

**THE COLORADO LAWYERS COMMITTEE AND  
THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW**

**PRESENT**

**HATE CRIMES? YOUTH DECIDE**

**VOLUNTEER GUIDE**

**PEOPLE V. PATRICK WITTEN**

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**Introduction to the Materials**

This document is one part of a package of materials that was prepared under a grant to the Colorado Lawyers Committee from the Stop Hate Project of the Lawyers' Committee for Civil Rights Under Law. Taken together, these materials allow individuals and organizations throughout the country to offer an interactive presentation to local schools and community groups which will promote the discussion of diversity and inclusion, and seek to prevent the spread of community division, racial slurs and hateful actions.

The program is in the form of a fictional trial. At the conclusion of the trial, the students (or community members) break into small "jury" groups to discuss the issues presented and, with the assistance of a facilitator, reach a verdict. The program is based on a similar program that has been offered since 1994 by the Colorado Lawyers Committee throughout Colorado.

The package of materials includes:

- **Hate Crimes Script:** *People v. Patrick Witten*. Patrick Witten, a high school student, is charged with four hate crimes against a Muslim teacher, a perceived LGBT student and others at his school (including by way of a social media threat). The script refers to four exhibits which are available upon request from the Lawyers' Committee for Civil Rights Under Law.
- **Typical Hate Crimes Statute:** The trial is based on a "typical" state hate crimes statute. Information on individual state statutes can be found at the web address below.
- A **Program Coordinator Manual** which explains how to establish a Hate Crimes Education Program, including tips on working with teachers and with lawyer and non-lawyer volunteers (who will play the roles of prosecutor, defense attorney, judge and facilitators).
- A **Volunteer Guide** which describes each part of the presentation and provides guidance about the most effective presentation techniques. This Guide is accompanied by a one-hour **Training Video** which serves as an introduction to the program for volunteers and includes tips and take-aways.
- A **Teacher Guide** which offers details on the program for teachers, including suggestions for effective classroom curriculum before the presentation. This Guide is accompanied by a short **Trailer** designed to introduce the program.
- A **Teacher Survey** which can be sent to teachers after the presentation.

Additional resources are available from the Lawyers' Committee for Civil Rights Under Law, on the Stop Hate Website, [www.8449nohate.org](http://www.8449nohate.org).

## Introduction to the “Script” and Program

This program was created in Colorado in 1994 and recently expanded nationally to give middle-school and high-school students the opportunity to contemplate the impact of hate crimes and identify the boundaries of permissible conduct in their communities, while also exposing them to the rule of law, which is essential to our democracy. As social media platforms continue to embolden individuals to engage in hate speech, there is an increasing need to provide our youth with the tools and language to respond to it.

The “script” is called “*Hate Crimes? Youth Decide*”. The term “script” is used loosely because, except for the judge’s reading of The Statement of Evidence and Jury Instructions, the script is not intended to be a verbatim transcript of the fictional trial. Instead, the script strives to outline educational points to be covered, while allowing volunteers flexibility to incorporate their own styles into the presentation and maximizing the time allotted. You should feel free to play off the flow and substance of your particular trial presentation and the audience.

The most important take-away for volunteers to remember (particularly defense counsel) is that the goal of the program is not to “win”, but to impart certain life and moral lessons to the students while giving them a valuable civics experience. For defense counsel, that may mean leaving certain loopholes open for the prosecution or setting up the prosecutor’s rebuttal with open points to defeat; for facilitators, that will mean helping the students to follow the law and the facts, and to resist the temptation to give Patrick Witten a pass for being a “foolish kid” who “didn’t mean it,” or giving into peer pressure in their verdict votes.

Your approach and desired impact may vary and should be customized depending on the student audience (e.g., urban vs. suburban vs. rural schools, middle school vs. high school students, diverse vs. homogeneous audience, public vs. private school, or class subject such Social Studies, Legal/Judicial Systems, or Government). Feel free to be flexible to deliver the best experience for all participants. You will get as much out of your experience as the students!

## Planning and Scheduling

A special room and special equipment are not needed, but it is nice to have three chairs and a desk(s) for the prosecutor, defense counsel and judge at the front of the room and chairs for the facilitators either along the side or back of the room. If you have the ability to provide auditorium-style seating, that would be a bonus, with no student seated on the side or behind the volunteer table(s).

