

Lesson: Freedom of the Press vs. Fake News

Author: Tyrel Rose (tyrel_rose@kernhigh.org) Foothill High School
Bakersfield, CA

Subject/Grade Level: CP and AP Government/12th Grade **Lesson Time Frame:** 2 class periods

Essential Question: Do the protections of the First Amendment apply to fake news stories on sites such as Facebook, websites with extreme views such as Stormfont, and to the stories that appear as part of Google's search algorithm?

Lesson Goal: The goal of this lesson is to provide the students with an understanding of what types of speech are protected under the first amendment by looking at historical examples, and Supreme Court rulings. In addition students will be able to debate whether the First Amendment protections of speech and the press apply to modern day issues involving the regulation of the internet.

Procedures:

Warm-up Day 1: (15 min) Have students look at the chart from slide 2 of the PowerPoint, and answer the question from slide 1 in the warm-up section of their class binder. Then show the video clip about Google and Dylan Roof <https://www.splcenter.org/20170118/google-and-miseducation-dylann-roof> followed by the video from Vox about fake news <https://www.youtube.com/watch?v=vdsj-PlqR0g> and have them answer question 2 from the 4th slide of the PowerPoint. Have the students share their responses to facilitate a discussion about internet regulation and freedom of the press.

Or have a four corners debate if you have your room labeled with the Strongly Agree, Agree, Disagree, and Strongly Disagree options.

Direct Instruction Day 1: (10 min) Start with the text of the 1st amendment (slide 5) and compare it to the Washington Times article (slide 6) about the host of the Stormfront website taking the website down to introduce the idea that not all speech is protected. Then go through slides 7-18 to describe what types of speech are protected and not protected, and how fake news is not a new problem by describing Yellow Journalism's role in the United States' entrance into the Spanish American War

- **Fake News or Real News Quiz:** (20 min) Use Quizlet.com, Turning Point Responders (that's what I use), or a piece of paper to test the student's ability to discern fake news stories from real ones. Hint: all of the 12 questions are either fake or satire to get the students to start questioning their convictions. Be sure to give students pointers on how to spot fake news stories, and how to research if a story is real, fake, or satire.

