First Amendment Freedoms

Vocab:

* Writ of habeas corpus - court order directing any official having a person in custody to produce the prisoner in court and explain why the prisoner is being held
* Non-protected speech –Libel, obscenity, fighting words, and commercial speech, which are not entitled in all circumstances to constitutional protection.
* Preferred position doctrine- Interpretation of the First Amendment that holds that freedom of expression is so essential to the operation of a democracy that judges should give it special protection and should almost never allow governments to punish persons for what they say only for what they do.
* Ex post facto law – Retroactive criminal law that works to disadvantage of an individual; forbidden in the Constitution.
* Abstracts:
* Gitlow v.New York: First time the U.S. Constitution protected freedom of speech from state and local governments. Created the “Bad Tendency Test” doctrine that said speech could only be restricted if it had a tendency to lead to illegal action.
* Miller v.California: Decided a constitutional definition of obscenity. Established three-part obscenity test: Would an average person, applying community standards, judge the work as appealing primarily to people’s baser sexual instincts, does the work lack literary , artistic, political, or scientific interest? , and does the work depict sexual behavior in an offensive manner?
* New York v. Sullivan: Established guidelines for libel cases. If the newspaper prints an article that turns out to be false but the paper thought was true at time of publication. Says the paper has not committed libel.
* Lemon v. Kurtzman: Created the lemon test. Court ruled that aid to schools could go to public and private schools as long as it wasn’t being used for religion.
* Engel v. Vitale: prohibited state-sponsored recitation of prayer in public schools.
* Sedition Act: First national law aimed against sedition (attempting to overthrow the government by force or to interrupt its activities by violence.)
* Freedom of Information Act: Amended liberalized access to nonclassified federal government records, makes the records of federal executive sgencies avalible subject to certain exceptions such as pricate financial transactions, personal memoranda and letters used in internal decision making.
* Establishment clause: Clause in the 1st amendment that states that Congress shall make no law respecting an establishment of religion.
* Free Exercise clause: Clause in the 1st amendment that states that Congress shall make no law prohibiting the free exercise of religion.
* Non Protected speeches: