

HATE SPEECH: Has the U.S. Gone Too Far?

Hate speech has been described as the hardest free speech question of all. Finding a balance between protecting free speech for the many and limiting hate speech for the few becomes more challenging by the day. Events, new technologies, and policies—from worldwide access to privately-run social media, to state responses to terrorism, prosecution of whistleblowers, and the broad reach of “inciteful” videos and writings—present an ever changing landscape in which to regulate hate speech.

This program will address the U.S. search for that balance from multiple perspectives. Join our expert panel in exploring the unique U.S. approach to hate speech regulation, one jurist’s experience with hate speech and unlawful incitement to violence, “evil speech” in the Jewish legal tradition, and what happens when free speech and the war on terror collide in the courtroom.

FRIDAY, DECEMBER 13, 2013

Jury Assembly Room
Mark O. Hatfield U.S. Courthouse
1000 SW Third Ave., Portland
3.25 Access to Justice MCLE Credits

Presented by
Oregon Law Institute of Lewis & Clark Law School
in cooperation with
Institute for Judaic Studies of the Pacific Northwest

SCHEDULE

- 8:15 a.m. CHECK-IN AND CONTINENTAL BREAKFAST
- 8:40–8:45 WELCOME AND INTRODUCTORY REMARKS
– *Arden E. Shenker*
- 8:45–9:15 **First Amendment Exceptionalism in a World of Hate Speech Regulation**
 - What is hate speech?
 - Can it be prohibited in the United States?
 - With many Western democracies regulating hate speech, is the United States right, wrong, or just different?
– *Hon. Michael H. Simon*
- 9:15–9:45 ***N'tzor l'Shoni MeRa', Keep My Tongue from Evil***
 - Speech in Jewish legal tradition
 - Evil speech: Foundational categories of forbidden speech in Jewish law
 - The status of Jewish law in the state of Israel
– *Rabbi Ariel Stone*
- 9:45–10:00 BREAK
- 10:00–10:30 ***Seraw v. Metzger: Using “Protected” Hate Speech to Prove Unlawful Incitement***
 - A racially motivated murder in Portland by skinheads incited by neo-Nazis
 - Hate speech is protected by the First Amendment, but incitement of violence is not
 - Use of hate speech as evidence
 - Use of hate speech as educational device
– *Elden M. Rosenthal*
- 10:30–11:00 **When Free Speech and the War on Terror Collide in the Courtroom**
 - The “material support” statutes, 18 USC §§ 2239a and 2239b
 - When does training on “how to use humanitarian and international law to peacefully resolve disputes” become a crime?
 - How can such speech be declared criminal under the First Amendment?
 - The line between proper prosecutorial rhetoric and hateful speech in the courtroom
– *Steven T. Wax*
- 11:00–12:00 **Panel Discussion and Questions**
Moderator: Arden E. Shenker
 - *Elden M. Rosenthal*
 - *Hon. Michael H. Simon*
 - *Rabbi Ariel Stone*
 - *Steven T. Wax*
- 12:00 ADJOURN

FACULTY

Elden M. Rosenthal

Rosenthal Greene & Devlin, PC

Arden E. Shenker

Shenker & Bonaparte, LLP

Hon. Michael H. Simon

United States District Court

Rabbi Ariel Stone

Congregation Shir Tikvah

Steven T. Wax

Federal Public Defender's Office

Planning Committee for the 2013 Jonathan Newman Memorial Law Conference

Lisa Newman Eckstein

Sylvia Frankel

Ira L. Gottlieb

Benjamin Paul O'Glasser

Arden E. Shenker

LIVE PRESENTATION

Portland – Dec. 13, 2013

Jury Assembly Room
Mark O. Hatfield U.S. Courthouse
1000 SW Third Ave.
Portland, OR 97204

MCLE CREDIT

Hate Speech will
receive **3.25** Access to
Justice MCLE credits.

QUESTIONS?

