

Fredrick v. Morse (2007)

- Joseph Fredrick was a student at an Alaska high school where his school was holding a school-wide assembly for an Olympic torch rally through his town
- students were required to attend one of three things, one of which was the rally, which was off school grounds, across from the high school
- he was not officially in attendance that day
- he and his friends unfurled a banner that read “Bong Hits 4 Jesus”; he was suspended for 10 days
- school officials said this was a pro-drug message and the Supreme Court agreed
- a new limitation on student speech: administrators can censor speech which is reasonably assumed to advocate illegal drug use

Unprotected speech (things you can't print in any publication)

1. Libel = printed lie

Libel test:

p = printed
i = identifiable
h = harm
f = fault

Libel for public figures is harder to prove than libel for private figures

Public figures have to prove “actual malice”

Truth is absolute defense against a libel lawsuit

2. Obscenity

Obscenity does not = profanity or nudity

Definition of obscenity = anything which appeals purely to sexual gratification (a prurient interest in sex) and contains no literary, artistic or scientific merit

Based on community standards

Difficult to define; Supreme Court justice Potter Stewart said, “I’ll know it when I see it.”

3. Invasion of Privacy

- appropriating someone's identity for your or your publication's benefit
- placing someone in a false light
- publicly disclosing private facts about someone
- unreasonably intruding upon the seclusion or solitude of someone

4. Copyright infringement

- in order to use something someone else made, you must have their permission
- credit does not equal permission
- meant to protect the creative process
- sources to use instead of a google search include creativecommons.org and any web site ending in .gov
- fair use is an exception
- the fair use can be criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research
- is it fair use?
 1. is it for commercial or nonprofit educational purposes
 2. the nature of the copyrighted work
 3. how much of the work is used
 4. the effect of the use upon the potential market for or value of the copyrighted work.

