



Rights and the Courts: Classroom Debates about Freedom of Religion Handouts for Students

Introduction + Resolution

Building Evidence

Homework Assignment

Homework Assignment / Supporting Evidence Research

Homework Assignment / Refuting the Other Side

Evidence: The Foundation of Argument (*optional* worksheet)

Structure of the Debate

Debater Guidelines

Judge Guidelines

Judge Ballot

Writing for Debate

Opening Statement

Rebuttal

Introduction:

Many cases have been decided by the New York State Courts that address the tension between liberty and security. Article 1 of the *New York State Constitution* includes the protection of key individual rights, the freedom of speech and the freedom of religion. Section 3, specifically notes that “The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state to all humankind; and no person shall be rendered incompetent to be a witness on account of his or her opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.” Yet, as life in a multicultural and diverse democracy shows, religious freedom has limits. The state’s respect for an individual’s rights can conflict with government interests in security.

Rivera v. Smith (Court of Appeals, New York) (1984) is one such case that brings into focus this conflict at the heart of diverse democracies: The competing interests in preserving a person’s freedom to practice their religion and the state’s interest in safety. *Rivera v. Smith* concerns the rights of a prison inmate to refuse a “pat down” by a female guard, as prohibited by his Muslim religion. Prisoners are subject to searches and these searches can require guards to physically search for contraband that could harm other inmates or jeopardize the security of prisons and jails. This case raises important public policy issues, ranging from the extent of prisoner's rights and respect for religious beliefs, to the interests of the state in securing prisons and jails, and many other issues. There are clear pros and cons to each side.

Using *Rivera v. Smith* to ground this discussion of liberty and security, our class will be debating this resolution:

Resolved: When in conflict, the exercise of religious freedom ought to be valued above the security interests of the government.

Building Evidence: Homework Assignment

Select your debate role:

- Affirmative (Pro)

- Negative (Con)

- Judge

Identifying Supporting Arguments:

Affirmative/Negative: Using the work we've done in class, select 3 supporting arguments for your side of the debate that you would like to focus on.

Judges: Select 3 supporting arguments from either side that you think will be crucial to understand when judging the debate. These should be claims that seem to get at the most important parts of the issue.

1: _____

2: _____

3: _____

Building Evidence: Homework Assignment

Supporting Evidence Research

Directions: For each of the three supporting arguments you chose **find one piece of evidence that supports your position.** Write a short summary of that piece of evidence, closing with 2 sentences explaining **how this text will help you to prove the supporting argument.** Print out copies of your evidence and your own writing in response to the evidence and bring them to class.

Central Position (Pro/Con/Judge):	Evidence Source	Summary	Explanation (How/why this evidence proves your supporting argument)
Supporting Argument 1:			
Supporting Argument 2:			
Supporting Argument 3:			

Building Evidence: Homework Assignment

Refuting the Other Side

Directions: Central to debates is being well-versed in counterargument, the opposite side of your position. In order to prepare for this, you will now come up with **1 negative response for each of your supporting arguments**. For each, find one piece of evidence you might use in order to disprove the negative argument. Write a short summary of that piece of evidence, closing with 2 sentences explaining **how this text will help you to disprove the negative argument**. Print out copies of your evidence and your own writing in response to the evidence and bring them to class.

Central Position (Pro/Con/Judge):	Evidence Source	Summary	Explanation (How/why this evidence proves your supporting argument)
Negative Response 1:			
Negative Response 2:			
Negative Response 3:			

Evidence: The Foundation of Argument

<p>Affirmative (Pro) Central Position:</p> <p>Individual rights are more important than concerns for security and public safety.</p>	<p>Negative (Con) Central Position:</p> <p>Concerns for security and public safety are more important than individual rights.</p>
<p>Claim: The statement you are trying to prove true.</p> <p>Warrant: The reasons why (evidence) your claim is true.</p> <p>Impact: The Significance of your claim, if true.</p>	<p>Claim: The statement you are trying to prove true.</p> <p>Warrant: The reasons why (evidence) your claim is true.</p> <p>Impact: The Significance of your claim, if true.</p>

Structure of the Debate

1. **Opening Preparation Time** [3 Minutes]
This is time for you and your teammates to check in one last time before the debate begins. You might choose to review your notes and statements, discussing any questions that might be on your minds.
2. **Opening Affirmative (Pro) Statement** [3 Minutes]
Speaker #1 from the Affirmative (Pro) Team presents their arguments in favor of the resolution. This speech should be written and practiced ahead of time.
3. **Cross Examination Period** [2 Minutes]
Judges have the opportunity to ask the Affirmative Team any clarifying questions they have.
4. **Preparation Time** [2 Minutes]
This time is used for you to consult with your team and drawn on the additional research you've done in order to provide evidence to further support your position and answer questions. You will have preparation time of varying lengths following cross examinations and rebuttals.
5. **Opening Negative (Con) Statement** [3 Minutes]
Speaker #1 from the Negative (Con) Team presents their arguments against the resolution. This speech should be written and practiced ahead of time.
6. **Cross Examination Period** [2 Minutes]
Judges have the opportunity to ask the Negative Team any clarifying questions they have.
7. **Preparation Time** [3 Minutes]
8. **Affirmative Rebuttal** [2 Minutes]
A "rebuttal" is your chance to point out and explain the problems with the other side's argument. As part of your research, you will have anticipated counterarguments. A rebuttal should aim to point out flaws in your opponent's argument through the use of this evidence. You do not need to introduce any new arguments. The goal is to disprove your opponent's argument through clear use of facts and evidence.
9. **Preparation Time** [1 Minute]
10. **Negative Rebuttal** [2 Minutes]
11. **Cross Examination of Both Teams** [3 Minutes]
Judges have the opportunity to ask both sides any questions they have.
12. **Judge Discussion** [2 Minutes]
Judges have time to discuss which team (affirmative or negative) presenting a more convincing argument. Each judge completes a ballot that indicates who won the debate along with a 3-4 sentence explanation of the decision.
13. **Judge Decision** [2 Minutes]
After tallying the ballots, judges announce which side won the debate and share short explanatory comments.

