

- Things covered by the first amendment :
 - freedom of religion and the exercise of religion , freedom of speech, freedom of the press, right of people to peacefully assemble
 - to petition to the govt for a redress of grievances
- libertarian theory of the press
 - all ideas, even false ones deserve to circulate on a free society people
 - : should be able to publishers anything whether it's true or not : truth will come out eventually
 - no restrictions on mass media
- libertarian theory model : supports highest degrees of press freedoms, no restrictions placed on the mass media: look at book
 - no censorship, should be able to publish anything, bring us to indecency and obscenity
 - means government cannot restrict speech except under very limited circumstances(prior restraint)
 - give publishers the freedom to do what they want, (including suppress speech they don't like)
 - democracy best served by an active free press that can challenge any powerful interest and bring matters to the public's attention w/ o govt interference
 - suggests that even awful stuff be available to the public
 - crush videos pple aroused by watching small animals be crushed by women in high heels
 - videos protected first amendment speech
 - suggests that the way to combat speech you don't like is with more speech
 - how fox news justified video of jordanian pilot being burned alive: needed to see really how awful our enemies near you have to see: libertarian theory of the press argument
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 - westboro kansas church: famous for protesting at the funeral at fallen us soldiers: died bc god punishing america: showing respect for gay people
 - content neutral: time , place and ,manner restrictions :regulate certain

What the first amendment covers

- govt preventing expressions of speech
- gov't punishing speech
- by any representative of the govt
- except under very limited circumstances when govt has compelling case

Political Speech

Matters of public interest

Speech about political officials (public figures)

Interpersonal communication (no threats though)

Limitations on free speech : what first amendment doesn't cover (unprotected forms of expression)

- censorship: Prior restraint by government
- prior restraint:
 - * exam question
 - censorship by govt if they try to ban what you write, throw you in jail to prevent you from writing something
- 1) **prior restraint** : govt stops info for before it's published for greater good of the citizens
- **1971 pentagon paper chase: Daniel Eisenberg**: during Vietnam war: former defense employee , turned against america's military policy and leaked information of the press during vietnam - leaked classified govt inform on
- progressive Magazine case : prior restraint imposed in national security
 - anything calling military into question : aiding the enemy - putting military in harm's way
 - article contained sensitive data : H bomb, secret talked about nuclear weapons
 - govt sue progressive magazine : Robert Warren : spread dangerous information and undermined national security

2) the sedition act: pple who criticize the govt : unprotected by the first amendment

sedition expression: sedition act of 1798, congress passed no laws prohibiting dissenting opinion

- espionage acts of 1917 and 1918 : federal crime to disrupt the nations war effort : severe punishment for seditious acts
- during ww1 and ww2 made it a crime to disrupt the nations war effort : severe punishment for seditious acts
 - Schenck vs. United States(1919) : appeal case during ww1: supreme court convicted socialist party leader Charles T. Schenck - distributed leaflets urging people to protest the draft - violation of the espionage act
 - punishment for seditious acts
 - **espionage acts of ex.** vietnam- 1971 pentagon paper chase: Daniel Eisenberg, former defense employee , turned against america's military policy and leaked

3) copyright infringement: taking writers music or content w/o consent or payment

- 1967: Andy Warhol : accused the velvet underground for violating their claim to print , announced plans to print painting on iphone cases: accused them of copyright violation
- **copyright: legally protects rights of authors, producers publishing their own works**
- **public domain: given public free access to the work**
- obscenity and miller vs. California : things explicitly sexual in content
 - hardcore porn, not covered in first amendment , obscene things should not be on tv
 - varying degrees of obscenity: adults not see it as being obscene
 - **try to use community standards : average person would find it offensive . lacks scientific or social value**

- withholding info from the country for the greater good : progressive article : first in american history: article that was controversial , felt that citizens harmed by it
- in order it for it to be obscene , must meet this criteria
 - average person thinks its sexually explicit
 - has sexual ,explicit offense conduct
 - material as a whole lacks artistic value
 - diff Community standards and regions of countries have different values and standards to judge obscenity
 - whole work lacks value: required a work to be judge as a whole, publishers couldn't use loophole of inserting inappropriate things
 - Problem? How do you define “community standards” in the age of the internet?
 - “variable obscenity” – content permissible for adults, but not for minors
- *indecentcy*: profanity, gines, govt punishes broadcasters after the fact
 - gov't has the right to control but not to ban
 - , live show, super bowl, catch people before they say it super bowl : on public television
- “Safe harbor” - times when indecent programming is not supposed to air
 - When? When children might reasonably be expected to come across content
 - section 315: during elections broadcast stations must provide equal opportunities and response to for qualified candidates .
 - fairness doctrine - part of section 315: fcc required stations to air and talk about controversial issues that affect communities
 - provide competing points , alternative view

Public vs. Private :

- private pple: have ordinary jobs, in order to win libel case have to prove that :
 - the public statement was false
 - the damages or actual injury occurred
 - that the publisher or broadcaster was negligent in failing to determine the truthfulness of the statement
- public figures: celebrities,people that have positions of persuasive power and influence
- voluntarily thrown themselves into the controversy
 - in order to win libel case: have to prove falsehood, damages, negligence, and actual malice
 - actual malice hard to prove for a public figure: difficult for them to win libel cases
 - harder to prove libel

political laws associated w/ political figures, limitations and diff cases related to that:

- red lion vs. the FCC: political figure radio station, given air time
 - *red lion case(1969):red lion broadcasting co v. FCC*
 - *legal differences b/t broadcast and print*
 - *small town radio station in Red lion, pennsylvania, refused to give air time to fred cook, author of Barry goldwater - republican party's presidential candidate .verbally attacked him on air , fcc granted him time on radio*
 - *station refused : claimed that its first amendments rights granted them*