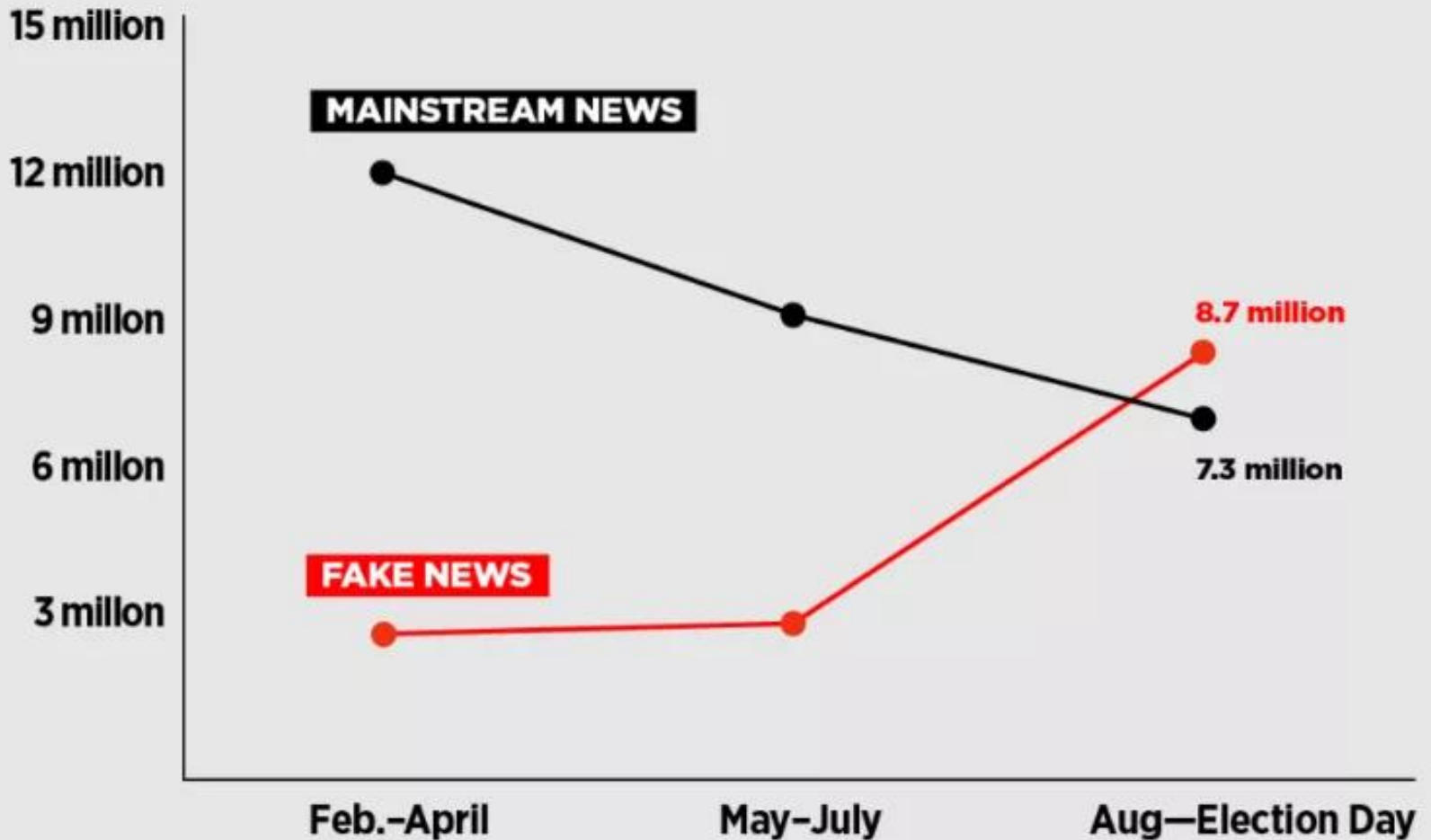
Warm-up Day 2: (10-12 min) Have them watch the following clip <https://www.youtube.com/watch?v=XUVIRZxJAY0> by Trevor Noah about Congress investigating major tech companies like Google, Facebook and Twitter. In their warm-up section of their class binders have them summarize the main ideas of the video, and provide 1 strength and 1 weakness of the source. Then lead a class discussion about the source and whether they agree or disagree with Trevor's viewpoint on the issue.

Facebook Conversation: (40 min) Using the Facebook template have them work alone or in pairs to create a conversation between Trevor Noah and Mark Zuckerberg (if they work in pairs have one person be Trevor and one be Mark). The instructions for the project (slide 43) say the following:
On your handout write a post from Trevor Noah to Mark Zuckerberg bringing up the topic of regulating Fake News
Be sure to provide 5 arguments from each side of the debate during your conversation. Also include at least 10 hashtags throughout the conversation

Warm-up

1. Analyze the graph on the following slide, include 1 strength and weakness of the source in your analysis.

Total Facebook Engagements for Top 20 Election Stories



ENGAGEMENT REFERS TO THE TOTAL NUMBER OF SHARES, REACTIONS, AND COMMENTS FOR A PIECE OF CONTENT ON FACEBOOK SOURCE: FACEBOOK DATA VIA BUZZSUMO

The Miseducation of Dylan Roof

- <https://www.splcenter.org/20170118/google-and-miseducation-dylann-roof>
- Show after warm-up
- <https://www.youtube.com/watch?v=vdsj-PlqR0g>
 - With this one

Warm-up continued

2. Do you **Strongly Agree, Agree, Disagree, or Strongly Disagree** with the following statement:

“Websites like Google and Facebook should not be regulated by the government because the 1st amendment protects their content completely”

Be sure to give two reasons to justify your rationale

**Congress shall make no law
respecting an establishment of
religion, or prohibiting the
free exercise thereof; or
abridging the freedom of speech,
or of the press; or the right of
the people peaceably to assemble,
and to petition the government
for a redress of grievances.**

By [Andrew Blake](#) - *The Washington Times* - Friday, September 1, 2017

The once-thriving message boards at Stormfront, the internet's longest-running white nationalist site, have all but gone dark after its domain was abruptly seized last week after decades at the same address.

