

Street Law: A Course in Practical Law

Name of organization:
Street Law, Inc.

CASES & RESOURCES Unit 6 Rights in the Community

Chapter 37 Freedom of Speech

Welcome to the **Street Law Cases and Resources** pages. Using the buttons above, you can navigate between the chapters of this unit, as well as chapters of other units. All links within these pages are just a mouse click away from tons of useful information. By hitting a link, a new window will open, allowing this page to remain behind and open for your return once you have finished. Every new link you hit will replace the existing link in the new window, so you might want to keep track of your links by creating bookmarks for them in your browser. Go ahead! Give it a try!

CHAPTER 37 Freedom of Speech

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The Importance Of Freedom Of Speech

The [importance of the freedom of speech](#) is not always obvious, especially when people are speaking about ideas, especially those some might disagree with. Has the [war on terror](#) in the U.S. impacted the freedom of expression?

Read an [explanation](#) of free speech. What are the various categories of free speech? Why are there different standards for different types of speech? Which types of speech deserve the most protection?

Read the case of *Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston* (the basis of the feature on page 430) in [short form](#) or [full text](#) and listen to the [oral arguments](#). How does this case exemplify the importance of freedom of speech?

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Obscenity

The government may regulate expression that is [obscene](#). Visit the [National Obscenity Law Center](#) and read an article about a current obscenity issue in the Obscenity Law Bulletin. What issue did you read about? What is the debate about? Explain both sides.

Read the case of *Miller v. California* (text page 432) in [short form](#) or [full text](#) and listen to the [oral arguments](#). Why is obscenity not protected by the First Amendment?

Read the case of *Reno v. ACLU* (text page 433) in [short form](#) or [full text](#) and listen to the [oral arguments](#). How does the Internet complicate First Amendment issues? Learn more about the struggle with restricting pornography on the [internet](#) and the freedom of expression.

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Defamation

Brush up on your understanding of [defamation](#). How do we balance First Amendment concerns with libel and slander?

Browse through the [Anti-Defamation League's](#) website. What types of defamation do they monitor? How are defamation and free speech playing out [online](#)?

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Commercial Speech

Learn more about governmental regulation of [commercial speech](#). Find out the latest in commercial speech law by reading the [Commercial Speech Digest](#). Pick an article and explain the issues it discusses. How do you think the conflict should be resolved?

Read the case of *New York Times v. Sullivan* (text page 435) in [short form](#) or [full text](#) and listen to the [oral arguments](#). Should public officials be treated differently from other people?

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Fighting Words, Offensive Speakers, and Hostile Audiences

What exactly are [fighting words](#)? Read a discussion of how fighting words became a [restriction on free speech](#).

Read the case of *Terminiello v. Chicago* (featured on text page 436) in [short form](#) or [full text](#). How much protection do you think offensive speakers should get? Why?

Scroll through an explanation of [clear and present danger and the balancing tests](#). How did these tests emerge through [Supreme Court decisions](#)?

Read the case of *Dennis v. United States* (text page 437) in [short form](#) or [full text](#). How does the political climate affect judicial decisions?

Read about the Supreme Court's decision that formed the [incitement test](#). How do you feel these tests relate to [national security](#), especially when it is not a time of peace?

Learn more about [hate speech](#). Do you think hate speech should be allowed? Read why some [oppose hate speech laws](#). Should [crimes motivated by hate](#) be deemed worse than a crime not based on hate? Could a law against hate speech have helped them?

Read the case referenced on page 439--[Wisconsin v. Mitchell](#). How does a biased motivation change the nature of a criminal act?

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Time, Place, and Manner Restrictions

Learn more about [time, place and manner restrictions](#) on the First Amendment. Read a [case of an adult store](#) that lost its right to stay open 24 hours a day because of these restrictions.

What is a [public forum](#)? How is a public forum treated differently than a private forum?

Read a [Legal History of Free Speech](#). It includes a discussion of *Collin v. Smith*, the case on which PROBLEM 37.9 is based (text page 442). What is the relationship between time, place, and manner restrictions and hate speech? Identify the competing interests in the *Collin* case. Which interests do you think are more important?

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Symbolic Speech

How can you define [symbolic speech](#)? Read some landmark [Supreme Court decisions](#) about symbolic speech.

Read the case on which the "Parade Permit Fees" feature on page 443 is based--[Forsyth County v. Nationalist Movement](#). What is a fair way for a county to give out parade permits? What restrictions should a county be able to place on the use of parade permits?

Read the case on which "The Flag Burning" feature on page 444 is based--*Texas v. Johnson* in [short form](#) or [full text](#) and listen to the [oral arguments](#). How is flag burning similar to or different from hate speech? Read more about *Texas v. Johnson* at the [Landmark Cases](#) website. Should [flag burning](#) be a crime? If so, when?

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Vagueness and Overinclusive Laws

What is a vague law? Read the story of a First Amendment law [examined for vagueness](#). What do you think of this person's position on [spam laws](#)?

Read the case on which "The Cross-Burning Law" feature on page 446 is based--*R.A.V. v. City of St. Paul, Minnesota* in [short form](#) or [full text](#) and listen to the [oral arguments](#). How would you have worded the cross-burning law? Do you think the statute at issue is vague or overinclusive? Why?

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