From student and educator feedback, we have found that:

- 50 students is the “soft” maximum number of students per trial. When numbers start to exceed 50 students, it is best to schedule two separate trials. Try to find volunteers to staff trials consecutively or concurrently on the same day.
- The program is best suited for 7<sup>th</sup> graders and up. We have found that 6<sup>th</sup> graders and younger tend to not have the maturity and critical reasoning skills to participate in the program, and also may not have had the requisite Bill of Rights/First Amendment foundation upon which the program based.
- A 135-minute block of uninterrupted time gives the students the best experience and the most time to process and discuss the program with volunteers. While it is feasible to work with time frames shorter than 120 minutes by cutting some of the presentations or going over it in an abridged manner, we discourage that because the students will not have enough time for jury deliberations or to discuss the verdicts and important anti-bullying, community building and civics lessons. The recommended schedule for the best result is:

| <b>Program Segment</b>   | <b><u>If The Total Time Allotment Is, We Suggest:</u></b> |                        |                        |                        |
|--|---|------------------------|------------------------|------------------------|
|  | <i>90 mins.</i>   | <i>120 mins.</i>       | <i>135 mins.</i>       | <i>150+ mins.</i>      |
| Opening Remarks and Judge’s Introduction                                   | 6 mins.   | 8 mins.                | 9 mins.                | 10 mins.               |
| Prosecutor Voir Dire   | 9 mins.   | 12 mins.               | 13 mins.               | 15 mins.               |
| Defense Voir Dire  | 9 mins.   | 12 mins.               | 13 mins.               | 15 mins.               |
| Judge Gives Jurors’ Oath and Admits Evidence and Written Jury Instructions | 2 mins.   | 2 mins.                | 2 mins.                | 2 mins.                |
| Judge Reads The Statement of Evidence and Jury Instructions                | 8 mins.   | 8 mins.                | 8 mins.                | 8 mins.                |
| Prosecutor’s Closing Argument  | 11 mins.  | 12 mins.               | 12 mins.               | 13 mins.               |
| Defense Counsel’s Closing Argument   | 13 mins.  | 14 mins.               | 15 mins.               | 16 mins.               |
| Prosecutor’s Closing Rebuttal  | 2 mins.   | 2 mins.                | 3 mins.                | 3 mins.                |
| Small Group Jury Deliberations   | 15 mins.  | 25 mins.               | 30 mins.               | 30 mins.               |
| Verdict Review & Wrap-Up/Lessons Learned                                   | ~15 mins.<br>remaining                                    | ~25 mins.<br>remaining | ~30 mins.<br>remaining | ~38 mins.<br>remaining |

**NOTE: Some of the language in this presentation may be offensive to individual students. Before you begin the presentation, make sure you have discussed this with the teacher. Some schools permit students who are bothered by the presentation to leave the classroom. Make sure the teacher is aware of this issue and has made appropriate accommodations for students, if necessary and if permitted/required by school policies and practices.**

Before the trial, print the jury form and jury instructions (pp 22-23) and the exhibits (available separately). You can clip/staple the exhibits and jury instructions together before you distribute them. We suggest you number each set of materials, so you can be sure that you collect all of them at the end of the presentation.

## **Tips/Take-Aways For Opening Remarks**

There are three essential parts to Opening Remarks, some of which you will have to speed through since you only have 6-10 minutes.

The first portion is the stereo-typing name exercise to get students talking and comfortable. This part is often regarded as insightful and impactful to the students (along with jury deliberations and seeing the differing verdicts at the end).

The second part is to describe the process which you will follow. Many of the students will be unfamiliar with the format for a jury trial so it is important to explain to them what will happen over the next couple of hours. It's important to say that while the voir dire is interactive and they should feel free to ask questions and talk as a group, closing arguments are not interactive – they are the parties' uninterrupted recitation of their arguments.

Last, but not least, the “trigger” warning about the offensive language and content they will hear cannot be glossed over. It is also worthwhile to add that the comments and fictional roles to be played are not the opinions of the sponsoring organization or any of its members or the volunteers.

