

# FREEDOM OF SPEECH AND PRESS

## TEXT SUMMARY

The 1st and 14th amendments' guarantees of free speech and a free press protect a person's right to speak freely and to hear what others have to say. However, no person has the right to libel or slander another. **Libel** is the false and malicious use of printed words; **slander** is the false and malicious use of spoken words.

**Sedition** is the crime of attempting to overthrow or disrupt the government by force or violent acts. **Seditious speech**, or the urging of such conduct, is *not* protected by the First Amendment. The Supreme Court has limited both seditious speech and obscenity, but it seldom allows the use of **prior restraint**—the curbing by the government of ideas *before* they have been expressed.

The media are also subject to federal regulation. For instance, reporters do not have a constitutional right to keep their sources confidential. However, 30 States have passed **shield laws**, which give reporters some protection against having to disclose their sources or reveal other confidential information in legal proceedings in those States. The media of radio and television are subject to more regulation than newspapers because they use the publicly owned airwaves to distribute their materials.

**Symbolic speech**, or communicating ideas by conduct, has been protected by the Supreme Court. When it is peaceful, **picketing**, or the patrolling of a business site by striking workers, is one such form of protected conduct.

### THE BIG IDEA

**While the 1st and 14th amendments give Americans the right to express ideas freely, the Constitution and the Supreme Court have put some limits on free speech.**

## GRAPHIC SUMMARY: *The Rights of Freedom of Speech and the Press*

Protected by the Constitution	Not Protected by the Constitution
<ul style="list-style-type: none"> <li>• right to speak freely</li> <li>• right to hear what others have to say</li> <li>• symbolic speech</li> <li>• picketing</li> </ul>	<ul style="list-style-type: none"> <li>• libel</li> <li>• slander</li> <li>• seditious speech</li> <li>• obscenity</li> <li>• reporters' sources</li> </ul>

The Supreme Court both protects and limits the rights of freedom of speech and the press.

## REVIEW QUESTIONS

**1.** What could the government do if it were allowed to exercise prior restraint?

**2. Chart Skills** What forms of speech are not protected by the Constitution?