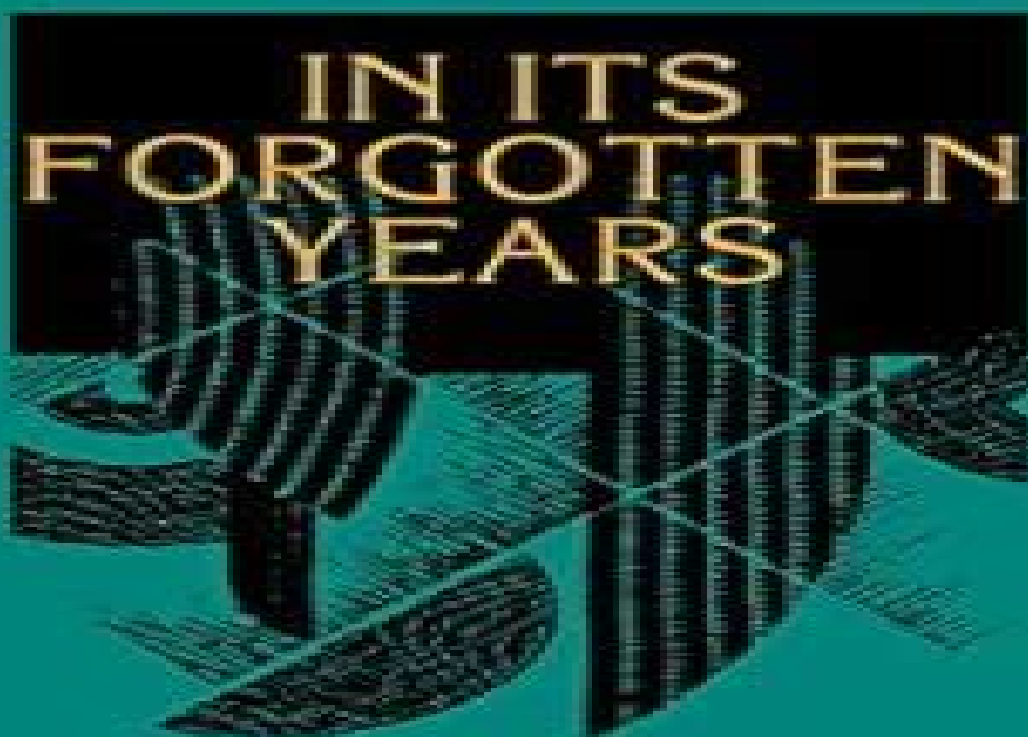


FREE



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SPEECH

# Free Speech In Its Forgotten Years

**G. Edward White**



## **Free Speech In Its Forgotten Years:**

Free Speech in Its Forgotten Years, 1870-1920 David M. Rabban, 1997 Most American historians and legal scholars incorrectly assume that controversies and litigation about free speech began abruptly during World War I However there was substantial debate about free speech issues between the Civil War and World War I Important free speech controversies often involving the activities of sex reformers and labor unions preceded the Espionage Act of 1917 Scores of legal cases presented free speech issues to Justices Holmes and Brandeis A significant organization the Free Speech League became a principled defender of free expression two decades before the establishment of the ACLU in 1920 World War I produced a major transformation in American liberalism Progressives who had viewed constitutional rights as barriers to needed social reforms came to appreciate the value of political dissent during its wartime repression They subsequently misrepresented the prewar judicial hostility to free speech claims and obscured prior libertarian defenses of free speech based on commitments to individual autonomy

**The Struggle for Free Speech in the United States, 1872-1915** Janice Ruth Wood, 2011-10-25 This book chronicles the struggles of the Drs Foote examining not just their efforts to further individual rights and women s health but also the larger issues surrounding free speech and censorship in the Gilded Age of American history

*Free Speech, The People's Darling Privilege* Michael Kent Curtis, 2000-11-17 Considers key struggles for free speech in early U S history most of which were settled outside the judicial arena by legislatures following public opinion