## The Judge's Role

The Judge's Role is the simplest of the roles and takes the least amount of preparation, yet it is a very fun role to play.

The primary function of the Judge, like in a courtroom, is to take command of the room and settle the students, and to make the fictional trial seem as realistic as possible. The Judge also has to watch the time for prosecution and defense's voir dire and closing arguments, so a smart phone or watch with a second hand is needed.

In reading the Statement of the Evidence and Oral Instructions to the Jury, it's important (i) to wait for students to settle in after they receive and have had a chance to review the exhibits and jury instructions; (ii) to remind them to listen carefully, making eye contact with those if they are not; and (iii) to read the various segments slowly, loudly and clearly.

Timing Note: If you are short on time in a particular trial (*i.e.*, have less than two hours), consider cutting out the entire section on asking the lawyers if they have objections to the panel and the exhibits.

## Tips/Take-Aways For Prosecutor's Voir Dire

The voir dire segment of the program is not like a real voir dire, in that there are no objections or striking of potential jurors and we touch upon the elements of the charges against Patrick Witten. It is more akin to an interactive opening argument by the attorneys, whose purpose is to immediately engage the students in meaningful exchanges and hear their classmates' experiences and opinions while understanding the difference between hate speech and hate crimes.

The voir dire will be more enjoyable, realistic and powerful if you can get the students talking about their personal experiences, perspectives, feelings and beliefs. Your ability to do so will vary with the students' ages and demographics. Try to use open-ended questions, but even if you use leading questions to make a point, follow up by asking them why your point makes sense or is the better view. Also try to get as many different students talking as possible. If someone has a particularly compelling story, come back to it throughout voir dire.

Often times, if students do mention hate incidences which have occurred to them, a family member or a friend, they do not rise to the criminal level, but it's still important to engage the students and let students hear and empathize with their classmates' experiences. (We have heard from student feedback that, sometimes, hearing their classmates' stories of discrimination is the most impactful part of the program, so try to get them to open up about discrimination faced by their parents, grandparents, aunts, uncles, neighbors, etc.)

If you ask the students if they have ever witnessed or known of anyone who was the victim of a hate crime and you get no response (which is not uncommon in less diverse schools or communities), then ask them if they know of any hate crimes in the news, which they all do. Try to get them to relate to the victims in those cases (like the Orlando nightclub shooting). If they still can't think of any, help them with examples like:

- the 2018 Pittsburgh shooting at the Tree of Life synagogue killing 11 people,
- the 2018 shooting of 2 black customers in a Kentucky Kroger grocery store after the gunman could not enter a locked Baptist church nearby,
- defacing school property with racial or ethnic slurs or symbols, or
- a local or other recent example.

Discuss limits on free speech, including the use of "fighting words". Fighting words are words that, by their very utterance, inflict injury or harm or tend to incite an immediate breach of peace. They go beyond free speech and are not protected.

- In the 1942 *Chaplinsky* case, the court said: "These utterances are not protected as they are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality."
- Your right to say things depends on **what** you are saying, **when** you are saying it, **where** you are saying it and **who** is there, right?

Before time runs out, it's good to remind them that getting mad is no excuse for bad actions and that consequences must follow and reparations be made. Get the students talking about when they got in trouble for doing something they regretted to a sibling or friend.

## Tips/Take-Aways for Defense Attorney's Voir Dire

Like the prosecutor's voir dire, the voir dire will be more enjoyable, realistic, and powerful if you can get the students talking about personal experiences, stories, feelings and beliefs. Try to use open-ended questions, but even if you use leading questions to make a point, follow up by asking them why your point makes sense or is the better view.

**Remember that the role of the Defense Attorney in this trial is not to win the case and get Patrick Witten acquitted, but to help the students see different perspectives, ask questions, and distinguish free thought from hateful, harmful conduct.** You may have to walk a fine line and bring the students back to center if the discourse veers off course and rationalizes hate-filled or bullying conduct which is harmful to others. You may also have to leave a few loopholes or toss a "softball" or two to the prosecutor for closing or rebuttal.

The biggest theme is First Amendment rights. After you get students to describe what rights are protected by the First Amendment, ask them to think of why those particular rights were mentioned in the First Amendment; namely, they are so important that the founders wanted to make clear they were the most important. Get students to think about what our country would be like if we were not free to express ourselves, as in other countries.

Keep that seed planted in their minds as you talk about protecting speech even if you disagree with the viewpoint or think it is hateful. Students are used to seeing viewpoints expressed on Twitter and other social media platforms, so they should be nodding their heads and giving their own examples.

One idea that works well is to talk about using shocking speech in a family setting. Ask them to tell about a time they were angry and said something they later regretted. The point is that when mad, we all may go to the "nuclear option" and use rough language or name calling, like calling a sister a "stupid fat cow" when she breaks something of yours. We do that not because she is any of those things, but because you know it hits her where it hurts most. This gets the students to empathize with Patrick Witten as doing something stupid, not criminal.

Highlight the freedom to protest/assemble when focusing on Count 3. Get students talking about marches or protests they, their family members or friends have participated in. Bring in the theme of the "big, bad government is trying to curb your speech and rights to protest, those are essential elements of our democracy" angle. Talk about examples they may know about where courts have upheld the use of abhorrent speech, such as the Westboro Baptist Church protests and KKK rallies, criticisms of the President, and how we cannot allow the "heckler's veto" to curtail our nation's free speech rights.

Talk frankly about not liking what Patrick Witten said or did, not even liking Patrick Witten perhaps, but pointing out we are looking at the facts of the case combined with the law. Ask them if they can leave any shock or dislike about Witten aside when they thoughtfully deliberate. Someone may say "no", so explore that a bit and tell them that, for purposes of the program, they will still participate as a juror.

Lastly, while their role is to put up a credible defense, counsel needs to be mindful not to fuel or justify ideas that are contrary to the goals and lessons of the program, such as encouraging or justifying stereotyping, bias and prejudice. This is particularly true in non-diverse and suburban or rural schools and sometimes more common in middle schools with younger students.

## Tips/Take-Aways For Prosecutor's Closing Arguments & Rebuttal

When the Judge turns it over to you, you should reserve 2-3 minutes for rebuttal, and also ask for a two-minute warning before your time is up.

Follow the sample closing argument provided in the script, making sure you hit the high notes for each count.

### Walking Through The Counts

- It is best to go through each count in order; however, the first two counts will take a bit longer, so pace yourself.
- Most prosecution volunteers will spend roughly 65% of their time on Counts 1 and 2 counts and 35% on Counts 3 and 4 (with the least amount of time on Count 4).
- The counts are in order of most likely to get a guilty verdict to least likely so spend your time accordingly. For example, Count 1, the hate crime against Dr. Mustafa does not need as much time walking through the straight-forward evidence as Count 3, the flyer count.
- Count 3 is the most nuanced count and the one that really gets the kids thinking about how their own school would react if someone were to hand out something so inflammatory. The discussion around that count is important, so raise something about their school to remember when they are discussing Count 3 during deliberations.

Because we are dealing with younger audiences, it's best to use the jury instructions and definitions to structure your closing argument, starting with Count 1. Many like to start by reading the statute aloud to the students, after saying that "this case is not about Patrick's racist and hateful thoughts and beliefs, but his actions and the consequences which must follow those actions. Let's review the law . . ."

Use the "Questions for Jury to Answer" as a framework for each count. Going through the questions, give them the YES answer by providing the evidence that supports that answer the whole way through.

Use the exhibits as visual aids to tie the evidence to the pertinent count. The photograph of the garage, the screenshot of the Instagram post, and flyer will be in their hands when you are closing, so drawing their attention to it will ground them in the evidence and give them visceral reactions.

Remind them of the points you raised during voir dire to tie it all together. For example, if you talked about time, place and manner limitations on free speech, remind them of that discussion when you address Count 3.

On rebuttal, be sure to have remarks prepared, no matter what the defense close is. It's important to hit home, one last time, that "because of" means religion, race or sexual orientation **need not be the sole motivating factor, but only a substantial factor** in causing Patrick to act in a certain way against Dr. Mustafa, Kate, Jorge and the school community.