A handful of longtime Stormfront users – registered members of what watchdogs have labeled one of the internet's most infamous hate sites – have circumvented the practically unprecedented domain seizure and are continuing to post on its forums, registrar be damned.

Network Solutions, Stormfront's domain registrar, [booted the website](#) from its address last Friday, Aug. 25, effectively displacing it from its URL of 22 years, Stormfront.org, and locking out its owner and administrator, 64-year-old Florida resident and former Ku Klux Klan leader Don Black.

But through formats like radio broadcasts and other white nationalists forums, Stormfront users taken to sharing instructions enabling fellow members to still access their online stomping grounds by slightly modifying a file on their computers.

"There is a way to get there because our servers are still up," Mr. Black told listeners during Friday's broadcast of Stormfront Radio, adding: "It involves putting one line in your 'host' file."

"The word is out there as to how to do it," he continued before citing one of several pro-white websites where the

[Click to Read More](#)

Protected Speech

- *Prior restraint* is presumed unconstitutional
- Laws must be *content* (or *viewpoint*) *neutral*

Prior Restraint

- ▣ *Near v. Minnesota* (1931)
 - Unconstitutional censorship
 - Does not apply to students
 - Exception for national security

Nonprotected Speech

- Fighting Words
 - Words that by their very nature inflict injury on those to whom they are addressed or incite them to acts of violence
- Commercial Speech
 - Advertisements and commercials for products and services; they receive less First Amendment protection, primarily to discourage false and misleading ads

Free Speech and Public Order

▣ *Schenck v. United States* (1919)

- Wartime trade-offs
- "Clear and present danger" standard
- Dangerous or merely inconvenient?

▣ Anticommunism

- Smith Act (1940) prosecutions

Free Speech and Public Order

- ▣ "Imminent lawless violence" standard
 - *Brandenburg v. Ohio* (1969)

Obscenity

- ▣ *Roth v. United States* (1957)
 - Obscenity not constitutionally protected
 - But what is obscene?

- ▣ *Miller v. California* (1973)
 - Patently offensive
 - Lacking serious literary or artistic value
 - Average people/local standards

- ▣ Regulating adult content



Libel and Slander

▣ Defamation

- Libel = written
- Slander = spoken
- Standards for conviction high

▣ Public figures

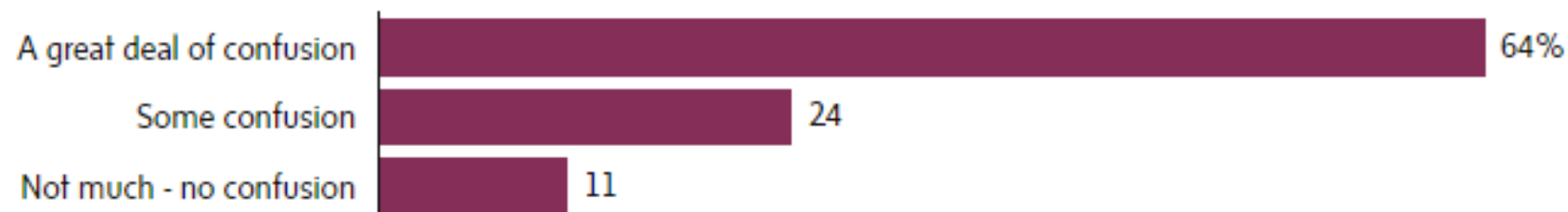
- *New York Times v. Sullivan* (1964)
- Intentional/actual malice and knowledge of untruth

