

BEING A CITIZEN

FREEDOM OF EXPRESSION QUIZ

The First Amendment to the U.S. Constitution guarantees U.S. citizens the right to freedom of expression. That does not mean, however, that a citizen can say anything, anywhere or anytime. See if you can determine which of the following types of “speech,” which sometimes includes activities that are referred to as “symbolic speech,” are protected and which are not. The answers follow, including a citation to the court case that decided or explained the issue.

1. Can a school require students to salute the U.S. flag each morning while reciting a pledge of allegiance?
 Yes No
2. May students wear black armbands to school as a form of protest?
 Yes No
3. Is the type of speech that is likely to encourage someone to go out and commit a crime protected by the Constitution?
 Yes No
4. Can you be liable for damages for making defamatory statements about a public figure if you had no intention of harming the person?
 Yes No
5. Can you be prosecuted for covering up your state’s motto on your license plate if the motto conflicts with your beliefs?
 Yes No
6. Can school boards order the removal of books from school libraries if they determine the books are anti-American or “filthy”?
 Yes No
7. Does the First Amendment protect child pornography?
 Yes No
8. Is burning the flag a protected form of symbolic speech?
 Yes No
9. Is burning your draft card a protected form of symbolic speech?
 Yes No

10. Can a city enact an ordinance that bans “hate speech,” such as burning a cross or a swastika, that might arouse anger, alarm, or resentment in others on the basis of race, color, religion, or gender?

ÿ Yes ÿ No

11. Can a city enact an ordinance forbidding residents to place protest signs on their lawns?

ÿ Yes ÿ No

12. Is it okay to yell “Fire!” in a crowded theatre?

ÿ Yes ÿ No

ANSWERS:

1. No. *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943)

2. Yes. *Tinker v. Des Moines School District*, 393 U.S. 503 (1969)

3. No. *Brandenburg v. Ohio*, 395 U.S. 444 (1969)

4. No. *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974)

5. No. *Wooley v. Maynard*, 430 U.S. 705 (1977) (motto in that case was “Live Free or Die”)

6. No. *Board of Education v. Pico*, 457 U.S. 854 (1982)

7. No. *New York v. Ferber*, 458 U.S. 747 (1982) (nor does it protect obscenity, defamation, incitement, or “fighting words”)

8. Yes. *Texas v. Johnson*, 491 U.S. 397 (1989)

9. No. *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991) (reiterating the “O’Brien Test”)

10. No. *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992)

11. No. *City of Ladue v. Gilleo*, 512 U.S. 43 (1994)

12. No. *Schenck v. United States*, 249 U.S. 47 (1919)