Take note of what resonated with the students when they reviewed the evidence in deliberation and rebuttal points you can raise from defense's closing argument. These can be incorporated into the wrap-up session and your next fictional trial.

**Last, but not least, Have fun!** This is an invaluable learning experience for the students. It is also a learning experience for you!

## Tips/Take-Aways For Defense Counsel's Closing Arguments

***Remember that the role of the Defense Attorney in this trial is not to win the case and get Patrick Witten acquitted, but to help the students see different perspectives, ask questions, and distinguish free thought from hateful, harmful conduct. You may have to walk a fine line and bring the students back to center if the discussion veers off course and seems to rationalize hate-filled conduct.***

Taking the counts in order is a strong way to build on your themes of First Amendment rights; however, others like to start with Count 3 because that is the strongest of the first three counts (offensive language is not tantamount to an "intent to intimidate or harass" someone and there was no imminent lawless action intended) and more complicated than the defense for Count 4.

Listen to the Prosecution closing closely for statement you can exploit. If the prosecution says they are not prosecuting Witten because he is a racist and a bigot, then why do they keep calling him that and focusing on that? With that entrée you focus on beliefs v. actions and the right to express yourself.

Remind the jury of your voir dire points, that we are allowed to express our beliefs even and especially when others do not like it. Offensive speech can still be protected speech.

Admit the crimes Witten said he that did: committing vandalism and posting negative things about Kate Bradley. Point out how there are already crimes on the books for those behaviors, and that this is not a hate crime, but a "nuclear option," saying and doing things to hurt others because Witten felt he was unjustifiably denied the award. It doesn't hurt to point out the incredibly negative things posted and tweeted every day that are protected.

Talk about whether he committed the vandalism etc., because of a protected class. Was it really a substantial factor? Witten worked with Dr. Mustafa for 4 years and never had a problem (that we know of), so how could his angry outburst be about religion?

For Count 3, focus on the call to action in the flyer: it was to boycott. Remind them of the voir dire discussion about freedom to assemble/protest. There is nothing in the flyer that is a call to lawless action.

**Never say things that denigrate hate-crime laws or justify defendant's behavior. You don't want to fuel the idea that Patrick's actions or racist, homophobic, misogynistic or similar remarks are okay or excusable, or that bullying and acting on stereotypes are condoned.**

Always use the jury instructions as your guide to get through each count. Perhaps refer to the Exhibit number, rather than reading the offensive language out loud; focus on the precise words you want the students to think about in deliberations (protest, boycott).

Last, but not least, have fun! This is not about winning, but about presenting ideas to the students to get them thinking.

## Transitioning To Student Jury Deliberations

Once the prosecutor has finished his/her rebuttal, a volunteer leader should break the students into jury groups to begin their deliberations. Tell the students that they will be joined by a member of the Hate Crimes Education Program to choose a foreperson and to help them arrive at verdicts.

Divide the students into jury groups, depending on the number of volunteers available to facilitate. Ideally, there should be 6-8 students per jury, and if there are extra volunteers, the prosecutor and defense counsel should be left out. (If you are short-staffed and need to go above 8 students per jury, it's doable, but it will be challenging to ensure that all students participate and the jury deliberations will become uneven.) Count off the students with numbers and designate where each group will convene with a facilitator. If you have more facilitators than you need (again, leaving out the prosecutor and defense attorney), pair up two facilitators to a jury, preferably an experienced facilitator with a new one.

Before they break out into their juries, tell the group how long they have to deliberate on the four counts. Typically, 20-30 minutes is ideal, with more time usually needed for younger (e.g., middle school) students. Ask them to reconvene at the end of deliberations. Remind them that the verdicts need not be unanimous. Give each volunteer facilitator a Jury Verdict Form found at the end of the script.