▣ Private individuals

- Defamatory falsehood
- Negligence

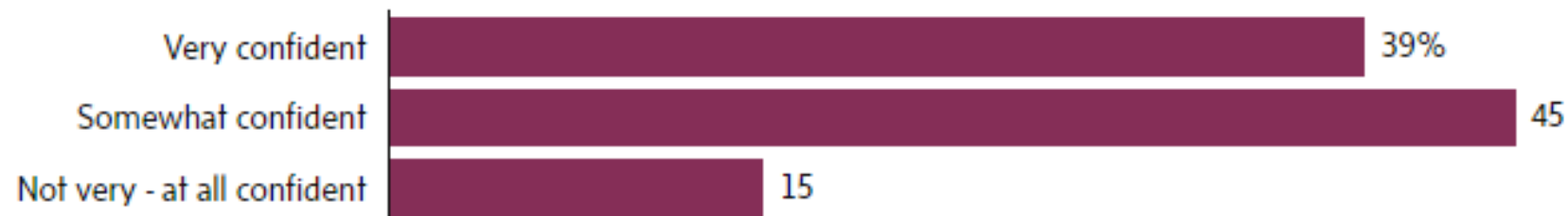
How bad is the fake-news problem?

% of U.S. adults who said made-up news caused ____ about basic facts of current events



[DATA](#) [SHARE](#)

How confident are Americans that they can spot fake news?



THE GLOBE AND MAIL, SOURCE: PEW RESEARCH CENTER SURVEY OF 1,002 ADULTS, DEC. 1-4, 2016.
PERCENTAGES MAY NOT ADD UP TO 100 DUE TO ROUNDING.

[DATA](#) [SHARE](#)

863,956

WORLDS CIRCULATED YESTERDAY

The



World

863,916

WORLDS CIRCULATED YESTERDAY

VOL. XXXVIII, No. 1828

NEW YORK, THURSDAY, FEBRUARY 17, 1909

PRICE 10 CENTS

NEW YORK, THURSDAY, FEBRUARY 17, 1909

MAINE EXPLOSION CAUSED BY BOMB OR TORPEDO?

Capt. Sigsbee and Consul-General Lee Are in Doubt--The World Has Sent a Special Tug, With Submarine Divers, to Havana to Find Out--Lee Asks for an Immediate Court of Inquiry--260 Men Dead.

ON A SUPPRESSED DESPATCH TO THE STATE DEPARTMENT, THE CAPTAIN SAYS THE ACCIDENT WAS MADE POSSIBLE BY AN

Dr. E. C. Pendleton, Just Arrived from Havana, Says He Overheard Talk There of a Plot to Blow Up the Ship--Zalinski, the Dynamite Expert, and Other Experts Report to The World that the Wreck Was Not Accidental--Washington Officials Ready for Vigorous Action if Spanish Responsibility Can Be Shown--Divers to Be Sent Down to Make Careful Examinations.



DEATH FROM A DISCREPANCY BY THE WASHINGTON NEWS BY THE EXPLOSION, FOLLOWED BY A WRECKAGE OF FIRE AND SHOWERING OF BOMBS WHICH BROKE AND CRASHED TO THE WORLD BY THE OWN COURSE.

THE WHOLE STORY OF THE DESASTER TOLD IN A FEW WORDS

At the hour of going to press for this edition of The World it is not known whether the explosion which caused the destruction of the

USS Maine in the harbor of Havana was an accident which took place at a certain point with an intent to blow up the vessel, or whether it was the result of an explosion of dynamite which was placed on the vessel, or whether it was the result of an explosion of dynamite which was placed on the vessel, or whether it was the result of an explosion of dynamite which was placed on the vessel.

It is believed that the explosion was the result of an explosion of dynamite which was placed on the vessel, or whether it was the result of an explosion of dynamite which was placed on the vessel, or whether it was the result of an explosion of dynamite which was placed on the vessel.

It is believed that the explosion was the result of an explosion of dynamite which was placed on the vessel, or whether it was the result of an explosion of dynamite which was placed on the vessel, or whether it was the result of an explosion of dynamite which was placed on the vessel.

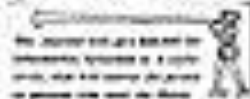
\$50,000 REWARD.—WHO DESTROYED THE MAINE?—\$50,000 REWARD.

EDITORIAL FOR GREATER NEW YORK



NEW YORK JOURNAL

AND ADVERTISER



DESTRUCTION OF THE WAR SHIP MAINE WAS THE WORK OF AN ENEMY.

\$50,000!