**Citizens Divided** Robert C. Post, 2014-06-23 First Amendment defenders greeted the Court s Citizens United ruling with enthusiasm while electoral reformers recoiled in disbelief Post offers a constitutional theory that seeks to reconcile these sharply divided camps and he explains how the case might have been decided in a way that would preserve free speech and electoral integrity

Making Legal History Anthony Musson, Chantal Stebbings, 2012-01-26 The first book to address the way that the broad and inclusive subject of legal history is researched and written

**Disloyal Mothers and Scurrilous Citizens** Kathleen Kennedy, 1999-09-22 A concise and highly readable study of women s influence on a crucial era in American political and cultural history Kathleen Kennedy s unique study explores the arrests trials and defenses of women charged under the Wartime Emergency Laws passed soon after the US entered World War I These women often members of the political left whose anti war or pro labor activity brought them to the attention of federal officials made up ten percent of the approximately two thousand Federal Espionage cases Their trials became important arenas in which women s relationships and obligations to national security were contested and defined Anti radical politics raised questions about the state s role in defining motherhood and social reproduction Kennedy shows that state authorities often defined women s subversion as a violation of their maternal roles Yet with the exception of Kate Richards O Hare the women charged with sedition did not define their political behavior within the terms set by maternalism Instead they used liberal arguments of equality justice and democratic citizenship to argue for their right to speak frankly about American policy Such claims while

often in opposition to strategies outlined by their defense teams helped form the framework for modern arguments made in defense of civil liberties

**Threat of Dissent** Julia Rose Kraut, 2020-07-21 From the Alien Friends Act to the Cold War and the War on Terror the US has used ideological exclusions and deportations to suppress freedom of speech and association of foreigners depicted as threatening to national security Julia Rose Kraut provides the first history of the tensions between immigration law and the First Amendment

**Humanities**, 1999

**The Boundaries of Freedom of Expression & Order in American Democracy** Thomas R. Hensley, 2001 On Monday May 4th 1970 members of the Ohio National Guard fired 61 rounds of bullets into the Kent State University students protesting about the invasion of Cambodia This work develops the ideas of the first symposium on American democracy established to commemorate the tragedy

The Dynamic Free Speech Clause Timothy Zick, 2018-08-15 The right to free speech intersects with many other constitutional rights Those intersections have significantly influenced the recognition scope and meaning of rights ranging from freedom of the press to the Second Amendment right to bear arms They have also influenced interpretation of the Free Speech Clause itself This book examines the relations between the U S Constitution s Free Speech Clause and other constitutional rights Free speech principles and doctrines have brought about constitutional rights including equal protection the right to abortion and the free exercise of religion They have also provided mediating principles for constructive debates about constitutional rights At the same time in its interactions with other constitutional rights the Free Speech Clause has also been a complicating force It has often dominated rights discourse and has subordinated or supplanted free press assembly petition and free exercise rights Currently courts and commentators are fashioning the Second Amendment right to keep and bear arms in the image of the Free Speech Clause Borrowing the Free Speech Clause for this purpose may turn out to be detrimental for both rights While examining the dynamics that have brought free speech and other rights together the book assesses the products and consequences of these intersections and draws important lessons from them about constitutional rights and constitutional liberty Ultimately the book defends a pluralistic conception of constitutional rights that seeks to leverage the power of the Free Speech Clause but also tame its propensity to subordinate supplant and eclipse other constitutional rights

Speech Out of Doors Timothy Zick, 2009 The Supreme Court has emphasized that expressive liberties require breathing space in which to thrive At a minimum speakers need places in which to assemble speak and petition government This book is a comprehensive examination of First Amendment rights in public places It shows that the literal ground beneath speakers feet has been steadily eroding from personal spaces to college campuses and to once vast and important inscribed places such as public parks and public squares Through the study of expressive topography this book considers a variety of contemporary speech contests including restrictions on abortion clinic sidewalk counselors protests at military funerals and restrictions on assembly and speech at political conventions Countering or reversing these forces will require a focused and sustained effort by public officials courts and of course the people themselves

