

Aim: How far should the Federal government be able to go in limiting your right to free speech?

• **Do Now:** Which of the following types of speech should be protected by the 1st Amendment? Explain.

- A public school fires a teacher for writing a letter to the New York Times in which he advocates for the legalization of all drugs?
- The Ku Klux Klan applies for a permit to hold a peaceful demonstration at Gerry Park. Judi Bosworth, fearing that the crowd watching the demonstration may act violently, denies the request for a permit.
- A man is arrested for giving a speech in which he calls for the immediate violent overthrow of the government.
- As an April Fool's Day joke, Mr. Rosenboom runs through the halls screaming "Fire"

• **Homework:** Current Events Article #6 Due Friday 11/22

First Amendment

- 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.

Morse v. Frederick 2007

- **Constitutional Issue**: Does the First Amendment allow public schools to prohibit students from displaying messages promoting the use of illegal drugs at school-supervised events?
- **Supreme Court Decision**: Yes, School officials can prohibit students from displaying messages that promote illegal drug use.

Restrictions on Speech

- “Clear and present danger”
- “Time Place and Manner Restrictions” – restricts how you say something, not what you say
- Libel – knowingly spreading lies that hurts a person’s reputation
- Obscenity
 - "utterly without redeeming social importance"
- Commercial Speech – less protected than other speech.
- School – less protected

Tinker v. Des Moines Independent Community School District (1969)

- Students do not lose their First Amendment rights to freedom of speech when they stepped onto school property. In order to justify the suppression of speech, the school officials must be able to prove that the conduct in question would "materially and substantially interfere" with the operation of the school.
- <https://www.oyez.org/cases/1968/21>

Questions:

- Does limitation on Speech further a government interest? Examples?
- Why is the right to free speech so important?
- Why is it important to protect the free speech rights of a small minority group of people?