\$50,000 REWARD!
For the Detection of the
Perpetrator of
the Maine Outrage!

The Journal offers a reward of \$50,000 for the detection of the perpetrator of the Maine outrage. The reward will be paid to the person or persons who shall furnish reliable information leading to the conviction of the perpetrator of the Maine outrage. The reward will be paid to the person or persons who shall furnish reliable information leading to the conviction of the perpetrator of the Maine outrage. The reward will be paid to the person or persons who shall furnish reliable information leading to the conviction of the perpetrator of the Maine outrage.

Assistant Secretary Roosevelt
Convinced the Explosion of
the War Ship Was Not
an Accident.

The Journal Offers \$50,000 Reward for the
Conviction of the Criminals Who Sent
258 American Sailors to Their Death.
Naval Officers Unanimous That
the Ship Was Destroyed
on Purpose.

\$50,000!

\$50,000 REWARD!
For the Detection of the
Perpetrator of
the Maine Outrage!

The Journal offers a reward of \$50,000 for the detection of the perpetrator of the Maine outrage. The reward will be paid to the person or persons who shall furnish reliable information leading to the conviction of the perpetrator of the Maine outrage. The reward will be paid to the person or persons who shall furnish reliable information leading to the conviction of the perpetrator of the Maine outrage.



NAVAL OFFICERS THINK THE MAINE WAS DESTROYED BY A SPANISH MINE.

Hidden Mine or a Sunken Torpedo Believed to Have Been the Weapon Used Against the American Man-of-War—Officers and Men Tell Thrilling Stories of Being Blown into the Air Amid a Mass of Shattered Steel and Exploding Shells—Survivors Brought to Key West South of Site of Accident—Some Officers Thr...



Yellow Journalism

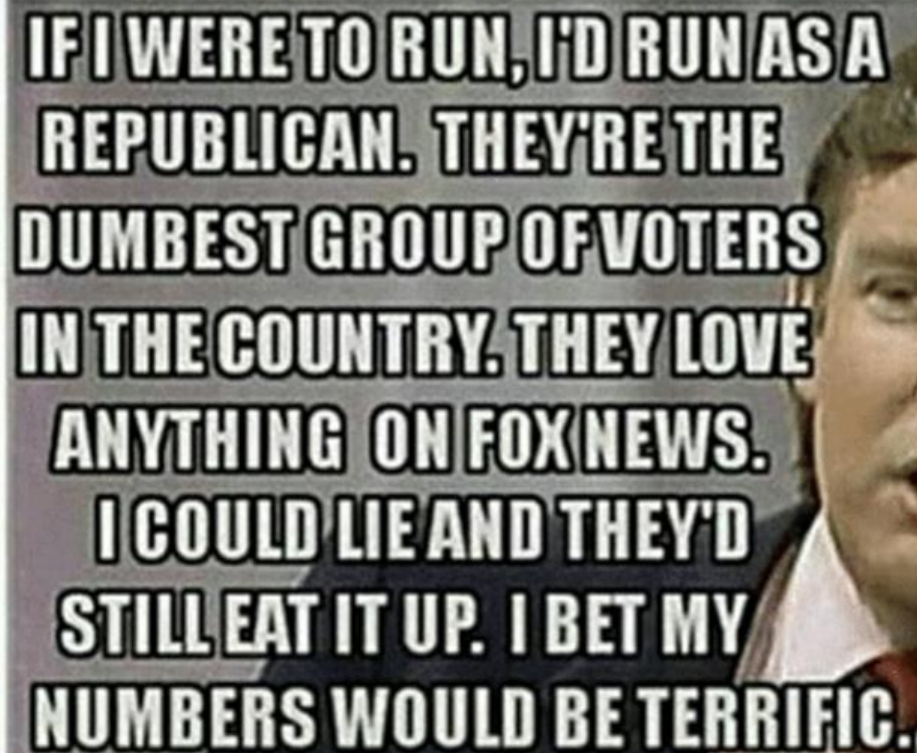
- Pulitzer & Hearst competed using sensational headlines & stories
 - designed to grab attention & sell newspapers
 - paid little attention to facts
- Pushed America to war with Spain
 - made up & exaggerated stories of Spanish cruelty
 - blamed the Spanish for the *Maine* Incident without proof