**The Most Democratic Branch** Jeffrey Rosen, 2006-06-19

Many critics attack federal judges as anti democratic elitists activists out of step with the mainstream of American thought But others argue that judges should stand alone as the ultimate guardians of American values placing principle before the views of the people In *The Most Democratic Branch* Jeffrey Rosen disagrees with both assertions Contrary to what interest groups may claim he contends that from the days of John Marshall right up to the present the federal courts by and large have reflected the opinions of the mainstream More important he argues that the Supreme Court is most successful when it defers to the constitutional views of the American people as represented most notably by Congress and the Presidency And on the rare occasion when they departed from the consensus the result has often been a disaster To illustrate Rosen provides a penetrating look at some of the most important Supreme Court cases in American history cases involving racial equality affirmative action abortion gay rights and gay marriage the right to die electoral disputes and civil liberties in wartime Rosen shows that the most notorious constitutional decisions in American history the ones that have been most strenuously criticized such as *Dred Scott* or *Roe v Wade* have gone against mainstream opinion By contrast the most successful decisions from *Marbury v Madison* to *Brown v Board of Education* have avoided imposing constitutional principles over the wishes of the people Rosen concludes that the judiciary works best when it identifies the constitutional principles accepted by a majority of Americans and enforces them unequivocally as fundamental law Jeffrey Rosen is one of the most respected legal experts writing today a regular contributor to *The New York Times Magazine* and the Legal Affairs Editor of *The New Republic* The provocative arguments that he puts forth here are bound to fuel heated debate at a time when the federal judiciary is already the focus of fierce criticism      *The Constitution of Electoral Speech Law* Brian K. Pinaire, 2008-03-20

*Bush v Gore* brought to the public s attention the significance of election law and the United States Supreme Court s role in structuring the rules that govern how campaigns and elections function in America In this book Brian K Pinaire examines one expanding domain within this larger legal context freedom of speech in the political process or what he terms electoral speech law Specifically Pinaire examines the Court s evolving conceptions of free speech in the electoral process and then traces the consequences of various debates and determinations from the post World War II era to the present In his analysis of the broad range of cases from this period supplemented by four recent case study investigations Pinaire explores competing visions of electoral expression in the marketplace of ideas various methods for analyzing speech dilemmas the multiple influences that shape the justices notions of both the potential for and privileged status of electoral communication and the ultimate implications of these Court rulings for American democracy      **The Free and Open Press** Robert W. T. Martin, 2001-08-01 The current heated debates over hate speech and pornography were preceded by the equally contentious debates over the free and open press in the seventeenth and eighteenth centuries Thus far little scholarly attention has been focused on the development of the concept of political press freedom even though it is a form of civil liberty that was pioneered in the United States But the establishment of press liberty had implications that reached far beyond mere free

speech In this groundbreaking work Robert Martin demonstrates that the history of the free and open press is in many ways the story of the emergence and first real expansions of the early American public sphere and civil society itself Through a careful analysis of early libel law the state and federal constitutions and the Sedition Act crisis Martin shows how the development of constitutionalism and civil liberties were bound up in the discussion of the free and open press Finally this book is a study of early American political thought and democratic theory as seen through the revealing window provided by press liberty discourse It speaks to broad audiences concerned with the public square the history of the book free press history contemporary free expression controversies legal history and conceptual history *Law in American History, Volume II* G. Edward White, 2016-02-15 In this second installment of G Edward White s sweeping history of law in America from the colonial era to the present White covers the period between 1865 1929 which encompasses Reconstruction rapid industrialization a huge influx of immigrants the rise of Jim Crow the emergence of an American territorial empire World War I and the booming yet xenophobic 1920s As in the first volume he connects the evolution of American law to the major political economic cultural social and demographic developments of the era To enrich his account White draws from the latest research from across the social sciences economic history anthropology and sociology yet weave those insights into a highly accessible narrative Along the way he provides a compelling case for why law can be seen as the key to understanding the development of American life as we know it *Law in American History Volume II* will be an essential text for both students of law and general readers