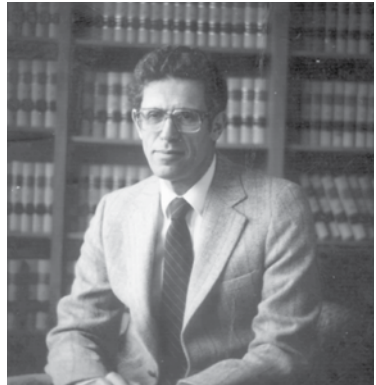
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2013 Jonathan Newman Memorial Law Conference

Hate Speech: Has the U.S. Gone Too Far? is the eleventh in an ongoing series of conferences on Law and Religion co-sponsored by the Institute for Judaic Studies and Lewis & Clark Law School. The subjects of previous conferences were:

- 1984 – The Roots of Common Law in the Bible and Talmud
- 1986 – Reverence for Life
- 1988 – The Views of Five Jewish Supreme Court Justices
- 1990 – Legal Problems Arising from Israeli-occupied Territory
- 1992 – The Jewish Stake in the Bill of Rights
- 1996 – Judaic Law and Environmental Ethics
- 2002 – The Legal, Religious, and Ethical Issues of Aging
- 2003 – The Case for an Ethical Will and Legacy Planning
- 2005 – Ethical Issues in Reparations to Aggrieved Groups:
What Lessons Can We Learn from the Holocaust?
- 2007 – Codes and Commands: Emerging Law and Religious Traditions
in the Treatment of Animals

Beginning with the 1992 conference, the series permanently honors Jonathan Newman (1927– 91). A graduate of Yale Law School, Judge Newman moved to Portland in 1953 and practiced civil law here for nearly 30 years. He was a founding member of the Oregon American Civil Liberties Union and its first secretary, also serving as a cooperating attorney in court cases and legislative hearings. In 1982, the Oregon ACLU awarded him its highest honor, the E.B. MacNaughton Civil Liberties Award.



In 1968, he was elected to the Portland School Board. His “Schools for the Seventies” program helped integrated Portland’s schools without federal court intervention. His leadership on the board, including service as chairman, continued to 1979. In that period, the board established numerous civil liberty policies that are still in effect and serve as models for other Oregon school districts.

He was elected to the Oregon Court of Appeals in 1982 and re-elected six years later, serving with distinction on the bench until shortly before his death. He wrote numerous decisions that, among other things, upheld civil liberties under the Oregon Constitution. It was particularly appropriate that the first conference memorializing Judge Newman, himself the son of a rabbi and a distinguished civil libertarian, should deal with the Jewish Stake in the Bill of Rights.

REGISTRATION FORM

HATE SPEECH: Has the U.S. Gone Too Far?

Friday, December 13, 2013

Name	OSB No. or Profession
Firm/Organization	
Street Address	City/State/Zip
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Please "✓" appropriate box below:

TUITION

Registration includes electronic course materials. Print materials are available for an additional \$15.00.
(A link to a PDF of the materials will be emailed prior to the seminar day.)

- \$75 Early registration (received by December 9, 2013)
- \$55 New attorneys (admitted 2011–2013) and legal staff (received by December 9, 2013)
- \$45 Legal aid attorneys (received by December 9, 2013)
- \$45 Institute for Judaic Studies members (received by December 9, 2013)
- \$15 OLI Passholder (OLI Pass No. _____) and Oregon judges and their lawyer staff (received by December 9, 2013)
- \$15 Print materials
- \$20 Add to above tuition if registration received after December 9, 2013

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Check out our website at www.lclark.edu/org/oli
or email us at oli@lclark.edu.

CONFIRMATION: Confirmation will be sent via e-mail.

CANCELLATION POLICY: Tuition minus a \$20 handling charge will be refunded if the cancellation request is written and received by Monday, December 9, 2013.

NEED ASSISTANCE: If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.

TUITION ASSISTANCE: A limited number of scholarships are available based on financial need. Contact OLI.

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