Options

1. Real
2. Fake
3. Satire

#1

Donald trump - 1998



**IF I WERE TO RUN, I'D RUN AS A
REPUBLICAN. THEY'RE THE
DUMBEST GROUP OF VOTERS
IN THE COUNTRY. THEY LOVE
ANYTHING ON FOX NEWS.
I COULD LIE AND THEY'D
STILL EAT IT UP. I BET MY
NUMBERS WOULD BE TERRIFIC.**

PEOPLE MAGAZINE, 1998

Words straight from Donald
Trump.. 🤔

Answer: Fake!

ORIGIN: The above-reproduced image and quote attributed to Donald Trump began appearing in our inbox in mid-October 2015. The format is easily recognizable as one wherein questionable or offensive words are attributed to the individual pictured, and in this case image claims that Donald Trump made the following statement in a 1998 interview with *People* magazine:

If I were to run, I'd run as a Republican. They're the dumbest group of voters in the country. They believe anything on Fox News. I could lie and they'd still eat it up. I bet my numbers would be terrific.

Despite *People's* comprehensive online content archive, we found no interview or profile on Donald Trump in 1998 (or any other time) that quoted his saying anything that even vaguely resembled the words in this meme. Trump appeared somewhat regularly in the magazine's pages before he came to star on *The Apprentice*, but the bulk of the magazine's celebrity-driven coverage of him back then centered on his marriages to, and divorces from, Ivana Trump and Marla Maples.

#2



69) Is [this](#) a real sign in Michigan calling for the death of America?



These days it's easy to make fake signs on the internet. Like, really easy. And the sign above it just one

#3



This was caught at the DNC convention. If this sickens you as much as it do... See More

👎👍🙄 259

98 Comments

👍 Like

💬 Comment

➦ Share



A reverse image search also revealed that in the [original](#), unedited photograph, Nedd was waving a [Pan-African Flag](#) (or "Black Liberation Flag") and not a "Hillary for President 2016" banner:



Nedd (who occasionally goes by the name "Eye Empress Sekhmet") was [arrested](#) in September 2015 for making online threats against police officers:

Pizzagate, the fake news conspiracy theory that led a gunman to DC's Comet Ping Pong, explained

#4

How Pizzagate went from the musings of 4chan trolls to the cause for a gunman at Comet Ping Pong.

Updated by German Lopez | @germanlopez | german.lopez@vox.com | Dec 7, 2016, 8:36am EST

TWEET SHARE



The Comet Ping Pong pizzeria in Washington, DC, at the center of the Pizzagate conspiracy theory. | Alex Wong/Getty Images



Carmen Katz

My NYPD source said its much more vile and serious than classified material on Weiner's device. The email DETAIL the trips made by Weiner, Bill and Hillary on their pedophile billionaire friend's plane, the Lolita Express. Yup, Hillary has a well documented predilection for underage girls, and Mr. Weiner just could not bear to see those details deleted. We're talking an international child enslavement and sex ring. Not even Hillary's most ardent supporters and defenders will be able to excuse THIS!

Like · Reply · 6 - 3 hrs



David Goldberg

@DavidGoldbergNY

Follow

Rumors stirring in the NYPD that Huma's emails point to a pedophila ring and @HillaryClinton is at the center. #GoHillary

Emails23

0 Oct 2016

529 ❤️ 5,312



Michael G Flynn

@mflynnJR

Follow

Until #Pizzagate proven to be false, it'll remain a story. The left seems to forget #PodestaEmails and the many "coincidences" tied to it. twitter.com/jackposobiec/s...

