

3.3 First Amendment: Freedom of Speech

Explain the extent to which the Supreme Court's interpretation of the First and Second Amendments reflect a commitment to individual liberty.

1. Which of the following civil liberties have been granted a preferred position by the U.S. Supreme Court?

- a. Freedom of speech
- b. Freedom of press
- c. Freedom of religion
- d. Freedom of assembly

2. Which of the following protections would NOT be found in the First Amendment?

- a. Freedom of Speech
- b. Free of the Press
- c. Freedom of Assembly
- d. Freedom from Unreasonable Searches

3. Provisions of the U.S. Constitution's Bill of Rights are continually being interpreted to balance the power of

- a. The civil liberties of individuals and the civil liberties of corporations
- b. Government and the civil liberties of individuals
- c. The U.S. government and the power of foreign governments
- d. Government and the civil rights of government employees

4. As much as we value free speech, courts have recognized limits. Which of the following would not be constitutionally protected free speech?

- a. Publishing obscene materials
- b. Wearing arm bands in school to protest a war
- c. Shouting criticisms of the president in public
- d. Joining the Communist Party

5. Justice Holmes famously wrote in this court opinion, "...Free speech would not protect a man in falsely shouting fire in a theater." The ruling precedent of this case established the clear and present danger standard.

- a. Employment Division vs. Smith (1990)
- b. Schenck vs. U.S. (1919)
- c. Brandenburg vs. Ohio (1969)
- d. Tinker vs. Des Moines

6. The defining limit on free speech today, according to this court case, is imminent lawlessness.

- a. Employment Division vs. Smith (1990)
- b. Schenck vs. U.S. (1919)
- c. Brandenburg vs. Ohio (1969)
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7. The Supreme Court has allowed for “public safety” exceptions to our free speech. This means
- Freedom of speech is not absolute
 - Freedom of speech is nothing but a cliché
 - Freedom of speech is no longer important
 - Freedom of speech trumps all other laws
8. Do students lose their rights when they walk through the schoolhouse gate? In this case the court said no.
- Employment Division vs. Smith (1990)
 - Schenck vs. U.S. (1919)
 - Brandenburg vs. Ohio (1969)
 - Tinker vs. Des Moines
9. Freedom of speech has been extended to children inside the schoolhouse gate. Yet there are limits. In the case Morse vs. Frederick (2007) the Supreme Court did not protect a student’s right to
- Assemble to raise awareness about the environment
 - Advocate drug use
 - Protest war
 - Speak out against school inequalities
10. Free speech, according to the courts, also protects symbolic speech. An example of symbolic speech would be
- Wearing arm bands to protest a war
 - Speaking out against unfair hiring policies
 - Signing a petition to make voting easier
 - Posting quotes in a chat room
11. Ultimately the U.S. Supreme Court is empowered to interpret what our laws and privileges mean. A number of landmark court cases have defined the meaning of our rights. Which of the following landmark court cases extended our fundamental liberties by equating free speech with symbolic speech?
- New York Times v. U.S. (1971)
 - Tinker v. Des Moines (1969)
 - Schenck v. U.S. (1919)
 - Everson v. Board of Education (1947)