If there are extra volunteers (such as the volunteer leader), they should use the time to set up a black board, white board or digital board (e.g., promethean board) for the jury verdict return, similar to the below grid (leave the verdict-result sections blank, to be filled in later when the verdicts are read by the forepersons):

| <b>Verdicts (Guilty - Not Guilty)</b> |                |                |                |                |                |
|---------------------------------------|----------------|----------------|----------------|----------------|----------------|
| <u>Count</u>                          | <u>Jury #1</u> | <u>Jury #2</u> | <u>Jury #3</u> | <u>Jury #4</u> | <u>Jury #5</u> |
| 1. <i>Garage Door/Rifle</i>           | 7-0            | 7-0            | 6-1            | 7-0            | 5-2            |
| 2. <i>Instagram Post</i>              | 7-0            | 7-0            | 5-2            | 6-1            | 3-4            |
| 3. <i>Handing out Flyers</i>          | 1-6            | 0-7            | 2-5            | 3-4            | 0-7            |
| 4. <i>Pushing Jorge</i>               | 0-7            | 0-7            | 1-6            | 2-5            | 0-7            |

Extra volunteers can also walk around the room to assist in jury deliberations or pair up with facilitators who have not facilitated before. We often find that less-experienced facilitators do not guide the students enough, particularly with younger students, and the jury verdicts come back scattered or illogically, or certain members of their jury take over and impede all students from participating freely or voicing their opinions.

## Tips/Take-Aways For Facilitators And Their Juries' Deliberations

Based on student feedback, jury deliberations are one of their favorite parts of the program. Students enjoy debating with their classmates and seeing initial opinions changed. They also say that jury deliberations help them see that there are two sides of every story and being a juror means applying the law to the facts at hand, not just applying their personal beliefs and unconscious biases to their ultimate decisions.

**Be sure to read the Facilitator Instructions in the Script each time you are a facilitator.** It is a vital role, one that you need to be as prepared as possible for in order to be effective and give your students the best experience. The materials provide invaluable background and context, and will allow you to enjoy the presentation before the case is turned over for you to lead your own jury group. You will also be better prepared to customize your jury facilitations in reaction to the trial everyone just witnessed and have an excellent foundation from which you can tailor the jury deliberations to the actual arguments they heard in the trial (which will vary from trial to trial, depending on which volunteers are playing the attorney roles).

Once your jury group has selected a foreperson and you have given him/her the Verdict Form to complete, use the written jury instructions in the packet to guide the deliberations. Go through each question on the jury instructions step by step. Your primary job is to ensure that the students make reasoned decisions applying the statute resulting from a healthy debate, and that as many students participate as possible. Hopefully, everyone will participate in the discussion, but some can be shy and decline – avoid pushing them too hard and putting them on the spot. One suggestion might be to have them participate by reading parts of the statute or a count or asking them if they agree with points raised.

Some points to keep in mind for the verdicts and deliberations:

- **Verdicts do not have to be unanimous!** In fact, mixed verdicts help illustrate the importance of having a “jury of your peers” during wrap-up. Allow for discussion, but watch the time to make sure you get through all four counts. Typically, the first two counts will take the longest, particularly since the students will have to review the model statute and jury instructions, so allocate more time for them. Have the foreperson record the verdict votes using numbers: 7-0, 6-1, and so forth.
- **Guide your jurors in making their decisions as they consider the needed elements of each count. In some cases, their opinions/biases will fall away in the face of the law and the facts. This does not mean taking over the student-led discussions or interjecting one’s views, but asking the right questions (if needed) and ensuring that irrelevant tangents do not take over.**
- Play the devil’s advocate to make sure all student’s views are aired. Phrases such as “But what about... (opposite view)” or “did you consider this \_\_\_?” are helpful. Also ratify good points made by students who are lone wolves and ensure that no one’s opinions are quashed or belittled.
- Continue to refer to the jury instructions and elements needed to reach guilty verdicts, particularly if the students (and more so with younger students) veer away from the facts and law. For example, if a student argues that Patrick acted the way he did “because of” the Math Award and no student pushes back on that premise, then refer back to the jury instructions which says that religion or sexual orientation “*need not be the sole motivating factor*” causing Patrick to act the way he did, in order to find him guilty.

The over-arching theme of your facilitation should be the difference between beliefs/opinions and conduct/action/behavior!