7:13 PM - 4 Dec 2016

↩️ ↻️ 3,030 ❤️ 4,087

#5



New York Times Video @nytvideo · 3m

BREAKING:

leaked statement from Vladimir Putin says:
Russia will attack the United States with
missiles

#Russia

#USA

#PutinLeaks



1. It's Jan. 22, 2017, and you see this tweet. What is it?

4 3 1

It's Jan. 22, 2017, and you see this tweet. What is it?

a. Real

b. Fake

c. Satire

Answer: Fake. The Twitter account, @nytvideo, is a real New York Times account, but something's off. If Russia were planning to attack the United States with missiles (which is pretty unbelievable, and which they so far haven't done), why would the Times break that story on their video Twitter account and not the main one? Also, New York Times tweets are typically written in full sentences, but this tweet doesn't capitalize the first letter or end on a period. It also puts "breaking" and the hashtags on their own lines, which Times social media editors don't usually do. The reason it looks so strange is because hackers wrote it, hijacking the account and writing subsequent tweets attributing the attack to the hacker group OpenMine. The Times deleted the tweets.

#6

BOOM Wikileaks Confirms... x +

endingthefed.com/boom-wikileaks-confirms-hillary-sold-weapons-to-isis.html

LOG IN REGISTER CONTACT ADVERTISE WITH US

ETF
news

HOME POLITICS HEALTH TECH SCIENCE SPORTS LIFESTYLE WORLD

BOOM: Wikileaks Confirms Hillary Sold Weapons To ISIS

POLITICS August 8, 2014 PRINT EMAIL A A-

Although Hillary Clinton has repeatedly denied that she sold weapons to the Islamic State while serving as Secretary of State, Wikileaks founder Julian Assange claims he has proof to the contrary.

Thepoliticalinsider.com reported: In Obama's second term, Secretary of State Hillary Clinton authorized the shipment of American-made arms to Qatar, a country beholden to the Muslim Brotherhood, and friendly to the Libyan rebels, in an effort to topple the Libyan/Gaddafi government, and then ship those arms to Syria in order to fund Al Qaeda, and topple Assad in Syria.

Clinton took the lead role in organizing the so-called "Friends of Syria" (aka Al Qaeda/ISIS) to back the CIA-led insurgency for regime change in Syria.

LIKE US ON FACEBOOK

END THE FED End The Fed 284674 likes

Like Page Sign Up

Be the first of your friends to like this

Be the first of your friends to like this

You see this story appear on your Facebook feed. What is it?

7. You see this story appear on your Facebook feed. What is it?

a. Real

b. Fake

c. Satire

Answer: Fake. ETF News, or EndingTheFed.com, emerged as one of the more notorious fake-news sites during the election, and often republished content word for word from other right-wing sites. (In this case they're attributing the information to another website without citing sources. Even if the story were true, this is a sign to be skeptical: They're not presenting the information as firsthand.)

#7

BREAKING: Buckingham Palace announces the death of Queen Elizabeth II at the age of 90. Circumstances are unknown. More to follow.



RETWEETS 236 LIKES 59



10:47 AM - 29 Dec 2016

Reply 46 Retweet 238 Like 59 More options

It's Dec. 29, 2016, and you see this tweet. What is it?

a. Real

b. Fake

c. Satire

Answer: Fake. First of all, if the Queen was dead, you'd be hearing about it in a lot more places than just this one tweet. Second, while the BBC's U.K. news feed is named "BBC News (UK)," its handle is @BBCNews, not @BBCNewsUKI. The superfluous extra "I" at the end, which a reader in a hurry might mistake for a parenthesis, is a giveaway that the account's not real.

#8

BBC Sign in News Sport Weather Shop Earth Travel

NEWS

Home Video World **US & Canada** UK Business Tech Science Magazine Ent

US & Canada

Man captures photo of raccoon 'riding an alligator'

© 16 June 2015 | [US & Canada](#) [Share](#)

A photograph showing a raccoon sitting on the back of an alligator in a swampy area. The raccoon is facing left, and the alligator is partially visible in the foreground. The background shows a body of water and some vegetation.

You see this story on Twitter. What is it?

. You see this story on Twitter. What is it?

a. Real

b. Fake



c. Satire

Answer: Fake. The source may be legitimate, but the photo is fake. The raccoon-riding-an-alligator story went viral in 2015, spreading from Florida media to global news outlets like the BBC. But it all turned out to be a hoax by American performance artist Zardulu, who staged the photo with taxidermied animals.

