

- **COPYRIGHT HANDOUT**
- **JAY HUBER, "HIGH COST OF FREE SPEECH"**
- **SUICIDE COPYCATS**
- **"MEDIA MADE ME" FROM STAY FREE!**

HANDOUT DISCUSSION

What kind of speech does government have power to silence?:

- * wreckless endangerment (for example, shouting fire in movie theater)
- * Threatening to kill or otherwise seriously harm someone
- * Extortion
- * Sexual harrassment
- * War related....
- * Confidentiality agreements

PHELPS

* Should individuals be forced to hear or see a message they don't want to hear or see?

(if that message disrupts their own thinking..... gay & lesbian teens are 4 x more likely to commit suicide

- * Depriving them of right to peaceful funeral
- * Why should rights of Phelps trump the rights of people at the funeral, who are forced to hear a message against their will? (if free speech for self-actualization...)
- * Why not say to Phelps: you are free to express yourself, but not in a way that forces people to hear yr message if they choose not to.

BIN LADEN

- What rules should govern what's appropriate to put on school walls?
- implied endorsement of school
- captive audience [cs: diff. between TV & print]
- would it be okay for me to come in and write "god hates fags" on chalkboard every day? What if I wanted to start a website and do that in my free time?

COPYCAT/SUICIDE

- What were these articles about?
- How do they apply to free speech?
- Who remembers the Clockwork Orange example? What happened?
- How might Michael Powell respond or a business person respond?
- how would social critic: right wing / left wing

What is censorship?

I'm an editor and someone just turned in a lousy article....too long, rambling... is it censorship if I rewrite and cut parts of it?

The right of a newspaper to limit false advertising?

JAY HUBER ON COMMERCIAL SPEECH

What kind of speech does Constitution protect?

Traditionally: political speech. (any kind of self-expressive speech, ideas about what one believes...); speech by individuals or groups of individuals

What's the difference between commercial speech and free speech? traditionally?

Why is commercial speech regulated differently? What's the reasoning?

When did that change? Anyone remember court case that changed this equation?

*In 1886, the Supreme Court ruled that a corporation was a "person" for purposes of the Fourteenth Amendment, a holding that provided grounds to argue that business entities, as well as individuals, are entitled to First Amendment protection.

1976 - Supreme Court reversed itself -- Virginia had banned prescription-drug price advg.

*** Arguments for extending protection?**

-- how can you separate advg from political speech; Benetton ad example. too blurry and too important to let lawyers decide
--Advertising is information; get more info out there.

*** Arguments for not?**

--Dangerous to public.
--[If businesses allow to lie, how do you think that affects honest business?]
Disadvantages honest businesses; removes incentive to be honest

--Advg language is "hardy." People will advertise even if you require that they tell the truth. by contrast, if restrict someone from political speech, they're less likely to bounce back...

--speech isn't "free"? advertising costs money... If you extend free speech to advg, then only people who will ever be heard is from corporations who can afford it... only corporations can afford power of repetition...

Video game software can't advertise that it works on a mac if it doesn't. That is false advertising. Against the law. If I apply for a job and tell the boss I have a mac at home, but I don't, that's a lie—but lying isn't against the law.

DTC Drug Ads

Until 1995, against the law to advertise pharmaceuticals on TV.

* Drug companies make First Amendment argument

* Makes people ask doctors for drugs they don't need, that are even harmful

Is telemarketing free speech?