



First Amendment Quiz

Answer Key

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1. "B" is the correct answer

The U.S. Constitution was signed on Sept. 17, 1787. Following much debate, the Bill of Rights — the first 10 amendments to the Constitution — went into effect on Dec. 15, 1791, guaranteeing the essential freedoms we now rely on to protect citizens from excessive governmental power.

2. "D" is the correct answer

The full text of the First Amendment — all 45 words — reads as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

3. "True" is the correct answer

In its landmark decision, *Tinker v. Des Moines Indep. Community School Dist.* (1969), the U.S. Supreme Court, in what has become a much-quoted statement, ruled that neither "students [n]or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

4. "B" is the correct answer

There are five freedoms explicitly protected by the First Amendment:

- Freedom of Religion
- Freedom of Speech
- Freedom of the Press
- Freedom of Assembly
- Freedom to Petition the Government

Privacy is not a right explicitly guaranteed by the U.S. Constitution, but rather has been recognized by the Court to have evolved and "emanated" from the recognition of other Constitutional rights. *Griswold v. Connecticut* (1965).

5. "False" is the correct answer

The First Amendment prohibits government officials — including public school teachers — from endorsing or promoting a particular religion. It does not prohibit teachers from discussing or providing instructional materials about various religions and churches as part of a viewpoint-neutral curriculum where such discussion is relevant (e.g., history class discussion of the Reformation or the Holocaust).

Note that the First Amendment's limitation on official religious expression does not prevent students from discussing religion since they are not government officials.

6. "C" is the correct answer

Obscenity is a category of speech that is not protected by the First Amendment. Obscenity, however, is not the same as indecency, profanity or nudity and the First Amendment does protect — to at least some degree — such speech.

7. "True" is the correct answer

The U.S. Supreme Court has held that burning the American flag is constitutionally protected free speech. *Texas v. Johnson (1989)*.

8. "A" is the correct answer

The First Amendment only prohibits government officials (state actors) — such as the police officer in this case — from restricting a citizen's free speech activities. Neither the local merchant nor Bart's mom fall into that category. While their actions definitely limit Bart's speech, they do not violate the First Amendment.

9. "D" is the correct answer

The First Amendment protects all citizens, regardless of their age. Still, courts have recognized that very young children may have more limited free speech protections under the First Amendment in certain contexts than older children and adults.

10. "C" is the correct answer

The First Amendment includes both an "Establishment" clause that prohibits government officials from favoring any particular religion and a "Free Exercise" clause that prohibits government officials from unduly interfering with an individual's right to practice their religious beliefs as they choose.

11. "D" is the correct answer

The law recognizes that certain categories of speech — fairly small in number and defined by law — are not protected by the First Amendment and can be lawfully restricted and/or punished. The categories above are among those in the "unprotected speech" categories.

12. "Yes" is the correct answer

While both the First Amendment and so-called "shield laws" do provide some protection to reporters working with confidential sources and information, such protection is rarely absolute. Unfortunately, where a court decides that the law does not protect a journalist, he or she may be ordered to cooperate. Where they refuse, they may be subject to penalty, including jail time. A growing number of reporters, as a matter of principle and journalistic ethics, have gone to jail to honor their promise to a confidential source and to protect the public's right to know.

13. “D” is the correct answer

The U.S. Supreme Court has ruled that the First Amendment protects the right of news organizations to publish accurate, lawfully obtained and newsworthy information about a minor. *Smith v. Daily Mail (1979)*. While some news organizations do not identify minors, they do so as a matter of editorial policy, not because the law requires it. Finally, the fact that the proceedings were closed to the public does not prevent news media from reporting accurate information they lawfully obtain elsewhere.

14. “D” is the correct answer

The First Amendment does not protect an individual’s right to publish material that invades another person’s legal right to privacy. The First Amendment does protect — to at least some degree — the other listed types of speech activities.

15. “False” is the correct answer

The First Amendment protects “offensive” speech in song lyrics (and in other published material) from government censorship. Note, however, that the Federal Communications Commission (FCC) can restrict material or require warning labels when “indecent” speech is broadcast over the airwaves.

16. “A” is the correct answer

The First Amendment does not protect an individual’s right to publish material that infringes another person’s valid copyright interests. The First Amendment does protect — to at least some degree — the right of individuals to engage in the other listed speech activities.

17. “False” is the correct answer

While the Constitution does restrict the authority of school officials to conduct strip searches, it is the Fourth Amendment — not the First — that protects students’ rights in such cases.

18. “False” is the correct answer

Most courts consider “prior review” (reading only) to be a form of unconstitutional prior restraint. In the context of public college and commercial news media, the law prohibits nearly all mandatory prior review by government or school officials.

