

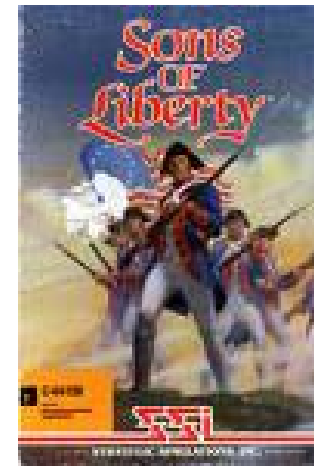
Freedom of Assembly, Press, and Petition



System is an product of profits and...
The main protest...
The main protest...
The main protest...

Right to Assemble

- We all come together voluntarily in civic groups, religious institutions, sports leagues, service societies, school clubs, etc.
- **Congress can make no law**
“abridging the right of the people peaceably to assemble”
- Think how the colonists protested and why this was important?



Assemble

- To gather w/ one another to express their views on public matters
 - Protects right to organize to influence public policy, political parties, interest groups, or other organization
- Petitions, letters, lobbying, parades, marches, or other demonstrations



- If people must converse together they have to be able to assemble for that purpose!



City Curfews

- State w/in its rights to restrict rights of minors

- Do NOT have to right to incite others to violence, to block a public street, close a school, endanger a life, property, or public order



- Civil Disobedience = deliberately, expressing their opposition to some particular law or policy

Government can regulate assemblies on the basis of time, place, and manner

It cannot regulate assemblies on the basis of what might be said there

Known as **Content Neutral**

What about white supremacist seeking protest to M.L. King Holiday parade?

City/Town ordinance: a very fine line b/w crowd control and thought control



- Assemblies are same as Demonstrations
- Peaceful, harmless, sometimes Not
- Government approved a state law that requires a license to hold a parade or other procession on a public street
- What about a peaceful procession, but disorderly bystanders?



- Unpopular speech must be protected



Anti-abortion protests

- 1994 Madsen v. Women's Health Services
- Protesters can not block access to an abortion clinic, 36 ft buffer zone
- “Sidewalk counseling” Hill v. Colorado 2000
- Limits counseling, “buffer zone” prevent “unwanted approach”
 - Where, when and manner

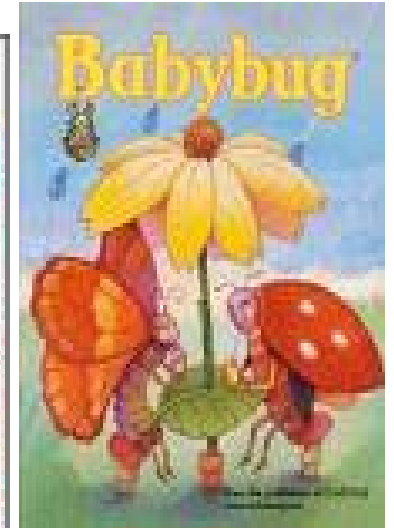


Private Property

- Can not trespass on p.p even if you wish to express political views
- Can not hand out political leaflets or ask people to sign petition on p.p. such as shopping centers, parks, other places of public assembly



Freedom of the Press



Hazelwood School District v. Kuhlmeier

- School newspaper-article reference to sex and birth control
- Schools can restrict school sponsored speech in forms of newspapers and school plays

- **Right to publish information free from government censorship a.k.a *Prior Restraint***
- While public officials frequently wish they could prevent newspapers, magazines and broadcast stations from publishing sensitive or embarrassing information, their ability to censor the media is extremely limited.

- Under the First Amendment, the Court said, publication of information, no matter how scandalous, can be prevented only in "exceptional cases," such as to protect the recruiting or transporting of troops in a time of war or to prevent the distribution of obscenity. (Sedition)



- **New York v. U.S. (1971)**

- In what became known as the "Pentagon Papers Case," the Nixon Administration attempted to prevent the New York Times and Washington Post from publishing materials belonging to a classified Defense Department study regarding the history of United States activities in Vietnam. The President argued that prior restraint was necessary to protect national security. This case was decided together with United States v. Washington Post Co.

- **Question**

- Did the Nixon administration's efforts to prevent the publication of what it termed "classified information" violate the First Amendment?

- **The law in his concurring opinion, prior restraint is permitted only when publication "will surely result in direct, immediate, and irreparable damage to our Nation or its people."**

- Like print journalists, broadcasters enjoy freedom from prior restraint, the right of access to court proceedings, and protections against chilling defamation and privacy lawsuits.



FCC

- Maximum fine for indecency, will force broadcasters to "take seriously their duty to keep the public airwaves free of obscene, profane and indecent material."
- For raunchy talk or a racy show of skin, the Federal Communications Commission can now fine a broadcaster up to \$325,000 per incident.
- Approval of the bill culminates a two-year effort to get tough on sexually explicit material and offensive language on radio and television since Janet Jackson's 2004 Super Bowl "wardrobe malfunction."
- *Jackson nothing compared to Howard Stern*

