the particular audience and event. Please don't hesitate to ask any follow-up questions, or to make any suggestions of your own. I would be happy to discuss all of this, or any other aspect of my presentation, including via phone.

With warm regards, and very much looking forward, Nadine

Nadine Strossen

John Marshall Harlan II Professor of Law, New York Law School

Immediate Past President, American Civil Liberties Union (1991-2008)

Author of *HATE: Why We Should Resist it With Free Speech, Not Censorship* (Oxford University Press 2018; forthcoming updated paperback with new Epilogue focusing on social media, Spring 2019)

185 West Broadway

New York, New York 10013

O: (212) 431-2375

M: (646) 221- 6544

[nadine.strossen@nyls.edu](mailto:nadine.strossen@nyls.edu)

[http://www.nyls.edu/faculty/faculty-profiles/faculty\\_profiles/nadine\\_strossen/](http://www.nyls.edu/faculty/faculty-profiles/faculty_profiles/nadine_strossen/)