

RIGHTS BRING RESPONSIBILITIES

You don't have the right to be a jerk!

The freedoms of the First Amendment are not absolute. There are limits to American freedoms and it is up to the courts to decide what is fair and best for society. The courts have identified these nine categories of speech that are not protected by the First Amendment:

1. OBSCENITY

— The Supreme Court has ruled that the First Amendment doesn't give someone permission to write, speak or act in a way that would offend most reasonable people.

2. DEFAMATION

— The First Amendment does not protect someone who "defames" a person by unfairly attacking the individual's good name. A person is guilty of defamation if it can be proved that something untrue was communicated, the accusing person was named, the statement harmed the person's reputation and the person charged was at fault for publishing the statement.

3. EXPRESSION INTENDED AND LIKELY TO INCITE IMMINENT LAWLESS ACTION

— The Supreme Court says that people may talk about resorting to violence, but if their words are directly

linked to lawless action about to happen, or if the words help cause action, the speaker loses First Amendment protection.

4. FIGHTING WORDS

— When a person uses words so offensive that they disrupt the peace, the person is not protected by the First Amendment.

5. UNWARRANTED INVASION OF PRIVACY

— The First Amendment does not protect public sharing of private or embarrassing facts that the public isn't legitimately concerned about, information that portrays a person as something that he or she is not, information that was obtained in a way that invaded a person's privacy, or use of a person's name, likeness or voice to promote a product without their permission.

6. DECEPTIVE OR MISLEADING ADVERTISEMENTS OR THOSE FOR ILLEGAL PRODUCTS OR SERVICES

— Advertising that misleads a buyer by misrepresenting or omitting important information is not protected by the First Amendment. Advertising for illegal products or services is also subject to government penalties.

7. CLEAR AND IMMEDIATE THREATS TO NATIONAL SECURITY

— Every nation has the right to suppress speech that would pose a grave threat to national security. This is especially

true during times of war. People who disclose vital secrets or say things that can help the enemy can be punished. The government can censor information that would help the enemy.

However, the courts have said that circumstances should be extreme if First Amendment rights are to be curtailed.

8. COPYRIGHT VIOLATIONS

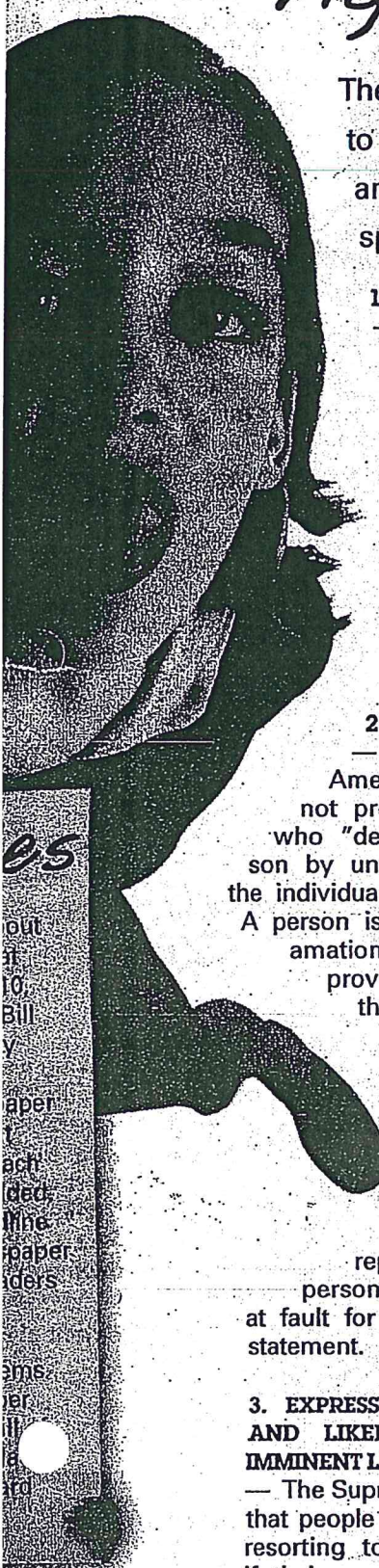
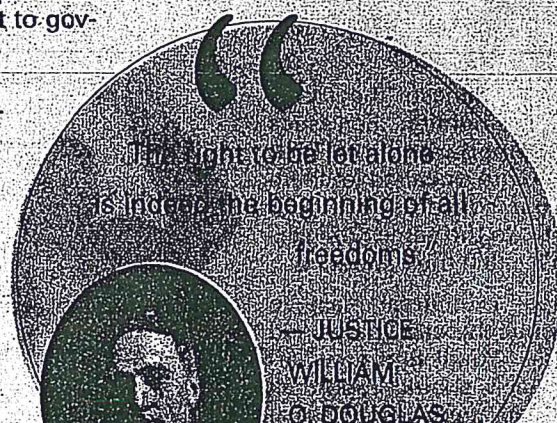
— People who work with words and other means of expression have the right to have their work protected for their exclusive use. Others may not copy their material for unauthorized use except in such manner as the law allows.

9. EXPRESSION ON SCHOOL GROUNDS THAT CAUSES A MATERIAL AND SUBSTANTIAL DISRUPTION OF SCHOOL ACTIVITIES

— School officials may suppress student speech in school if they can provide compelling evidence that the speech would result in imminent or immediate physical disruption or the commission of unlawful acts.

The right to be let alone is indeed the beginning of all freedoms.

— JUSTICE
WILLIAM
O. DOUGLAS



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