

Freedom of Expression

2 Classifications of Protected Expression

PURE SPEECH	SYMBOLIC SPEECH
<p>Explanation and Examples</p> <p>Speaking your opinion on issues of the day. This can also include criticism of the govt. and govt. officials.</p>	<p>Explanation and Examples</p> <p>Speech through physical action.</p> <p>EX. Flag burning</p>
<p>Prior Restraint Concept</p> <p>When the govt. does not allow someone to say something or the media to print/broadcast something ahead of time.</p>	<p>Reasonable Time, Place, and Manner Restrictions</p> <p>Limits on when, where and what type of symbolic speech is acceptable.</p> <p>Ex. Can't destroy private property, can't hold up traffic, etc</p>
<p>Exceptions to Prior Restraint</p> <p>Newspapers/broadcast media are prevented from using the names of minors who are involved in criminal activity.</p>	<p>Exceptions to TPM and Symbolic Speech</p> <ol style="list-style-type: none">1. Content neutral2. narrowly drawn3. Serve significant govt interest4. Leave open alternative channels of communication

This speech is restricted and disallowed because of the content (what it says). The categories of unprotected speech are:

CLEAR AND PRESENT DANGER & FIGHTING WORDS	OBSCENITY	DEFAMATION	COMMERCIAL SPEECH
<p>Explanation and Examples</p> <p>Saying or printing something that would cause a normal person to do harm to another.</p>	<p>Explanation and Examples</p> <p>-What the avg person finds offensive. -Standards are local.</p>	<p>Explanation and Examples</p> <p>Saying or printing something that is not true about someone to hurt their reputation.</p>	<p>Explanation and Examples</p> <p>Speech used to sell something.</p>
<p>Vagueness in Statutes</p> <p>Govt officials have differing ideas on what fighting words are.</p>	<p>Miller Test</p> <ol style="list-style-type: none"> 1. Focus on Sex 2. Shows sex/bodily functions 3. Is not serious in literary, artistic, political sense 	<p>NY Times Test</p> <p>Media is not protected if it is shown they intended to hurt the person they printed false info about.</p>	<p>3-Step-Inquiry</p> <ol style="list-style-type: none"> 1. Is it truthful 2. Does govt. have a real need to regulate 3. Can govt. find another way to regulate w/o limiting speech