Defamation

In the 1960, Dr. Martin Luther King, Jr. was arrested by the State of Georgia for signing fraudulent tax returns in 1956 and 1958. In response, a committee formed to support King and took out a full page ad in New York Times claiming the arrest was politically motivated and an effort to destroy King. The appeal was signed by 84 supporters and many famous people. But the ad was inaccurate. It stated that the Alabama police had arrested King seven times when they had only arrested him four times. An Alabama official claimed he had been personally damaged by these inaccuracies because they damaged his reputation. He demanded a retraction. The New York Times refused. An Alabama court found for the commissioner and ordered the newspaper to pay $500,000. The paper refused and the case went to the Supreme Court. This is New York Times v. Sullivan and was decided by the Supreme Court in 1964.

In 2007, a pro-Israel group called "Stop the Madrassa Coalition" aggressively opposed the establishment of Khalil Gibran International Academy (KGIA) in Brooklyn, New York. The Academy is a bilingual pubic high school that teaches English and Arabic, but the group alleged that it would become a religious school that would train terrorists. The group began to attack the interim principal, Debbie Almontaser, an Arab-American, as a "terrorist sympathizer" even though she had a record as an advocate of peace and interfaith understanding. The *New York Post* interviewed her and edited her quotes to make it seem as though she endorsed violence. Under pressure from political groups who read the article, the school district and the Mayor Michael Bloomberg forced her to resign, damaging her career and reputation. She was then sued by the "Stop the Madrassa" group for libel claiming the following statement made during a press conference damaged their reputation: "The coalition stalked me wherever I went and verbally assaulted me with vicious anti-Arab and anti-Muslim comments."

In 2011, a blogger named Crystal Cox was sued for $2.5 million dollars by a probate lawyer from Oregon for defamation. Cox had posted allegations that the lawyer had manipulated the estate that he was managing to enrich himself and his firm. Cox calls herself an investigative blogger who covers stories that mainstream media won't touch. Her numerous posts made her accusations the top search result whenever anyone typed in the name of the lawyer or his firm. The lawyer's business declined precipitously and he finally decided to sue to recover his losses. The lawyer had no connection to Cox at all and had never met her or any of her associates.

Obscenity

In Stanley v. Georgia (1969) the Supreme Court heard a case in which he was arrested for possessing three reels of pornographic film. The police was searching for evidence of another crime when they found the film. The State of Georgia argued that it had the right to protect the individual's mind from obscenity.

In 1973, the Supreme Court heard Paris Adult Theater v. Slaton, a case about a local law restricting the location of a pornographic movie theater. The State of Georgia again argued that the community had a right to regulate the distribution and location of pornographic material.

In Miller v. California (1973) the state arrested a mail order distributor of obscene material.

Symbolic Speech

In 1966, David O'Brien burned his draft card on the steps of a Boston Courthouse. He was detained by an FBI agent. He admitted he burned his card and argued that the Selective Service Act that made burning the draft card illegal was unconstitutional. He said that burning the draft card was a form of political speech and protected by the First Amendment. The case went all the way to the Supreme Court. This became US v. O'Brien (1968). The case drew a great deal of media attention, which seemed to support his argument that burning the draft card was a form of speech.

Tinker v. Des Moines (1969) was the leading Supreme Court case on symbolic speech. Students in Iowa wore black armbands to the school to protest the Vietnam War, but it violated a school district policy and the students were expelled.

A graduate student at the University of Washington hung an American flag out his window and pinned a peace sign to the flag to protest the U.S. involvement in Cambodia and the shooting of students at Kent State. Spence was arrested under a state law against the improper use of the flag. In Spence v. Washington (1974) the court considered whether the state statute was unconstitutional.

The Clark v. Community for Creative Nonviolence (1984) considered whether protesters sleeping in Lafayette Park and the National Mall in Washington, D.C. had their free speech rights violated after being arrested by the National Park Service. The protesters claimed that their tent city was itself a form of speech, a statement of protest against the government.

Texas v. Johnson (1989) began during 1984 when a protester named Johnson outside of the Republican National Convention lit a flag on fire. Johnson was arrested under a Texas law. Texas argued that the state law wasn't about suppressing expression, but was about preventing civil unrest and preventing offense to people interested in unity.

Speech that is offensive and hateful

Chaplinsky v. New Hampshire (1942) – In 1941, Walter Chaplinsky, a Jehovah's Witness offended people in a small town in Rochester in NH by calling organized religion a "racket." Fearing an agitated crowd, a police officer escorted him to a police station. There he accused a town official of being a fascist. He was charged and prosecuted under a New Hampshire statute for addressing annoying and offensive words to another person. The case went all the way to the Supreme Court

In 2006, the Westboro Baptist Church picketed the funeral of the funeral of Corporal Snyder who was killed in Afghanistan They denounced on their website that the parents had raised him Catholic. "They wanted to hurt my family. My son should have been buried with dignity," the father said. The father sued the Church and the case went to the Supreme Court in 2011.

R.A.V. v. St. Paul (1992) is the most important hate speech case. In the pre-dawn hours of 1990, students constructed a wooden cross and burned it in the yard of an African-American family. They were prosecuted under a statute that equated the action with the disorderly conduct.

True Threat

Robert Watts, a young African-American man, allegedly stated during a protest in Washington D.C.: “They always holler at us to get an education. And now I have already received my draft classification as 1-A and I have got to report for my physical this Monday morning. I am not going. If they ever make me carry a rifle the first man I want to get in my sights is L.B.J. They are not going to make me kill my black brothers.”

Prosecutors charged Watts with violating a federal law that prohibits threats against the president. Watts countered that his statement was a form of crude political opposition. A federal jury convicted Watts of a felony for violating the law and a federal appeals court affirmed his conviction. The case then went to the Supreme Court in 1969.

In NAACP. v. Claiborne Hardware (1982), the Court evaluated whether Charles Evers and the NAACP could be found civilly liable for speech advocating the boycott of certain white-owned businesses. Evers, field secretary for the NAACP in Mississippi, had given impassioned speeches encouraging fellow African-Americans to participate in the boycott. He made some highly charged statements, such as “If we catch any of you going in any of them racist stores, we’re gonna break your damn neck.”

The high court more directly addressed true threats in a pair of Virginia cross-burning cases collectively known as Virginia v. Black (2003). One case involved a Ku Klux Klan leader named Barry Elton Black, who burned a cross in a field with the permission of the property owner. The other case involved two individuals who burned crosses in the yard of a neighboring African-American family. In separate cases that became consolidated, the Supreme Court examined the constitutionality of a Virginia state law that prohibited “any person or group of persons, with the intent of intimidating any person or group of persons, to burn, or cause to be burned, a cross on the property of another, a highway or other public place.” Another provision of the law created a presumption that all cross-burnings were done with intent to intimidate.