**Lecture 9/25 –**

Case: Rally in CP to support abortion rights, crowd is super supportive of speaker. Guy comes up to the group and yells “You’re a bunch of fucking bloody murderers” Protected or Not?

* Is this protected?
  + There is a distinction between public speech and private speech, and since this is public, it can be protected?
  + Cohen v California – “Fuck the Draft” jacket in a courthouse, convicted for violating a California Law, no threat or engagement of violence, children were present
    - Court held State of CA cannot prosecute Cohen for this context
    - Obscenity is an exception for the 1st amendment – this doesn’t fall within that
    - Because it has to have an erotic element for prurient interest – this jacket is not like that, it’s just an uncouth word
    - Restraining applies to federal and state actors with exceptions for:
      * Libel
      * Obscene speech
      * Fighting words
      * When it applies to public spaces, other obvious exceptions like securities law, premeditating murder
    - Personally insulting words are not enough justification
    - “One man’s vulgarity is another man’s lyric”
    - Court decides that vulgarity is ok?
      * It’s a slippery slope otherwise, because then we will prohibit speech that we find unacceptable
  + Burger’s mission is to formulate an obscenity test – more specific, but allows greater prosecution