1st Amendment “Cheat” Sheet

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| 1st Amendment:  Congress shall make no law respecting an \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;  or abridging the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  or of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;  or the right of the people peaceably to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  and to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the Government for a redress of grievances. |

1st Amendment Exceptions, Doctrines, and Cases

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| Exception/Doctrine | Brief Summary | Related portion of 1st Am | Related Case(s) | Summary of Case(s) |
| “Wall of Separation” |  | Establishment Clause | 1. Everson v. US  2. Engel v. Vitale | 1.  2. |
| “Lemon Test” | 1.  2.  3. | Establishment Clause |  | Can’t use public money to pay for private, Catholic school teacher salaries or materials |
| “Strict Scrutiny/Compelling Interest” (Sherbert Test) | If the government wishes to restrict religious practice, they MUST demonstrate some kind of compelling interest under strict scrutiny | Free Exercise Clause | Sherbert v. Verner | Sherbert fired for not working Saturdays (7th Day Adventist) and then denied unemployment  \*Sherbert Test has been relaxed at the state level |
|  |  | Free Speech | Schenck v. US | Schenck convicted of violating espionage act by printing leaflets encouraging people to avoid the draft |
| Political Speech | Nominees for office cannot be told they cannot spend their own money when running for office. This applies to corporations as well | Free speech | 1. Buckley v. Valeo  2. Citizens United v. FEC | Buckley deals with an individual wishing to spend his own money on his campaign. Citizens expands that right to corporations acting as individuals (SuperPACs) |
| Free Speech at School | Symbolic speech that is not disruptive to the school cannot be limited, however students DO NOT enjoy the same free speech rights as citizens out of school | Free speech | 1. Tinker v. Des Moines  2. Hazelwood v. Kuhlmeier |  |
| Miller Test | 1.  2.  3. | Free Speech (Obscenity) | Miller V. California | Miller was convicted of distributing obscene material. Court used this case to create more clear guidelines for defining obscenity |
| Press Rules\*\* | See your sheet on this topic from the Media Unit |  |  |  |

**\*Freedom of Petition/Assembly have fewer challenges and are almost always interpreted in the most literal sense. Furthermore, the Court tends to consider the two freedoms as one.\***

**Other Noteworthy Free Speech Cases:**

Texas v. Johnson - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Gonzales v. UDV - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Gitlow v. New York - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Brandenburg v. Ohio - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Morse v. Frederick - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_