#9



The Onion 

@TheOnion

 Follow

BREAKING: Witnesses reporting screams and gunfire heard inside Capitol building.

10:33 AM - 29 Sep 2011

  184  40

. It's Sept. 29, 2011, and you see this tweet. What is it?

a. Real

b. Fake

c. Satire

Answer: Satire. Discerning readers know tweets from The Onion are parody, though the satirical site pushed the limits with this tweet and got in some trouble for it. The tweets were setting up a story satirizing the partisan budget feuds in Congress at the time, in which lawmakers held a group of schoolchildren hostage for \$12-trillion in cash. U.S. Capitol police issued a statement calling the “breaking” tweets “false information.”

#10

BREAKING: Capitol Hill Sho... x

abcnews.com/breaking-capitol-hill-shooter-identified-as-right-wing-extremist/

BLOG FORUMS CONTACT

abc NEWS

NEWS FASHION TECH VIDEO WORLD

BREAKING NEWS

BREAKING: Capitol Hill Shooter Identified as Right Wing Extremist

By Kip LeSate - March 28, 2016

SHARE [Facebook](#) [Twitter](#) [G+](#) [Pinterest](#)



Web Page Blocked

Access to the web page you were trying to visit has been blocked in accordance with company policy. Please contact your system administrator if you believe this is in error.

Recent Comments

Bob on *We Found the Sexiest Lingerie on the Internet*

DUBNATZON 35 on *The Amish In America Commit Their Vote To Donald Trump;*

a. Real

b. Fake

c. Satire

Answer: Fake. The story is top-to-bottom false, misidentifying the gunman in the March 28 Capitol Hill shooting and quoting a fake analyst blaming the violence on Donald Trump supporters. The site is trying to look like ABC News, right down to the logo with “ABC” in a black circle, but it’s not a good enough imitation. The URL is wrong, too; the real ABC is abc.go.com, whereas this is abc.com.co (the .co is a country code for Colombia, whose domains are easy to register).

#11

Disturbed Man Gets Past White House Security, Gives Press Conference

72K 🔥 by Andy Borowitz / 21h

WASHINGTON (The Borowitz Report)—A man who was described as “visibly deranged” eluded the Secret Service on Saturday and gave a five-minute press conference at the White House. See the rest of the story at [newyorker.com](https://www.newyorker.com)

a. Real

~~b. Fake~~

c. Satire

Answer: Satire. “The Borowitz Report” is a regular satirical column in The New Yorker. On the magazine’s website, the story itself is labelled “satire from The Borowitz Report” above the headline, and the column’s main page has a subheading saying “not the news.” But in Feedly, stripped of the context the New Yorker website provides, a reader unfamiliar with Mr. Borowitz’s work might miss the warnings that it’s satire.

#12

Russian Hacker Says He Regret... x +

worldnewsdailyreport.com/russian-hacker-says-he-regrets-putting-donald-trump-into-power/

RUSSIAN HACKER SAYS HE REGRETS PUTTING DONALD TRUMP INTO POWER



[f](#) 927 [t](#) [G+](#) 2 [p](#) [e](#)

Reykjavik | Dimitri Zhirinovsky, an alleged professional hacker has come out publicly and said he regrets participating in bringing Donald Trump into the Oval office.

a. Real

b. Fake

c. Satire

Answer: Fake. The idea of Russian hackers meddling in the U.S. election is plausible and topical; in a report last year, U.S. intelligence services were fairly certain that Russian hackers did indeed compromise Democratic National Committee servers to leak information that might help Mr. Trump win. But a story about one of those hackers confessing everything is a little too good to be true, especially when the story's only source, "World News Daily Report," also publishes stories like "Pyramids were built with help from dinosaurs, claims top Egyptologist."

Fake News Facebook Conversation

- On your handout write a post from Trevor Noah to Mark Zuckerberg bringing up the topic of regulating Fake News
- Be sure to provide 5 arguments from each side of the debate during your conversation. Also include at least 10 hashtags throughout the conversation.
- <https://www.youtube.com/watch?v=XUVIRZxJAY0>
 - Warm-up day 2: Trevor Noah on regulating Facebook