



FREEDOM OF EXPRESSION

Freedom of Expression at a Glance

The Foundation of Free Expression

The U.S. Constitution’s protection of free expression is rooted in the belief that an individual’s ability to express himself freely – without fear of government punishment – encourages the autonomy and liberty that promote better governance. Allowing citizens to discuss freely topics of public concern results in a more transparent and representative government, greater tolerance for different ideas and a more stable society.

Narrowly Drawn Exceptions

While the First Amendment provides very broad protections for expression in the United States, freedom of speech is not absolute. Generally, the government has more discretion to impose content-neutral restrictions than content-based restrictions.

CONTENT-NEUTRAL RESTRICTIONS

The government can impose time, place and manner restrictions on speech, but it cannot restrict speech based on its content or the ideas and opinions of the speaker. These restrictions must 1.) be content neutral, 2.) be narrowly tailored to serve a significant government interest and 3.) leave

open other channels of communication.

CONTENT-BASED RESTRICTIONS

While content-based restrictions are generally impermissible, there are a few narrow exceptions. Special categories of expression that may be restricted under the First Amendment include:

- Incitement to Imminent Violence

An individual’s speech may be restricted if 1) it is intended to incite or produce lawless action, 2) it is likely to incite such action and 3) such action is likely to occur imminently. This is a very high standard, which courts have rarely found to have been met. General advocacy of violence, such as writing on a website that violent revolution is the only cure to society’s problems, does not constitute incitement to imminent violence.

- True Threats

Speech may also be restricted based on its content if it falls within the narrow class of “true threats” of violence. A true threat is a statement that a reasonable recipient would take to mean that the speaker, or people working with the speaker, intends to commit physical

harm against the recipient(s) of the speech.

- Defamation

In the United States, defamatory speech is a false statement of fact that damages a person’s character, fame or reputation. Statements of opinion – however insulting – are not viewed as defamation under U.S. law.

Where courts find defamation, they may require the speaker to publish a correction to the defamatory statement and/or to financially compensate the victim instead of imposing criminal punishment.

- Obscenity

The U.S. Supreme Court defined obscenity as expression that the average person, applying contemporary community standards, would find 1) appeals to prurient interests; 2) depicts or describes sexual conduct in a patently offensive way; and 3) lacks serious literary, artistic, political or scientific value, when taken as a whole.

A court evaluates each element independently and will not classify expression as obscene unless the expression is judged to embody all three elements. Given such high standards, it is

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This info package is created to mark the World Press Freedom Day, 2013.

World Press Freedom Day is celebrated every May 3rd, representing an opportunity to commemorate the principles of press freedom and to pay solemn tribute to journalists who have lost their lives in the line of duty. Read more: <http://snip.state.gov/563>

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U.S. Embassy Jakarta Mission Statement

The U.S. Mission partners with Indonesia to strengthen the bonds between our people and our governments to promote and protect democracy, security, and sustainable prosperity for our people, the region, and the world.

Highlights of the U.S. Department of State and USAID's Efforts to Support Press and Media Freedom

On World Press Freedom Day — and every day — the United States honors and supports media freedom at home and abroad. Press freedom is a key element of the freedom of expression, which is a foundation for other universal human rights. In 2011, the United States hosted the international World Press Freedom Day activities in Washington, D.C. This year, Assistant Secretary of State for International Organizations Esther Brimmer is leading the U.S. delegation to a World Press Freedom conference in Tunisia, May 2-6; Deputy Assistant Secretary of State Kathy Fitzpatrick of the Bureau of Democracy, Human Rights, and Labor will also attend.

As a part of its "Free the Press" campaign, the Department of State is documenting on www.HumanRights.gov emblematic cases of journalists living and working under threat and duress because of their efforts to exercise the freedom of expression. We call on all governments to protect the universal human right to freedom of expression.

- Advancing media freedom is a regular part of U.S. diplomatic work. We advocate for freedom of expression and

raise media freedom issues, including specific cases, in bilateral discussions with other governments and in multilateral bodies, including but not limited to the UN Human Rights Council, the Organization for Security and Cooperation in Europe (OSCE), and the Organization of American States. At the OSCE, for example, the United States has been a leading voice for freedom of expression and the defense of journalists, and championed a Ministerial Declaration to support fundamental freedoms in the Digital Age.

- The Department of State reports on the state of media freedom around the world — and threats to journalists — through the [Country Reports on Human Rights Practices](#). USAID's [Media Sustainability Index](#) measures the media environment in countries in the Middle East, Africa, Europe, and Eurasia.

