**Video Follow‐Up Ten Questions Key**

**Video: A Conversation on the Constitution: Freedom of Speech**

**Sunnylands Seminars, 2009**

1. Why do you think the framers valued freedom of speech?

It allowed one to speak out against the government without fear of reprisal.

1. What constitutes “speech”?

Any expression of ideas, including symbolic speech

1. Why are all forms of expression important in a democracy?

Justice Kennedy: It’s who we are. We define ourselves by what we say, what we read, by what we think, what we hear, by what we sing, by what we pray. This is who we are. This is our self-definition. We define ourselves; the government does not define us.

1. Why do you think there are limits to free speech? In your opinion, should there be? Why?

Answers will vary.

1. Why do you think it’s so hard to define what speech is protected and what is not?

Answers will vary.

1. Cite the fundamental principle that is the starting point for all judicial decisions related to free speech.

Congress shall make no law. . . abridging the freedom of speech (First Amendment)

1. List the factors brought up by the justices in the video as ones that could matter when resolving free speech disputes.

Examples include:

* criticism of the government
* political matters
* personal beliefs
* beliefs on societal matters
* speech stirring up racial hatred
* putting people in immediate danger
* clear and present danger
* hate speech
* symbolic speech
* age –18 and over; 3‐year‐old
* place –public or private school, home, public or private forum
* government institutions
* public park
* personal locker
* daycare center
* military
* high school students
* college students
* student speech against the college
* protest at a college
* protest rights—college, junior high
* voting age
* school discipline
* speech at home

1. The Constitution does not define free speech. What did Justice Breyer mean when he said, “So, that’s left up to the people to work out”? Explain how people help define freedom of speech when decisions are made by the court.

Under the Constitution, it’s the people who have the ultimate responsibility and power to shape the government and determine its laws. By bringing free speech disputes to court for resolution, the people request that the court decide if First Amendment rights have been denied. The body of collective court decisions, known as case law, helps to define what freedom of speech means in this country. And it has changed from time to time.

1. What did you learn from the justices about the process for deciding free speech matters?

Answers will vary.

1. According to Justice Breyer, what is “the worst thing you can do by way of abridgment”?

Stop somebody from talking simply because you don’t like what he or she says.