

# **1<sup>st</sup> AMENDMENT RIGHTS:**

**SPEECH**

**PRESS**

**RELIGION**

**ASSEMBLY**



# A.) FREE SPEECH (EXPRESSION PART 1)

1.) APPLICATION:

2.) LIMITATIONS:

a.) **Obscene Language**

b.) **Inciteful Language**

c.) **Slander**

3.) CONSIDERATIONS:

a.) **Speech During Wartime**

b.) **Symbolic Speech**

c.) **Flag Burning**



**FREE  
SPEECH  
NOW!**

# Incorporation Doctrine

Case: Gitlow v. New York (1925)

Issue: Does the 1<sup>st</sup> Amendment protect free speech at the state level?

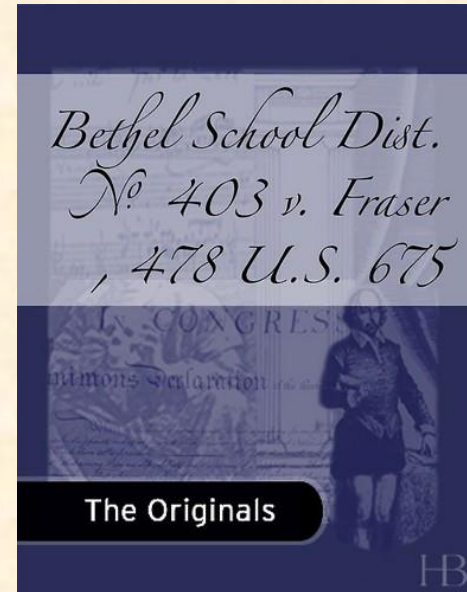
## The Case



- Benjamin Gitlow was considered a Socialist and potential anarchist by the United States government. They saw Gitlow as a threat because of his Socialist beliefs.
- Gitlow was charged with violating "Anti Anarchist" laws because he had spread magazines and newspapers which talked badly of the United States government and expressed his anti-government views.
- The government was afraid that Gitlow's words would spark an uprising against the government.
- Following this initial conviction, Benjamin Gitlow appealed, claiming his constitutional rights were violated by the state of New York.
- He stated that his charges were in direct violation of his 1st and 14th amendment rights

# Student Speech that is lewd or indecent?

- Fraser made a nominating speech for a friend for student vice president.
- Included many many many double sexual entendres
- Fraser was suspended
- SUPREME COURT:



# *Morse v. Frederick (2007)*



How far do student rights go?

# B.) FREE PRESS (EXPRESSION PART 2)

## 1.) APPLICATION:

### 2.) LIMITATIONS:

#### a.) pornography- *Roth /Miller* Test

- 1.) cont. community standards
- 2.) appeals to the prurient interest in sex
- 3.) portrays offensive sexual conduct
- 4.) the work lacks redeeming literary, scientific, political or artistic merit



#### b.) obscenity

#### c.) libel

#### d.)

#### e.)

### 3.) NO PRIOR RESTRAINT!

#### a.) stopping speech before

### 4.) CONSIDERATIONS:

#### a.)

#### b.)

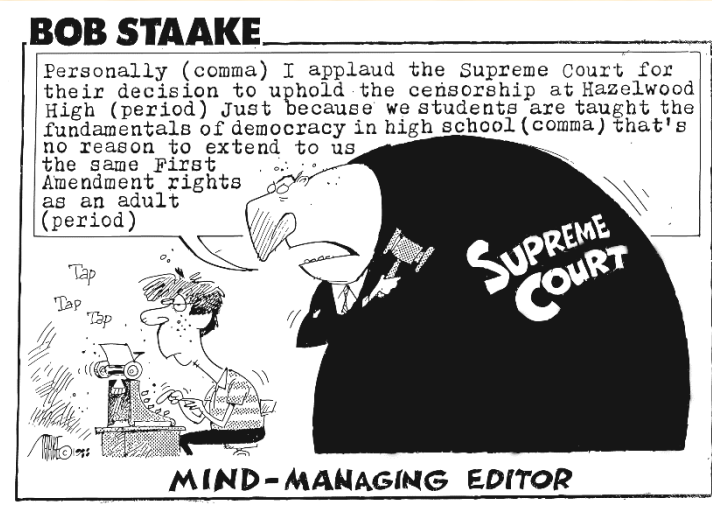


# School Press?

## Hazelwood v. Kuhlmeier

### (1988)

Can the school censor a school newspaper?



ENTERTAINMENT 110 Racial diversity takes on screen.

FEATURES 120 To star or not to star? A look into dance culture.

SPORTS 125 Boys' tennis continues to lead their league.

THE saratogafalcon

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### In the mood for Droid

LOOKING BEHIND-THE-SCENES OF THE SPRING MUSICAL

Senior Emily Leuchter, a member of the tech crew, does her work of stage and finally receives the applause reserved for actors in shows.

And that's the way of the film. It "I passed such because I spent so many more hours behind-the-scenes work, and I had already been accepted in the drama department all four years," Leuchter said.

Being part of both is extremely time-consuming. As a student technician, she does not have one set aside rather, she has to invest time and work by applying and being behind-the-scenes work

>> TECH on pg. 7

### ASB targeted through anonymous hate posts on YikYak

post and view "like" within a limited radius of their location. Although some posts relate to trouble the ASB has had with some committees, others are completely unrelated except for a "Thank-ASB" at the end.

