

Index

- Abood v. Detroit Board of Education*, 94
 abortion, 89–91
 absolutism, 1–4, 58, 191–192, 216–218
 actual malice, 122, 130–132
Adams v. Trustees of the University of North Carolina-Wilmington, 204
Adler v. Board of Education of the City of New York, 196
 Alito, Samuel, 183, 200
Amalgamated Food Employees Union v. Logan Valley Plaza, 82
 American Association of University Professors, 194
Arizona Free Enterprise Club's Freedom Club PAC v. Bennett, 172
 association, freedom of, 98–99
Austin v. Michigan Chamber of Commerce, 164–166
- balancing, 30–31
 ballot access, 91–92
Beauharnais v. Illinois, 150–151
 Berkowitz, David, 105
 Berlin, Isaiah, 158
Bethel School district v. Fraser, 178–180
Bigelow v. Virginia, 89–90
 Bipartisan Campaign Reform Act, 166–168
 Black, Hugo, 177–178
 Black Lives Matter, 43, 157
 blackmail, 142
 Blasi, Vincent, 18
Board of Trustees v. Fox, 88
 Bollinger, Lee, 16–17, 58
Boy Scouts of America v. Dale, 99
 Brandeis, Louis Dembitz, 18–20, 27, 75
Brandenburg v. Ohio, 77
 breathing space, 122–124
- Brennan, William, 99, 136, 179
 Breyer, Stephen, 185
 bribery, 142
Brown v. Entertainment Merchants Association, 154
Buckley v. Valeo, 161–163, 167
 bullying, 183
 Burger, Warren, 178
- Carpenters & Joiners Union v. Ritter's Café*, 65
Central Hudson Gas & Electric Corporation v. Public Service Commission, 87
Chaplinsky v. New Hampshire, 7, 14, 63, 128, 144
 child pornography, 109, 139, 142–143
 Children's Internet Protection Act, 140–141
 Churchill, Winston, 16, 157
Citizens United v. FEC, 160–161, 164, 170–171
Citizens United v. Federal Election Commission, 96
 clear and present danger test, 60–61
 Clinton, Hillary, 169
Cohen v. California, 14, 22–23, 78, 144
 Colby College, 49
 colleges and universities, 157, 189–192
 private, 46–50
 commercial speech, 70–71, 86–89
 Communications Decency Act, 139, 214–222
 Communism, 65–67, 77–78
 compelled association, 98–99
 compelled speech, 112–113
 conduct, expressive, 78–80
 confederate flag, 113–115, 185
Connick v. Myers, 96–97, 203
 conscience, freedom of, 24–25
Consol. Edison Co. v. Public Serv. Comm'n, 95–96
 content discrimination, 83–85, 107, 109–111
 corporations, 95–96, 164, 171–172

Darrow, Clarence, 57
 defamation, 27, 129–133, 151, 209, 213
 Delgado, Richard, 29
Demers v. Austin, 204
 demonstrations. *See* marches
 dignity, 27, 30
 distributors, 212
Doe v. University of Michigan, 46–48
 Douglas, William O., 150, 196
 due process, 71–72, 119
 hearing, 35
 narrowing construction, 36–37
 notice, 35–36
 standard, 34–35
 Dworkin, Ronald, 28–29
 Dylan, Bob, 156

Electrical Workers v. Labor Board, 93
 Emerson, Thomas, 25–28
 emotional distress, infliction of, 125–126
 equality, 3, 28–29
 Espionage Act, 13, 56–57, 59
 European Court of Human Rights, 3, 30
 exceptions, 63, 122, 133, 136
 extortion, 142

Facebook, 210–211
 falsity, 132–133
 Federal Election Campaign Act, 161, 166
Federal Election Commission v. Wisconsin Right to Life, 168–169
Feiner v. New York, 144
 fighting words, 144–145, 151–152
First National Bank of Boston v. Bellotti, 164
 flag burning, 1, 78–80
 Fortas, Abraham, 176
Fox v. Washington, 13
 Frankfurter, Felix, 196–198

Gabbard, Tulsi, 40–41
Garcetti v. Ceballos, 97, 201–204
 Gilmore, Grant, 38
 Ginsberg, Ruth Bader, 43–44
Gitlow v. New York, 55
 Goodell, Roger, 44–45
 Google, 40–42, 210–211, 222–223
 government speech, 113–116
Grayned v. City of Rockford, 119–120
Griswold v. Connecticut, 138

Hardy v. Jefferson Community College, 205
 Harlan, John Marshall II, 22, 178, 198
Harper v. Poway Unified School District, 184
 hate speech, 29–30, 32–33, 37

Hazelwood School District v. Kuhlmeier, 180
 heckler's veto, 52
Heffernan v. City of Paterson, 97–98
 Herndon, Angelo, 117
 Hill, Henry, 106
Hill v. Colorado, 91
 Holmes, Oliver Wendell, Jr., 2, 12–16, 57–58, 76, 120
Hong v. Grant, 203
Horner v. United States, 57
 Hughes, Charles Evans, 69
Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston, 99

In re Rapier, 57
 incitement, 76
 insider trading, 142
 internet platforms, 50–52

Jackson, Robert Houghwout, 16, 62, 158
 Janus v. AFSCME, 94–95
 Joyce, James, 136

Kaepernick, Colin, 43–46
 Kafka, Franz, 35
 Kalven, Harry Jr., 24
 Kammien, Michael, 55–56
Kay v. Board of Higher Education of the City of New York, 195
 Kennedy, Anthony, 84, 165, 170, 183
Keyishian v. Board of Regents of the University of the State of New York, 198–199
 Kipnis, Laura, 205

