FLASHPOINTS: DISCUSSION GUIDE

Free Speech & Civil Rights

Between 2021 and 2023, PEN America and the American Historical Association (AHA) cohosted Flashpoints: Free Speech in American History, Culture and Society. This series presented the fascinating and complex history of free speech in American democracy to public audiences in cities across the country. The historical flashpoints highlight pivotal moments in which artists, activists, writers, filmmakers, and intellectuals tested the limits of free speech, challenged the public to redefine "freedom" and realized it anew for populations and causes that were at risk of having their liberties denied.

How to Use This Guide

This guide was designed to supplement the video recording (accessible at pen.org/flashpoints/) of a live event for use in the classroom. The questions and prompts included here offer ideas for fostering student engagement in both secondary and postsecondary educational environments, foregrounding issues of general public interest that align with topics often covered in history, government, civics, and political science. Choose the prompts that seem best suited to the concerns and interests of your community, using them as a springboard for discussion, writing exercises, and debate or as a model for civic engagement.

Incorporating Flashpoints into the Secondary Classroom

The video recording of **Entangled Histories: Free Speech & Civil Rights** can help structure lessons on the First Amendment, free speech, the Supreme Court, and the Civil Rights Movement. It will be most obviously relevant for courses in US history, and many curricula likely already includes the Civil Rights Movement, including protests in Birmingham, Alabama.

Teachers may wish to share excerpts of this video to support conversations about any of the themes outlined above. Alternately, this material might help students prepare to hold their own panel discussion about research related to a contemporary issue.

Learning Outcomes and Standards Alignment

The question of free speech in schools can orient an inquiry that aligns with the C3 Framework, especially as it applies to civics education. A lesson built around this video and subsequent discussion can address D2.Civ.2 on the role of citizens and civic participation; D2.Civ.12 on using and challenging laws; D2.Civ.14 on means of accomplishing social change; outcomes associated with change, continuity, and context (D2.His.1-3); and outcomes related to historical causation (D2.His.14-15).

A classroom activity asking students to organize their own panel discussion will move firmly into dimensions 3 and 4, requiring students to gather and evaluate sources; develop claims and use evidence; communicate and critique conclusions; and, potentially, take informed action.
Many states will have standards in civics, social studies, or history that address free speech, the Bill of Rights, Supreme Court rulings, the Civil Rights Movement, racial discrimination, and social change during the 1960s.

Entangled Histories: Free Speech & Civil Rights from the 1960s to Today

On July 28, 2022, moderator Ashley M. Jones facilitated a panel discussion between Carlos A. Ball, Tara Y. White, and Michael Harriot concerning the intersection of civil rights and free speech in the United States. This discussion examined how the mid-1960s were a turning point not only for the Civil Rights Movement but also the history of free speech in the United States. From the Civil Rights Act to landmark Supreme Court decisions, this era tested the boundaries of the First Amendment in ways that affected civil rights in the decades following.

What Is a Panel Discussion?

The format of a panel discussion, in which multiple experts gather to talk about an issue of compelling public interest, provides a model for the kind of informed, civil dialogue that teachers hope to facilitate in the classroom and that is vital to the functioning of a democratic society. Many students may be unfamiliar with this style of intellectual exchange because people argue, rather than just deliver definitive facts. Teachers or discussion leaders may wish to call attention to the fact that each panelist has devoted years to the careful and thorough study of the topic they are addressing. Note, too, how each speaker anchors their interpretation in specific examples that provide evidence to support their perspective.

Informed debate can look quite different from the kinds of sparring matches students see on the news. The panelists may agree about some ideas but not about others. Grappling productively with reasonable differences in interpretation is essential to developing a full understanding of an issue. This kind of conversation—in which experts gather to discuss their findings—is an important component in the creation of new knowledge about our society and the world.

- Is this panel discussion different from debates we see on cable news? If so, how and why?

- Can we, as a class or discussion group, engage in a civil debate in our own class discussions?

Free Speech & Hollywood Video Timeline

0:00 – Introductions to PEN America

3:05 – Ashley M. Jones reads her poem, "All Y'all Really from Alabama"

9:00 – DeJuana L. Thompson introduces panelists
11:28 – Carlos A. Ball discusses the Supreme Court cases on freedom of speech that have promoted the civil rights of marginalized communities and individuals, particularly LGBTQ+ rights.

26:26 – Tara Y. White discusses the Supreme Court cases that have expanded the protections of freedom of speech to Black women in particular, with an emphasis on the right to protest.

37:06 – Michael Harriot discusses the use of the First Amendment to work against the rights of Black Americans, especially in the form of protected hate speech.

46:38 – Moderator Q&A

58:26 – Audience Q&A

1:18:48 – Short concluding statements from the three panelists

The Flashpoint: Birmingham, 1963

In early 1963, news viewers across the US and around the world were stunned to see police dogs and firehoses being used against peaceful protesters in Birmingham, Alabama. These images forced television audiences to confront the violence and intimidation that propped up systems of racial segregation. In the United States, some national political figures responded by putting pressure on city officials to resolve tensions peacefully. Violence was not a new feature of race relations in Birmingham. Since the 1940s, the city's Black community had experienced escalating police brutality (which predated this period). In addition, a series of over forty bombings targeted the homes of Black community leaders and Black churches, many of which were centers for organizing and inspiring civil rights protesters. These terrorist attacks, carried out by white supremacists, earned Birmingham the moniker of "Bombingham" and continued through 1965. One of the most notorious attacks was the 1963 bombing of the 16th Street Baptist Church, which killed four young girls.