With support from Congress, the Department of State and USAID fund foreign assistance and exchange programs that support a free press and Internet freedom.

- Foreign assistance supports the development of local and independent

print, TV, radio, and online media; advocacy for legal and regulatory reform in support of media freedom and the free flow of information; general and issue-specific journalism training, including for women, youth, and marginalized groups; and security training and emergency assistance for journalists and bloggers. Since 2009, we have allocated approximately \$300 million for such programs.

- The Department of State's Bureau of Educational and Cultural Affairs Edward R. Murrow Program for Journalists has welcomed more than 900 rising international journalists to the United States since 2006. According to a recent report evaluating media exchanges from 2001-2006, the 1,600 journalists and media professionals who participated in various Department of State exchange programs engage in activities that promote greater press freedom once they return home, such as advocating for freedom of information; protecting journalists' rights, and adopting new professional and ethical standards. For more information, please consult the [full report](#) or [executive summary](#).

Source: <http://go.usa.gov/TQ2W>

Freedom of Expression at a Glance

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rare for the courts to find expression obscene.

- **Hate Speech**

Hate speech — speech that maligns a person or group based on race, ethnicity, gender, religion, sexual orientation or disability — receives full First Amendment protection.

While the United States does not restrict hate speech, it understands that the most effective weapon in combating hate speech is not suppression, but tolerant, truthful and intelligent speech.

In the U.S. system, persuasion — not regulation — is seen as the best way to counter hate speech.

GOVERNMENT VERSUS PRIVATE ACTION

The First Amendment protects citizens from government restrictions on free expression. It is inapplicable to situations in which a private party such as a private employer restricts an employee's speech.

Source: <http://go.usa.gov/TmuT>

Related Links:

- Freedom of Expression in the United States, <http://go.usa.gov/TQgH>

- Americans Speak Freely, <http://go.usa.gov/TQ4k>

- Press Freedom, <http://go.usa.gov/TQ4P>

- What Does Free Speech Mean? <http://go.usa.gov/TQWR>

New Media, Citizen Journalists, and Bloggers

The freewheeling world of the blogosphere seems like the last bastion of truly free speech. One does not need a lot of money, an expensive printing press, or a transmitter tower. Anybody with access to a computer, a modem, and a little software can share his thoughts with the world through a weblog, or blog. And many of the intensely personal and highly opinionated weblogs proliferating on the Internet inhabit a world apart from the sometimes dreary realm of meticulously sourced and fact-checked traditional journalism. Bloggers are a law unto themselves. Or are they?

Balancing Free Speech and Competing Internet Interests

From the early days of popular use of the Internet, the rallying cry was that cyberspace was the new frontier, sub-

ject to no law. But governments around the world, shaken by the implications of the new communication technology, have tried to figure out how to harness and control its use.

Gaining access to the Internet can be the first hurdle. A 2007 report by the Internet watchdog group OpenNet Initiative showed that attempts to censor the Web are spreading and growing more sophisticated. Saudi Arabia, to offer one example, uses filtering software to block everything from sites classified as pornography or gambling to religious conversion sites and sites critical of the Saudi monarchy. China has been criticized for a combination of Internet control measures, including filtering software, requiring users and Internet cafes to purchase licenses, and banning Internet cafés.

In the United States, Congress, state legislatures, and the courts have struggled to balance free speech on the Internet against competing interests, like national security, copyright protection, and the right to reputation. In its landmark *Reno v. ACLU* (American Civil Liberties Union) decision (1997), the U.S. Supreme Court extended to communications on the World Wide Web the same First Amendment protections covering newspapers or other print media.

One need not be a recognized journalist to invoke these protections. As far back as 1972, the U.S. Supreme Court said, "Liberty of the press is the right of the lonely pamphleteer ... as much as of the large metropolitan publisher."

Excerpted from: <http://go.usa.gov/TQZA>

Resources

Books

Bloggers on the Bus : How the Internet Changed Politics and the Press in 2008 / Eric Boehlert. New York : Free Press, 2009

People's Movements, People's Press : The Journalism of Social Justice Movements / Bob Ostertag. Boston, Mass. : Beacon Press, c2006

Regret the Error : How Media Mistakes Pollute the Press and Imperil Free Speech / Craig Silverman. New York : Union Square Press, c2007

Unoriginal Misunderstanding: Press Freedom in Early America and Interpretation of the First Amendment / by Kenneth Shear. Edited by Alice Porter. Seattle, WA Liberty 2009