In the context of high school student media, administrators generally have more leeway to engage in prior review. Still, their authority to review content prior to publication is not unlimited and high school officials must adhere to recognized constitutional protections.

19. “False” is the correct answer

The First Amendment only prohibits government officials (state actors) from restricting a citizen’s free speech activities. Administrators at a private school are not government officials and are therefore not limited by the First Amendment. The mere receipt of government funding does not alter a private school’s status as a non-governmental entity.

Note that even though the First Amendment may not limit administrative censorship at a private school, there are often other avenues of legal protection (for example, contractual provisions, state law, etc.) available to private school students.

20. “C” is the correct answer

While there are limits and ongoing disagreement among courts about where the specific lines should be drawn, courts have generally allowed school officials a fair share of leeway in determining appropriate dress and grooming standards for students where their purpose is to promote a better and safer learning environment.

Policies that restrict clothing that may cause significant distraction to other students (for example, sexually revealing clothing or extravagant hair styles or body piercing) or that pose an unreasonable safety or health hazard (for example, unprotective footwear) are generally upheld. On the other hand, where students can show that the effect of a dress code is to suppress a particular message or political expression (for example, a T-shirt containing an otherwise lawful anti-war message), courts have been more sympathetic to student rights.

21. “False” is the correct answer

The First Amendment only prohibits government officials from endorsing or promoting a particular religion. It does not prohibit students from doing so on their own. For example, while it would be unlawful for a public school teacher to have his class recite the Lord’s Prayer prior to handing out a test, nothing prohibits his students from quietly praying on their own.

22. “True” is the correct answer

The U.S. Supreme Court has held that students have a First Amendment right to refuse to recite the Pledge of Allegiance or salute the flag during school. *West Virginia State Board of Education v. Barnette (1943)*.

23. “D” is the correct answer

The First Amendment provides significant legal protection to non-school-sponsored, independent student speech. Public school officials are prohibited from punishing or unreasonably interfering with students who engage in lawful (not libelous, obscene, etc.), independent speech activities — on or off-campus — that do not seriously interfere with normal school activities.

24. “False” is the correct answer

Courts have consistently struck down so-called campus or school “speech codes” that seek to limit lawful speech that many listeners would nevertheless find offensive. As one federal appeals court judge noted in striking down a public school district’s student speech code: “There is no categorical ‘harassment exception’ to the First Amendment’s free speech clause.... [While] non-expressive, physically harassing conduct is entirely outside the ambit of the free speech clause...there is...no question that the free speech clause protects a wide variety of speech that listeners may consider deeply offensive, including statements that impugn another’s race or national origin or that denigrate religious beliefs.” *Saxe v. State College Area School District (2001)*.

25. “False” is the correct answer

Journalists have no special license or privilege to break the law. Whether it is trespassing on private property, breaking into a locked filing cabinet, hacking into a private computer without consent, purchasing or using an unlawful substance, planting an electronic bug in a private room or any other illegal act — even if done solely for journalistic purposes — the news media have no special “Get Out of Jail Free” card and can be held accountable for their actions.

26. “B” is the correct answer

The First Amendment does not protect defamatory speech. Defamation, which includes both libel and slander, occurs when a person publishes a false and unprivileged statement about an individual that seriously harms that person’s reputation. The First Amendment does protect — to at least some degree — the other listed types of speech.

27. “False” is the correct answer

Allocating taxpayer dollars and other public resources to support student media does not give a public school principal unlimited authority over a publication’s content. As one federal appeals court has noted, a public school is “clearly an arm of the state and this single fact will always distinguish it from the purely private publisher as far as censorship rights are concerned.” *Bazaar v. Fortune (1973)*.

28. “D” is the correct answer

The First Amendment does not permit the government to selectively choose which religions or churches it will protect based on their popularity or the general acceptance (or rejection) of their beliefs. Religious freedoms extended to one church or set of religious beliefs must generally be extended to all.

29. “A” is the correct answer

The First Amendment exists to protect unpopular or controversial speech. Indeed, if people only expressed thoughts or ideas with which everyone agreed, there would be no need for the First Amendment. For this reason, it is unconstitutional to allow the majority an opportunity to vote away an individual’s or group of individual’s First Amendment rights, no matter how rare, controversial or unpopular their beliefs.

30. “A” is the correct answer

The First Amendment does not protect an individual’s right to publish deceptive or misleading ads. The First Amendment does protect — to at least some degree — the other listed types of speech.

“Test Your Knowledge of the First Amendment” was developed by the Student Press Law Center with a grant in 2005 from the Newspaper Association of America Foundation (now known as the News Media Alliance, newsmediaalliance.org). SPLC staff periodically review and update the quizzes.