The protests that rocked Birmingham in 1963 represented the culmination of decades of struggle to guarantee African American civil rights against a well-established system of discrimination. Since the nineteenth century, the city's segregation laws, sometimes referred to as Jim Crow, used the law to try to enforce a rigid separation between people of different races in most public spaces. Segregation, however, was not the only source of tension in the city. From the 1930s, Birmingham's working class increasingly had become fractured over racial issues due to the rapid separation in the wages and working conditions between Black and white workers, particularly in the city's steel mills and other heavy industries. Black women also faced extremely limited employment opportunities, even compared to their white counterparts, and were primarily employed as domestic workers. Birmingham's small but well educated Black intellectual class was composed in large part of primary and secondary school teachers.

Throughout the 1950s, Black leaders in Birmingham slowly organized a protest movement against segregation in the city's laws and economy. This movement saw little success at first, but it attracted the attention of many Black women, whose contributions became essential as organizers, protest participants, and support staff. By 1963, the local movement had gained the support of national civil rights activists, particularly Martin Luther King Jr. and the Southern Christian Leadership Conference (SCLC).

Before watching Tara Y. White discuss the relevant Supreme Court cases, it may be helpful to discuss what students know already about the Civil Rights Movement and its methods.

- What have you learned so far about the Civil Rights Movement in this class or in previous courses?
- What is segregation? How was it enforced in Birmingham, Alabama, at the time of protests in 1963? What other kinds of discrimination did Black Alabamians experience?

- What are civil rights and civil liberties? What is the difference? Is free speech a civil right or a civil liberty? To what extent might this have been a central issue in the Birmingham protests or in other protest of the era?

- Does the First Amendment protect peaceful protest? How might this have factored into the Civil Rights Movement?

- Why is free speech essential in obtaining and securing other civil rights?

- To what extent, if any, can the government order protesters to disband because they are causing serious and sometimes violent disruption, even if they are not the ones engaging in disruption? For example, can the government demand that speakers stop speaking (or marching) because their speech is leading to violence that the city must stop?

- What is the relationship between the government (local or federal) and civil rights and civil liberties? Is that relationship always the same?

Protests and Protestors

After watching Tara Y. White's remarks, students and other viewers may find it helpful to discuss how the story of civil rights protests in Birmingham presented here may differ from many popular representations of the history of this period.

While the SCLC was essential in gaining national support for the Birmingham-based protesters, the vast majority of protestors and those working to support the protests were still Birmingham locals, included men, women, and children. Of special significance in Birmingham was the participation of African American children and students, as the police violence directed at them was particularly shocking to both domestic and international news viewers.

- What role did prominent national figures like Martin Luther King Jr. play in 1963?

- What about local activists, including women and children?

- What was the role of children and young people in the 1963 Birmingham protests? Some observers criticized leaders of the campaign for putting children in danger. Why? How do you think the children themselves might have responded to these concerns?

- What role did women play in supporting and leading the Civil Rights Movement in Birmingham and elsewhere? Do you find this surprising? If so, why?

- Tara Y. White concludes by saying that "Unfortunately, we don't know the women that we should know." What does she mean by this? Why might this be the case?

- Why is it important to consider both the local and national aspects of struggles for civil rights? Does apply to today's protest movements too?

- What other freedoms or civil liberties were essential for securing civil rights in Birmingham (and elsewhere)?

The Legacies of the 1963 Birmingham Civil Rights Protests

Participation in the Birmingham protests galvanized the SCLC, which had not taken much direct action since its organization of the Montgomery Bus Boycott in 1957. SCLC actions in 1963 further launched Martin Luther King Jr. into the national spotlight, particularly after the publication of his "Letter from Birmingham Jail."

The Birmingham protests of 1963 were a major victory for the national Civil Rights Movement. The publicity that they received shed light on the evils and violence of Jim Crow segregation in the South. Some bus lines, department stores and—importantly—jobs were desegregated following the protests. Moreover, the events in Birmingham were a major catalyst for the passage of the Civil Rights Act of 1964. Even so, and despite the importance of the participation of many local activists, many of the initial goals of the protest were not met, with Black Birmingham residents still not receiving equal pay or equal access to public services. These issues were addressed slowly in the following years and decade, with the Civil Rights Act of 1964 serving as an important tool in that ongoing process.

- Why are some aspects of this history (for instance, King's role) more widely known today than others? Did this discussion change the way you think about the Civil Rights Movement?

- The graphic images of police dogs and fire hoses turned against peaceful protesters have become iconic images of the protests in Birmingham. Why do you think these images resonated with so many people then and now?

- Protests in Birmingham ended before many local demands were met. Why then might these protests be considered such a monumental victory in so many portrayals of the movement?

- What elements of the Birmingham protests made them so successful?

- When and why do people today use peaceful protest to push for social change? What are some examples? (e.g., Black Lives Matter, reproductive rights activism, Indigenous land and water rights, etc.)

- Do local and city governments place restrictions on peaceful protest? How and why?

- Did the use of free speech in Birmingham in 1963 influence other social movements? Can you think of any current examples of people using speech in all of its forms to challenge discrimination?

Suggestions for Further Reading

Primary Sources

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