Much of the hate spread on YikYak may come from committees who were angry at ASB for various reasons. For the Senior Honors Dance on March 26, there was a miscommunication between ASB and Dance Commission. Originally, Dance Commission thought the Spring Film Commission was organizing the dance, but ASB thought Dance Commission was planning it.

Because of the miscommunication, Dance Commission only had two weeks to plan the dance. However, the head committee member, senior Jennifer Kim, said that right now, the two groups are on good terms.

>> ASB on pg. 6

ADMISSIONS

### Getting rescinded from college rare but possible

student has already attended to the school, the college can still rescind admission if it doesn't believe the student has kept up with coursework.

According to guidance counselor Eliott Allen, the "worst case scenario" is to fail to earn a qualifying grade in a required course for admission such as English. A complete drop in a student's GPA would be the next level of concern.

Most universities require

SHERIFF'S DEPARTMENT

### More tickets handed out to students near campus

the people crossing the road, so it was mostly safe," Kevin said.

The first bell had been rung and traffic was already moving out of the intersection of Bond Lane and South Saratoga Road on a school day last November.

Kevin, Dunbar, and the both were standing on the sidewalk as Dunbar walked eastward outside of their parking lot, sleeping onto the crosswalk.

According to Chief Carter, the school's traffic patrol on the intersection contains both students, staff, parents and the community in general.

The moon was up and around campus near the parking lot was a sheriff's deputy who was handing out tickets.

Students behind the line of school buses near the parking lot were in the back drive responsibly, we will have no other consequences.

what's inside

R.I.P. CLUBS  
Dwindling membership

CLUBS struggle with maintaining active members throughout the second semester. pg. 8

ANGRY RENTS  
100 words to rant

Falcon staffers let off steam over repetitive pet peeves. pg. 18

ROLE MODELS  
Future aspirations

Students talk about the people they most look up to. pg. 23&24

TAKE A HIKE  
Outdoor exploring

Reporters review Bay Area hiking trails.

# New Cases:

## *Snyder v. Phelps* (2011)

- How far can unpopular speech go?
- Can a father sue for emotional distress after a group protests at his son's funeral that he deserved to die?



*"Speech is powerful. It can stir people to action, move them to tears of both joy and sorrow, and - as it did here - inflict great pain. On the facts before us, we cannot react to that pain by punishing the speaker. As a Nation we have chosen a different course - to protect even hurtful speech on public issues to ensure that we do not stifle public debate. That choice requires that we shield Westboro from tort liability for its picketing in this case."* – John Roberts Supreme Court Chief Justice





# C.) FREEDOM OF RELIGION

## 1.) APPLICATION:

Establishment Clause

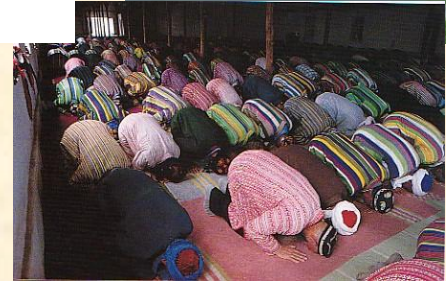
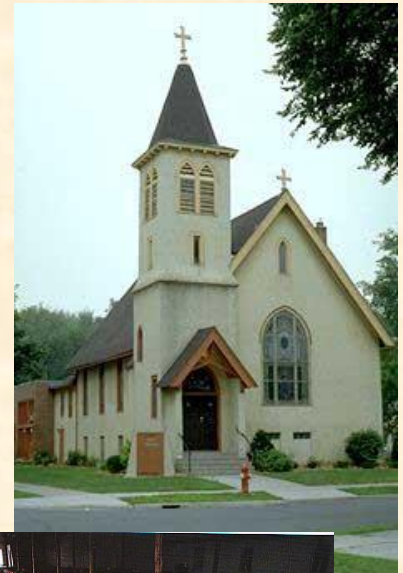
Free Exercise Clause

## 2.) LIMITATIONS:

- a.) Must Follow Valid Laws
- b.) Can't make legal what is illegal

## 3.) CONSIDERATIONS:

- a.) School Prayer/Football/ Intercom *Engel v. Vitale*
- b.) Pledge
- c.) Evolution
- d.) Ten Commandments
- e.) *Lemon Test*



1. Aid must not be religious
2. Primary effect doesn't inhibit or promote religion
3. Avoid excessive entanglement between church and state

# Free Exercise Clause Videos:



Faith Healing

*Commonwealth v.  
Twitchell (1993)*



Santeria Ritual Animal  
Sacrifice

*Church of Lukumi Babalu Aye  
v. City of Hialeah (1993)*

## New Cases:

“Sunrise Rock” Case *Salazar v. Buono* (2010)

Q: Does the monument honor only those servicemen of a particular religion? Is this an establishment clause violation?



Supreme Court- NO (5-4)

Justice Anthony Kennedy wrote, "The goal of avoiding governmental endorsement [of religion] does not require eradication of all religious symbols in the public realm"

# D.) FREEDOM OF ASSEMBLY

1.) APPLICATION:

2.) LIMITATIONS:

a.) Time

b.) Place

c.) Manner

**\*\*CONTENT NEUTRAL!!!\*\***

3.) CONSIDERATIONS:

a.)

b.) Curfews



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