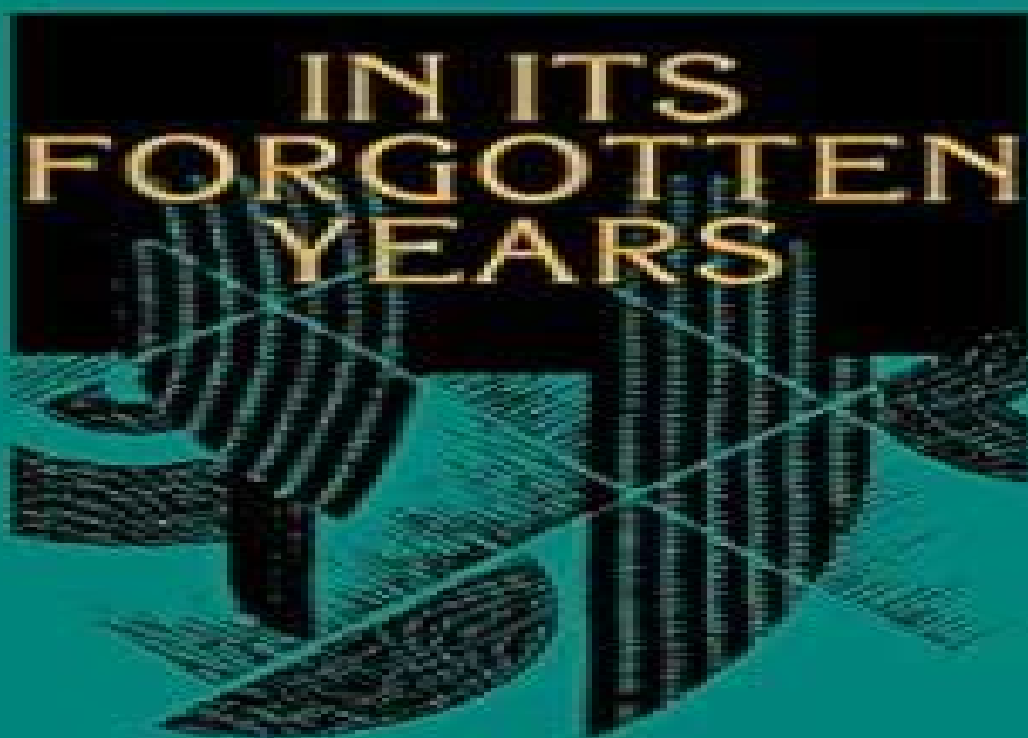


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# Free Speech In Its Forgotten Years

**Stephen M. Feldman**



## 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 Supreme Court Jurisprudence in Times of National Crisis, Terrorism, and War Arthur H. Garrison, 2011-05-13 From the foundation of the American Republic presidents have had to deal with both internal and external national security threats From President Washington and his policy of neutrality during the wars between Great Britain and France in the eighteenth century to President Lincoln and the war to save the union to President Wilson during the war to end all wars to President Roosevelt and war of the Greatest Generation to President Truman and his steel during the forgotten war and most recently to President Bush and the War on Terror presidents have had to use their power as commander in chief to meet the challenges of national crisis and war The judiciary specifically the Supreme Court has also played an integral part in the historical development and defining of the commander in chief power in times of war and national crisis from the earliest days of the republic How these powers have grown is a consequence of how the presidents have viewed the office of the presidency and how the judiciary has interpreted the commander in chief and executive power clauses of the U S Constitution over time Supreme Court Jurisprudence in Times of National Crisis Terrorism and War provides a chronological review of the major national security and war events in American history Garrison reviews the great debates between Hamilton and Madison and Chief Justice Roger Taney and Attorney General Edward Bates on presidential executive power and how subsequent presidents have adopted the Hamiltonian view of the presidency He also examines how Article III courts specifically the Supreme Court have defined expanded and established boundaries on the commander in chief power With this historical

backdrop Garrison reveals how for over two centuries the judiciary has defended the rule of law and maintained the principle that under the U S Constitution neither the guns of war nor threats to safety have silenced the rule of law

**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

**Threat of Dissent** Julia Rose Kraut, 2020-07-21 In this first comprehensive overview of the intersection of immigration law and the First Amendment a lawyer and historian traces ideological exclusion and deportation in the United States from the Alien Friends Act of 1798 to the evolving policies of the Trump administration Beginning with the Alien Friends Act of 1798 the United States passed laws in the name of national security to bar or expel foreigners based on their beliefs and associations although these laws sometimes conflict with First Amendment protections of freedom of speech and association or contradict America's self image as a nation of immigrants The government has continually used ideological exclusions and deportations of noncitizens to suppress dissent and radicalism throughout the twentieth and twenty first centuries from the War on Anarchy to the Cold War to the War on Terror In *Threat of Dissent* the first social political and legal history of ideological exclusion and deportation in the United States Julia Rose Kraut delves into the intricacies of major court decisions and legislation without losing sight of the people involved We follow the cases of immigrants and foreign born visitors including activists scholars and artists such as Emma Goldman Ernest Mandel Carlos Fuentes Charlie Chaplin and John Lennon Kraut also highlights lawyers including Clarence Darrow and Carol Weiss King as well as organizations like the ACLU and PEN America who challenged the constitutionality of ideological exclusions and deportations under the First Amendment The Supreme Court however frequently interpreted restrictions under immigration law and upheld the government's authority By reminding us of the legal vulnerability foreigners face on the basis of their beliefs expressions and associations Kraut calls our attention to the ways that ideological exclusion and deportation reflect fears of subversion and serve as tools of political repression in the United States

**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 tsnes Conclusion Dirty Jews and the Christian right Larry David and *FCC v Fox*

***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 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.

**Free Speech and Unfree News** Sam Lebovich, 2016-03-14 Does America have a free press? Many who say yes appeal to First Amendment protections against censorship. Sam Lebovich 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.