Checked our catalog for more titles at <http://snip.state.gov/53k>

IIP Publications

IIP Book - Handbook of Independent Journalism (IIP Digital)

This handbook covers what every professional journalist should know — from how to research, write, and edit a story to how to write headlines, choose graphics, and select quotes and sound bites. Read: <http://go.usa.gov/TQBQ>

IIP Book - Media Law Handbook (IIP Digital)

What are the privileges and responsibilities of a free press? This publication explores how free societies answer this question. Read: <http://go.usa.gov/TQBY>

eJournal USA - Internet Freedom (IIP Digital)

How governments and societies confront new and transformative Internet technologies is the subject of this eJournal USA. Read: <http://go.usa.gov/TQBB>

For more publications please visit <http://iipdigital.usembassy.gov/ejusa.html>

Online Database

CQ Researcher -Freedom of Information
CQ Researcher has written reports about freedom of information topics,

such press freedom and free press disputes

Gale Virtual Reference Library - Encyclopedia of Civil Liberties in America

The Encyclopedia describes issues related to civil liberties and the people and historical events who shaped freedom of expression in the United States

Filmakers Library Online

- Journalism - Information Science

Filmakers Library Online offers a number of documentaries discussing freedom of expression, including sections covering journalism and information science subjects.

Global Issues in Context

- Free Speech - Freedom of Religion

Global Issues in Context provides reports that cover such topics related to freedom of expression as freedom of religion and free speech.

These online resources are available through eLibraryUSA, and can be accessed at American Spaces or by using a password. Please contact the IRC to get the access.

Raise Your Voice - Citizen Journalism

More than Words: Using Video to Inspire Change



Though they may have different objectives, professional journalists, documentary filmmakers and social activists alike use the power of video to tell stories, have an impact on audiences and effect change. Below, experts share advice and examples for developing, articulating and promoting a message through video

What to Say: Developing Your Message

Understanding your audience is critical to developing a successful message. "You really need to do your research on a particular issue and get to know how it impacts you and your peers, your family and your community," explains Ingrid Hu Dahl, director of Next Gen Programs for the Bay Area Video Coalition (BAVC), a nonprofit organization that works to inspire social change by empowering media makers to develop and share

their stories. This early research will help inform your decisions throughout the creative process.

The next consideration in developing your message is access. "Do I have the ability to go to this community right now? Can I build relationships with people there? Is that the best story for me to be telling?" are all questions you should be asking, says Brandon Kramer, co-founder of Meridian Hill Pictures, a documentary production company that works with communities to tell their stories and effect positive change.

How to Say It: Articulating Your Message with Video

Now that you have developed your message, it is time to think about the compelling images that will become your visual language.

"No matter what language is your native language, if you can see, you can understand the messages that I put out," says Bill Gentile, an independent journalist and a professor at American University.

How to Spread It: Promoting Your Message

Developing a great message with compelling visuals means nothing if no one sees it. One of the best strategies for attracting attention is involving like-minded partners and community members from the start. "It's really important that community members understand how to put a pulse and a life into their film," says Kramer, "and how you can mobilize an entire community to engage with it." Kramer encourages filmmakers to think about facilitating discussion and spurring action throughout the creative process.

Read more: <http://go.usa.gov/TQ2F>

Video Resources:

1. Raise Your Voice: Storytelling Tips from an Expert Journalist, <http://go.usa.gov/TQT3>
2. Raise Your Voice: Storytelling Tips from a Citizen Journalist. <http://go.usa.gov/TQTT>

Connect with the IRC through I-Literacy Sessions, English Learning Programs, and Movie Screenings

To join the programs and/or to get more information, please contact us as at:

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About the Information Resource Center

The U.S. Embassy's Information Resource Center (IRC) in Jakarta is a specialized reference and research facility whose goal is to provide you with accurate, up-to-date and authoritative information about U.S. society and policy materials, covering such topics as U.S. foreign policy, government, economics and trade, history, social and cultural issues.

Three professionally trained reference specialists will help you to retrieve needed-information quickly, conveniently, and free of charge.

The IRC collection includes a reference collection, a periodicals section, and access to extensive online commercial-databases. For details on reference and periodical collections, please check our online catalog at <http://69.63.217.22/U10086Staff/OPAC/index.asp>.

For all IRC information products, including this Article Alert are available online at: <http://jakarta.usembassy.gov/infoproduct.html>

Information queries may be submitted to us by phone, fax, mail, and e-mail. You are also welcome to visit us by appointment for personal research assistance.

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