

First Amendment Review - Terms and Principles to Know

1. What, who and where – your 1st Amendment freedoms depend on these three things
2. Case law
3. Material Support for a terrorist organization
4. Clear and present danger – Schenk and his pamphlets
5. Hate Speech - Imminent lawless action
6. Strict scrutiny - Compelling interest
7. True threat - intent to commit unlawful violence against individual or group
8. Fighting words - said face-to-face, directed to an individual, not robbed of their sting with disarming smile or friendly gesture
9. Obscenity - Miller Test- contemporary standards, average person, prurient interest, patently offensive, serious merit
10. Symbolic speech - O'Brien Test - substantial government interest
11. Defamation - Actual malice
12. Public forum doctrine
13. Time, place, and manner restrictions
14. Censorship
15. Shield laws
16. Establishment clause - separation of church and state
17. Exercise clause - Substantial burden
18. Equalization argument
19. Substantial disruption
20. Legitimate pedagogical concerns