**Sound Business** Michael Stamm, 2011-05-03 American newspapers have faced competition from new media for over ninety years. Today, digital media challenge the printed word. In the 1920s, broadcast radio was the threatening upstart. At the time, newspaper publishers of all sizes turned threat into opportunity by establishing their own stations. Many such as the Chicago Tribune's WGN are still in operation. By 1940, newspapers owned 30 percent of America's radio stations. This new type of enterprise, the multimedia corporation, troubled those who feared its power to control the flow of news and information. In *Sound Business*, historian Michael Stamm traces how these corporations and their critics reshaped the ways Americans received the news. Stamm is attuned to a neglected aspect of U.S. media history: the role newspaper owners played in communications from the dawn of radio to the rise of television. Drawing on a wide array of primary sources, he recounts the controversies surrounding joint newspaper and radio operations. These companies capitalized on synergies between print and broadcast production. As their advertising revenue grew, so did concern over their concentrated influence. Federal policymakers, especially during the New Deal, responded to widespread concerns about the consequences of media consolidation by seeking to limit and even ban cross ownership. The debates between corporations, policymakers, and critics over how to regulate these new kinds of media businesses ultimately structured the channels of

information distribution in the United States and determined who would control the institutions undergirding American society and politics Sound Business is a timely examination of the connections between media ownership content and distribution one that both expands our understanding of mid twentieth century America and offers lessons for the digital age

Sasha and Emma Paul Avrich, Karen Avrich, 2012-11-01 This lively dual biography is an enormously rich book offering an absorbing portrait of the world of anarchists in turn of the century America The New York Times Book Review In 1889 two Russian immigrants Emma Goldman and Alexander Berkman met in a coffee shop on the Lower East Side Over the next fifty years Emma and Sasha would be fast friends fleeting lovers and loyal comrades This dual biography offers an unprecedented glimpse into their intertwined lives and the lasting influence of the anarchist movement they shaped Berkman shocked the country in 1892 with the first terrorist act in America the failed assassination of the industrialist Henry Clay Frick for his crimes against workers Passionate and pitiless gloomy yet gentle Berkman remained Goldman s closest confidant though the two were often separated by his fourteen year imprisonment and by Emma s growing fame as a champion of causes from sexual liberation to freedom of speech The blazing sun to Sasha s morose moon Emma became known as the most dangerous woman in America Through an attempted prison breakout multiple bombing plots and a dramatic deportation from America these two unrelenting activists insisted on the improbable ideal of a socially just self governing utopia a vision that has shaped movements across the past century most recently Occupy Wall Street Sasha and Emma is the culminating work of acclaimed historian of anarchism Paul Avrich Before his death Avrich asked his daughter to complete his magnum opus The resulting collaboration epic in scope intimate in detail examines the possibilities and perils of political faith and protest through a pair who both terrified and dazzled the world A narrative laced with irony details the remarkable reorientation of this pair after they were deported to a Soviet Russia they had lauded as a utopia but soon fled as a monstrous dystopia A fully human portrait of two tightly linked yet forever fiercely independent spirits Booklist starred review An in depth look at a lesser known chapter of American and world history Pittsburgh Post Gazette      **Modern Power and Free Speech** Chris

Demaske, 2011-01-01 Modern Power and Free Speech takes a socio political approach to question the application of the First Amendment in cases dealing with the speech rights of disempowered groups Combining legal analysis First Amendment theory feminist theory and political theory Chris Demaske addresses the inadequacies of current free speech doctrine

Misreading the Bill of Rights Kirby Goidel, Craig Freeman, Brian Smentkowski, 2015-03-30 The Bill of Rights the first 10 amendments to the U S Constitution are widely misunderstood by many Americans This book explores the widely held myths about the Bill of Rights how these myths originated why they have persisted and the implications for contemporary politics and policy Interestingly most Americans today even professional political commentators misinterpret or misunderstand what the Bill of Rights intended meaning and purposes were Culturally ingrained myths about the Bill of Rights have helped to define what it means to be an American but also limited the range of political debate and justified unfair and unequal



treatment of minorities This book addresses the top ten myths regarding the Bill of Rights from the standpoint of public understanding and misunderstanding from a non partisan objective point of view provoking independent thought and enabling readers to reach their own educated conclusions and opinions Written by two experts in the fields of political science public policy media law and civil liberties the work explores the key role of modern news and entertainment media in contributing to public misunderstanding of individual rights and liberties The authors also apply and interpret data from public opinion surveys to further examine public beliefs about the Bill of Rights and closely connect the analysis of misperceptions to existing political beliefs

**Law in American History, Volume II** G. Edward White, 2016-02-15 G

Edward White presents Law in American History a two volume comprehensive narrative history of American law from the colonial period to the present In this second volume White explores the key turning points in roughly the second half of the American legal system from Reconstruction to the booming yet xenophobic 1920s Thought provoking and artfully written Law in American History Vol II is an essential text for both students of law and general readers alike

## **Free Speech In Its Forgotten Years** Book Review: Unveiling the Magic of Language

In an electronic era where connections and knowledge reign supreme, the enchanting power of language has become more apparent than ever. Its ability to stir emotions, provoke thought, and instigate transformation is truly remarkable. This extraordinary book, aptly titled "**Free Speech In Its Forgotten Years**," compiled by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound impact on our existence. Throughout this critique, we shall delve to the book is central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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