## Receiving and Discussing the Verdicts, Plus Lessons Learned

After you have brought the jury groups back together into one large group and written the results on a large white-board or similar medium for all to see (the students can hold onto the exhibits and jury instructions for this part), you'll hear lots of buzzing and comments eliciting surprise at the differing verdict counts. This is a good time to explain that, were this a real criminal trial, the non-unanimous verdicts would have resulted in a "hung" trial. Highlight the importance of a "jury of your peers" and talk about how different the verdicts are, particularly the hung versus unanimous or divergent ones, despite having heard the same facts and arguments by the same lawyers at the same time in the same setting.

They often will ask what the "right" verdicts are. We try to avoid saying that anything is "right" or "wrong," but we do tell them that, were it a bench trial without a jury, the first two counts are meant to render guilty verdicts and the last two, not-guilty verdicts. That being said, we re-emphasize that the last two counts vary widely with student demographics (e.g., in more diverse, urban large schools, we are more likely to get guilty verdicts on Count 3 and sometimes on Count 4, if students believe that Patrick Witten was looking to create chaos and for a fight when he handed out the inflammatory flyer, and they don't believe he innocently wanted a protest in looking at the totality of circumstances and his other actions). Also, while the facts and law may say it was self-defense in Count 4, many students will say that he should have to suffer the consequences because he "lit the fuse" that caused the commotion.

They often ask if the case is a real case. We tell them that while the facts are not taken from real incidents, the hate-crimes statute used is a real law, slightly modified to reflect the laws of other states and bring a more comprehensive law before them.

If time is limited for the wrap-up segment, you may not have enough time to get through all the questions and discussion points; however, try to cover these two points:

1. Talk to the students about what would happen if this occurred in their school. Talk about the impact on the student body if such a hate-filled flyer were circulated and what they could do to in each instance.
2. Discuss how verbalizing or echoing hate-speech could impact their lives, even if their conduct is protected by the First Amendment. For example, how college admissions offices commonly review students' social media pages; or how employers have fired employees for "tweets," "posts" or other comments because, while the employee may be entitled to express their opinions on social media platforms or in other ways (e.g., verbally), their companies do not believe the employee meets their code of conduct or morals and missions.

Lastly, students may want to hear about the possible penalties. Give them some information about the penalties, both for adults and for juveniles. Ask them what they think an adequate punishment should be for each of the counts.

**DO NOT LET ANY PARTICIPANT LEAVE THE ROOM BEFORE COLLECTING THE EXHIBIT/JURY INSTRUCTION PACKETS!!!** Before dismissing the students, have them (and other participants in the room such as teachers and school administrators) turn in their jury instructions/exhibit packets for recycling as it is vitally important that the exhibits not be floating around the school or be brought home and taken out of context.

## Additional Readings & Resources

**Hate Crime in the News, Resources for You:** Students appreciate hearing examples of real-life hate crimes, and unfortunately, you will be able to find plenty of examples by doing Google searches to find reputable sources of recent news in this area:

- [www.splcenter.org](http://www.splcenter.org)
- <http://www.freep.com/apps/pbcs.dll/article?AID=2012206210420>
- For a very interesting study regarding how direct, personal, cultural education and integration significantly and positively impacts the development of a child's thoughts and attitudes on racial issues, see: [http://www.cnn.com/2012/04/02/us/ac360-race-study/index.html?hpt=hp\\_c1](http://www.cnn.com/2012/04/02/us/ac360-race-study/index.html?hpt=hp_c1)
- For information on bullying initiatives and how they relate to hate crimes, see <http://colegacy.org/bullying-prevention-initiative/>

### **Stop Hate Resources:**

This can show students effective ways to participate in bystander intervention techniques, like the students who brought the teacher over when Witten and a group of Hispanic students began to fight.

- Targeted By Hate? Webpage
  - <https://8449nohate.org/resources/targeted-by-hate/>
  - This provides definitions and information on how to report incidents when they do occur, and could help individuals recognize if what they are experiencing is/are hate incident(s)/hate crime(s).
- Communities Against Hate: Resources Map
  - <https://8449nohate.org/resources/community-resources/resource-map/>
  - This helps students and parents find local resources in case they have experienced/are experiencing hate or know someone who has/is.
- Bullying Prevention Portal
  - <https://8449nohate.org/bullying/>
    - This has good resources for students, parents, and teachers.
- Not Alone Video Series
  - <https://8449nohate.org/not-alone/>