

Chapter 13: Freedom of Speech, Assembly, and Association

Introduction

- Commitment to speech and press.
- Shield against government actions.
- Categories of Supreme Court's cases.

Regulations of the Content of Speech: Punishing Harmful Ideas

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- Essay of John Stuart Mill.
- Tension in cases involving freedom of speech.

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Incitement and the Clear and Present Danger Test

- Restriction of personal liberties.
- The Sedition Act of 1798.

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Incitement and the Clear and Present Danger Test

- Periods of national emergency.
- Changes after European war.

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Incitement and the Clear and Present Danger Test

- Patriotic passions unleashed.
- Infringements on civil liberties.

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Incitement and the Clear and Present Danger Test

- Case of *Schenck v. United States*.
- Clear and present danger test.

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Incitement and the Clear and Present Danger Test

- *Abrams v. United States*.
- Changes brought about by *Gitlow* and *Whitney* cases.
- *Gitlow* case.

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Incitement and the Clear and Present Danger Test

- *Whitney* case.
- Written footnote in *United States v. Carolene Products Co.*
- Case of *Thomas v. Collins*.

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Incitement and the Clear and Present Danger Test

- Threat of communism.
- Frankfurter's approach.

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Incitement and the Clear and Present Danger Test

- Case of *Dennis v. United States*.
- Dissipation of high emotions.

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Incitement and the Clear and Present Danger Test

- Devalued cold war rulings.
- Case of *Brandenburg v. Ohio*.

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Disruptive Speech

- Essential duties of government.
- Action of government during disruptions.

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Disruptive Speech

- Case of *Terminiello v. Chicago*.
- Case of *Feiner v. New York*.

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Disruptive Speech

- Case of *Forsyth County, Georgia v. Nationalist Movement*.
- Provocative speech.

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Disruptive Speech

- Convictions on use of fighting words.
- Case of *R.A. V. v. City of St. Paul*.

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Offensive Speech

- Norms for appropriate behavior.
- Case of *Cohen v. California*.

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Offensive Speech

- Case of *Snyder v. Phelps*.
- Case of *Walker v. Texas Division, Sons of Confederate Veteran, Inc.*

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Offensive Speech

- Case of *Matal v. Tam*.
- Case of *Iancu v. Brunetti*.

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Offensive Speech

- To discriminate on the basis of content.
- Two opposed sets of ideas.

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Compelled Speech

- Freedom not to speak.
- Case of *West Virginia Board of Education v. Barnette*.

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Compelled Speech

- Case of *Wooley v. Maynard*.
- Case of *Board of Regents of the University of Wisconsin System v. Southworth*.

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Compelled Speech

- Case of *Rumsfeld v. Forum for Academic and Institutional Rights*.
- Case of *Janus v. American Federation of State, County, and Municipal Employees*.
- Case of *National Institute of Family and Life Advocates v. Becerra*.

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Expressive Association

- To pursue a common objective.
- Right to join with like-minded individuals.

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Expressive Association

- Constitutional guarantees to organizations.
- Membership restrictions.

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Expressive Association

- Case of *Roberts v. United States Jaycees*.
- Case of *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston*.

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Expressive Association

- Case of *Boy Scouts of America v. Dale*.
- Court's decisions on the rights of groups.

Regulations of the Context of Speech: Time, Place, and Manner Restrictions (1 of 7)

- Harms unrelated to people's opinion.
- Standards by justices.

Regulations of the Context of Speech: Time, Place, and Manner Restrictions (2 of 7)

Regulating the Time and Place of Speech

- Decisions based on popular support.
- Case of *Hague v. Committee for Industrial Organization*.

Regulations of the Context of Speech: Time, Place, and Manner Restrictions (3 of 7)

Regulating the Time and Place of Speech

- Case of *United States v. Grace*.
- Case of *Boos v. Barry*.

Regulations of the Context of Speech: Time, Place, and Manner Restrictions (4 of 7)

Regulating the Time and Place of Speech

- Debates over abortion.
- Case of *McCullen v. Coakley*.

Regulations of the Context of Speech: Time, Place, and Manner Restrictions (5 of 7)

Symbolic Speech

- Case of *Stromberg v. California*.
- Communication of political messages.

Regulations of the Context of Speech: Time, Place, and Manner Restrictions (6 of 7)

Symbolic Speech

- Case of *United States v. O'Brien*.
- Case of *Tinker v. Des Moines*.

Regulations of the Context of Speech: Time, Place, and Manner Restrictions (7 of 7)

Symbolic Speech

- The symbolic act of flag desecration.
- Case of *Texas v. Johnson*.