Lane v. Franks, 97
Lawrence v. Texas, 138–139
 libel, 129
 libel tourism, 223
 Liberty University, 48
 license plates, 112–115
 licensing, 69, 71, *See also* prior restraints

MacKinnon, Catharine, 28–29
Madsen v. Women's Health Center, 90
 Mapplethorpe, Robert, 136
 marches, 80–81
Marcus v. Search Warrant of Property, 71–72
 marketplace of ideas theory, 12–16, 22, 140, 199, 208–209
 Marshall, Thurgood, 27, 164
 McCarthy, Joseph, 67
McConnell v. FEC, 166–168
McCullen v. Coakley, 91
McCutcheon v. Federal Election Committee, 164

- Meiklejohn, Alexander, 17, 19
 “Memoirs of a Woman of Pleasure” v. *Attorney Gen. of Massachusetts*, 135
 military bases, 99–101
 Mill, John Stuart, 14, 24–25
 Miller, Henry, 122, 136
Miller v. California, 122, 135–136
 Millet, Catherine, 136
 Milton, John, 14, 16
Minersville School District v. Gobitis, 61–62
Morse v. Frederick, 182–183
Murdock v. Pennsylvania, 71
Mutual Film Corporation v. Hodges, 58
Mutual Film Corporation v. Industrial Commission of Ohio, 58
- NAACP v. *Alabama*, 98
 NAACP v. *Button*, 70
 Nabokov, Vladimir, 136
National Labor Relations Board v. Fruit and Vegetable Packers & Warehousemen, 94
National Socialist Party v. Skokie, 151
New York Times v. Sullivan, 96, 122, 130–132, 211, 224
- O’Connor, Sandra Day, 166–167
 Obama, Barack, 44
 obscenity, 63–65, 133–142
 organizational speech, 95
 outrageousness, 126
 overbreadth, 123–125
- Papish v. Board of Curators of the University of Missouri*, 189
Paris Adult Theatre I v. Slaton, 136
Patterson v. Colorado, 13, 57
Philadelphia Newspaper v. Hepps, 132–133
Pickering v. Board of Education, 96, 203
 picketing, 64–65, 93–94
Police Dep’t of Chicago v. Mosley, 83
 political dissent, 76–78
 polling places, 92–93
Posadas de Puerto Rico Associations v. Tourism Company, 88
 Posner, Richard, 184–185
 Powell, Lewis F., Jr., 87
 prior restraints, 58
 prisons, 99–100
 private actors, 38–42
 profanity, 78
 protests. *See* marches
 public employee speech, 96–98
 public forum doctrine, 68, 81–83
 publication, 211
- R.A.V. v. City of St. Paul*, 32–34, 36, 151–152
 Rehnquist, William, 169
 relativism, 3–4, 192, 225–226
Renken v. Gregory, 204
Reno v. American Civil Liberties Union, 139–140
Renton v. Playtime Theaters, 141–142
 right to be forgotten, 223
 Roberts, John, 153, 169, 172–173, 182–183
Roberts v. United States Jaycees, 98–99
 Roosevelt, Theodore, 161
Rosenberger v. Rector and Visitors of the University of Virginia, 108, 110–112
Roth v. United States, 64, 134
Rust v. Sullivan, 89
- Scalia, Antonin, 91, 138–139
Schenck v. Pro-Choice Network of Western New York, 90
Schenck v. United States, 13, 56
 Sedition Act of 1798, 56
 Sedition Act of 1918, 56
 self-fulfillment, 25–28
 self-governance theory, 17–18
 Shurtz, Nancy, 206
Shuttlesworth v. Birmingham, 80
 slander, 129
Snyder v. Phelps, 11–12, 126–127, 153
 solicitation, 69–70
 Son of Sam Law, 105–108
 Souter, David, 201
 SPEECH Act, 224
 standing, 124
Stanley v. Georgia, 138
 Stefancic, Jean, 29–30
 Stevens, John Paul, 140, 166–167
 Stone, Geoffrey, 49, 58, 121
 Strossen, Nadine, 156–157
Sweezy v. State of New Hampshire, 197–198
- Terminiello v. Chicago*, 124–125, 144, 150
Texas v. Johnson, 79–80
 threats, 109, 143, 187
 Tilman Act, 161
 time, place, and manner restrictions, 68–69
Tinker v. Des Moines Independent School District, 176–178, 182
 TripAdvisor, 216
 Trump, Donald
 Kaepernick controversy, 45
 Twitter account, 51–52, 218–222
 truth-finding argument, 12–16
 Twitter, 51–52, 210, 218–221

- union dues, 65, 93–95
- United States Ex rel. Turner v. Williams*, 57
- United States v. Abrams*, 12–16
- United States v. Alvarez*, 153–154
- United States v. American Library Association*, 140
- United States v. O'Brien*, 79
- United States v. Stevens*, 154
- United States v. Williams*, 142
- University of Chicago, 48–50

- vagueness, 72, 117–121, 123–124
- video games, 154–155
- viewpoint discrimination, 83–85, 107–109, 111–112
- Vila v. Padron*, 202
- Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council*, 87
- Virginia v. Black*, 152–153

- Walker v. Sons of Confederate Veterans*, 113–115
- Ward v. Rock Against Racism*, 81
- Warren, Earl, 197–198
- West Virginia State Board of Education v. Barnette*, 16, 61–62, 157–158
- Weston, Paul, 157
- White, Byron, 97, 180–181
- Whitney v. California*, 18–20, 27, 77
- Wieman v. Updegraff*, 196
- Winfrey, Oprah, 131
- Wooley v. Maynard*, 112–113

- YouTube, 210

- Zeran v. America Online, Inc.*, 215–216
- Zimmer, Robert, 48