**Unclean Lips** Josh Lambert, 2014 Sexual anti Semitism and pornotopia Theodore Dreiser Ludwig Lewisohn and the Harrad experiment The prestige of dirty words and pictures Horace Liveright Henry Roth and the graphic novel Otherfuckers and motherfuckers reproduction and allegory in Philip Roth and Adele Wiseman Seductive modesty censorship vs Yiddish and Orthodox tsnies Conclusion Dirty Jews and the Christian right Larry David and FCC v Fox

**Free Expression and Democracy in America** Stephen M. Feldman, 2009-05-15 From the 1798 Sedition Act to the war on terror numerous presidents members of Congress Supreme Court justices and local officials have endorsed the silencing of free expression If the connection between democracy and the freedom of speech is such a vital one why would so many governmental leaders seek to quiet their citizens *Free Expression and Democracy in America* traces two rival traditions in American culture suppression of speech and dissent as a form of speech to provide an unparalleled overview of the law history and politics of individual rights in the United States Charting the course of free expression alongside the nation s political evolution from the birth of the Constitution to the quagmire of the Vietnam War Stephen M Feldman argues that our level of freedom is determined not only by the Supreme Court but also by cultural social and economic forces Along the way he pinpoints the struggles of excluded groups women African Americans and laborers to participate in democratic government as pivotal to the development of free expression In an age when our freedom of speech is once again at risk this momentous book will be essential reading for legal historians political scientists and history buffs alike *The Indispensable*

Right Jonathan Turley, 2024-06-18 A timely and brilliant original Michael B Mukasey former US attorney general look at freedom of speech our most basic right and the one that protects all the others Free speech is a human right and the free expression of thought is at the very essence of being human The United States was founded on this premise and the First Amendment remains the single greatest constitutional commitment to the right of free expression in history Yet there is a systemic effort to bar opposing viewpoints on subjects ranging from racial discrimination to police abuse from climate change to gender equity These measures are reinforced by the public s anger and rage flash mobs appear today with the slightest provocation We all lash out against anyone or anything that stands against our preferred certainty The Indispensable Right places the current attacks on free speech in their proper historical legal and political context The Constitution and the Bill of Rights were not only written for times like these but in a time like this This country was born in an age of rage and for 250 years we have periodically lost sight of the value of free expression The history of the struggle for free speech is the story of extraordinary people nonconformists who refuse to yield to abusive authority and here is a mosaic of vivid characters and controversies Johnathan Turley has written a learned and bracing book rigorously detailed and unfailingly evenhanded The Wall Street Journal showing us the unique dangers of our current moment The alliance of academic media and corporate interests with the government s traditional wish to control speech has put us on an almost irresistible path toward censorship The Indispensable Right is a magnum opus should be required reading for everyone who cares about free speech Nadine Strossen former president of the American Civil Liberties Union that reminds us that we remain a nation grappling with the implications of free expression and with the limits of our tolerance for the speech of others For rather than a political crisis this is a crisis of faith     The Fundamental Holmes Ronald K. L. Collins, 2010-07-19 No figure stands taller in the world of First Amendment law than Oliver Wendell Holmes Jr This is the first anthology of Justice Holmes s writings speeches and opinions concerning freedom of expression The book contains eight original essays designed to situate Holmes s works in historical and biographical context The volume is enriched by extensive commentaries concerning its many entries which consist of letters speeches book excerpts articles state court opinions and U S Supreme Court opinions The edited materials spanning Holmes s 1861 1864 service in the Civil War to his 1931 radio address to the nation offer a unique view of the thoughts of the father of the modern First Amendment The book s epilogue which includes a major discovery about Holmes s impact on American statutory law explores Holmes s free speech legacy In the process the reader comes to know Holmes and his jurisprudence of free speech as never before     Free Speech and Unfree News Sam Lebovic, 2016-03-14 Does America have a free press Many who say yes appeal to First Amendment protections against censorship Sam Lebovic shows that free speech on its own is not sufficient to produce a free press and helps us understand the crises that beset the press amid media consolidation a secretive national security state and the daily newspaper s decline

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