Debater Guidelines

1. Prepare your evidence on both sides of the debate before the day of the debate.
2. Preparation time is to coordinate with your teammates, not to find evidence.
3. Listen very carefully to your opponent's arguments and evidence. Make sure you truly understand what your opponent says—listening is different than hearing.
4. Make a counter response to each argument of your opponent. This is particularly important in the rebuttals but also should start in the opening statement of the negative.
5. Listen carefully to the questions the judges ask of your opponent. The judge's questions are a window into what the judges are thinking about the arguments.
6. Always treat your opponent with respect. It may well be the argument that you laugh at that ends up causing you to lose the debate.
7. Remember you are debating against the argument not your opponent.
8. Face and address the judges, not your opponents, when speaking. The judges decide the debate.
9. Use your preparation time for the team to coordinate arguments, responses and evidence and to decide who will speak for the team (multiple speakers is advisable).

Judge Guidelines

1. Evaluate the debate on the basis of the arguments made by the debaters not your personal beliefs about the resolution. It is very possible that you will vote for the side that you don't agree with because that side made better arguments, read better evidence or the other side failed to respond to an important argument.
2. Treat everyone on both teams with equal respect.
3. Only ask questions during the cross-examination period. Don't make statements.
4. Ask questions that will help you decide the debate - arguments or evidence that weren't clear or left you feeling incomplete.
5. Keep careful notes during the debate so that you can track the arguments and responses made by each side. This will enable you to identify arguments that were not responded to and assist you in identifying the winning argument(s).
6. Although there may be time allotted to the judges to discuss the debate, your decision should be made and written privately.

Judge Ballot

In my opinion, the team that won the debate was the:

- Affirmative (Pro)

- Negative (Con)

Please use the space below to provide a 3-4 sentence explanation of your decision. This explanation might address the strength of the team's argument, how they used evidence to support their argument, how they handled questions, and clarity of presentation.

Writing for Debate

Opening Statement [3 Minutes]

Outline

- I. Introduction
 - a. Share your name and the names of your teammates.
 - b. State which side you are speaking for (affirmative/pro or negative/con).
 - c. State the resolution.
 - d. Present your central position or thesis statement.
- II. Supporting Arguments and Evidence
 - a. Support your side with 2-3 additional arguments that each have supporting evidence and reasoning.
 - b. The negative/con side can include evidence that aims to disprove the affirmative/pro opening statement.
- III. Closing
 - a. Restate position.
 - b. Say thank you.

Things to Keep In Mind While Speaking:

- Practice and time your speech. Make sure that you do not exceed 3 minutes.
- Remember to look up and make eye contact while speaking. Do not simply read off a piece of paper.
- Your goal is to convince the judges that your position is right. In order to do this, you will want to make sure that you speak loudly and clearly, using your voice to emphasize important points.
- Remember, while planning your speech, this is a text that is meant to be heard. Make sure it is both easy to follow and interesting!

Writing for Debate

Rebuttal [2 Minutes]

While the Opposing Team Speaks:

- Listen very carefully.
- Take notes. Make sure you write down and understand your opponent's arguments and evidence.
 - Map or list your opponent's opening statement so that you have a record of their arguments to return to.
- Note the kinds of questions that come up in cross examination. What do they tell you about what the judges are thinking about?

Using Preparation Time:

- Quickly coordinate with your team to decide who will speak (multiple speakers is encouraged) and what each speaker will focus on.
- Make sure that your rebuttal is clear and focused on **disproving** your opponent's argument through the use of evidence.
- The format of a rebuttal is usually:
 - Restate opponent's argument
 - Explain why it is incorrect
 - Use facts and evidence
 - Link back to your team's position/argument

Things to Keep In Mind While Speaking:

- Remember to look up and make eye contact while speaking. Do not simply read off a piece of paper.
- Your goal is to convince the judges that your position is right. In order to do this, you will want to make sure that you speak loudly and clearly, using your voice to emphasize important points.
- Although the rebuttal is largely spontaneously written, be sure that you have a plan. Your audience needs to be able to follow what you say and understand your reasoning.
- Don't try to say too much. You do not have much time. It is better to be clear, focused, and well-reasoned than to say a lot of things unclearly and vaguely.