

# Freedom of speech in the us



**ASSIGN  
BUSTER**

Part One • Write an essay of at least 700 words. Comprehensive writing skills must be used. • The First Amendment to the Constitution bars Congress from infringing on the freedom of speech of the citizenry of the United States. It does not prohibit private restrictions on speech. With this in mind, many universities have over the years instituted speech codes or have banned hate-speech. If you were in charge of a university what rules would you make for student conduct online?

Explain your reasoning and support your answer with examples and other evidence. If our legal reality truly reflected our political rhetoric about liberty, Americans and especially American college and university students would be enjoying a truly remarkable freedom to speak and express controversial ideas at the dawn of the twenty-first century. Virtually every public official declares a belief in " freedom of speech. " Politicians extol the virtues of freedom and boast of America's unique status as a nation of unfettered expression.

Judges pay homage to free speech in court opinions. Even some fringe parties' communists and fascists who would create a totalitarian state if they were in power have praised the virtues of the freedom they need for their survival. Few individuals speak more emphatically on behalf of freedom of speech and expression, however, than university administrators, and few institutions more clearly advertise their loyalty to this freedom than universities themselves.

During the college application process, there is a very high probability that you received pamphlets, brochures, booklets, and catalogs that loudly proclaimed the university's commitment to " free inquiry," "

academic freedom," " diversity," " dialogue," and " tolerance. " You may have believed these declarations, trusting that both public and private colleges and universities welcome all views, no matter how far outside the mainstream, because they want honest difference and debate.

Perhaps your own ideas were " unusual" or " creative. " You could be a liberal student in a conservative community, a religious student at a secular institution, or even an anarchist suffering under institutional regulations. Regardless of your background, you most likely saw college as the one place where you could go and hear almost anything—the one place where speech truly was free, where ideas were tried and tested under the keen and critical eyes of peers and scholars, where reason and values, not coercion, decided debate.

Freedom and moral responsibility for the exercise of one's freedom are ways of being human, not means adopted to achieve this or that particular point of view. Unfortunately, ironically, and sadly, America's colleges and universities are all too often dedicated more to censorship and indoctrination than to freedom and individual self-government. In order to protect " diversity" and to ensure " tolerance," university officials proclaim, views deemed hostile or offensive to some students and some persuasions and, indeed, some administrators are properly subjected to censorship under campus codes.

In the pages that follow, you will read of colleges that enact " speech codes" that punish students for voicing opinions that simply offend other students, that attempt to force religious organizations to accept leaders who are hostile to the message of the group, that restrict free speech to minuscule " zones" on enormous campuses, and that teach students sometimes from

their very first day on campus that dissent, argument, parody, and even critical thinking can be risky business. Simply put, at most of America's colleges and universities, speech is far from free.

College officials, in betraying the standards that they endorse publicly and that their institutions had, to the benefit of liberty, embraced historically, have failed to be trustees and keepers of something precious in American life. This Guide is an answer and, we hope, an antidote to the censorship and coercive indoctrination besetting our campuses. In these pages, you will obtain the tools you need to combat campus censors, and you will discover the true extent of your considerable free speech rights, rights that are useful only if you insist upon them.

You will learn that others have faced and overcome the censorship you confront, and you will discover that you have allies in the fight to have your voice heard. The Guide is divided into four primary sections. This introduction provides a brief historical context for understanding the present climate of censorship. The second section provides a basic introduction to free speech doctrines. The third provides a series of real-world scenarios that demonstrate how the doctrines discussed in this Guide have been applied on college campuses.

Finally, a brief conclusion provides five practical steps for fighting back against attempts to enforce coercion, censorship, and indoctrination. Part Two • Write an essay of at least 700 words. Comprehensive writing skills must be used. • Between 1949 and 1987, the Fairness Doctrine was an FCC rule designed to provide “reasonable, although not necessarily

equal” opportunities in presenting opposing viewpoints in radio broadcasting in order to avoid one-sided presentations.

The practice was repealed under President Reagan as part of a wider deregulation effort. Do you think the Fairness Doctrine should be revived, revised, or left dead? Why? The Fairness Doctrine was a policy of the United States Federal Communications Commission (FCC), introduced in 1949, that required the holders of broadcast licenses to both present controversial issues of public importance and to do so in a manner that was, in the Commission's view, honest, equitable and balanced.

The FCC decided to eliminate the Doctrine in 1987, and in August 2011 the FCC formally removed the language that implemented the Doctrine. The Fairness Doctrine had two basic elements: It required broadcasters to devote some of their airtime to discussing controversial matters of public interest, and to air contrasting views regarding those matters. Stations were given wide latitude as to how to provide contrasting views: It could be done through news segments, public affairs shows, or editorials.

The doctrine did not require equal time for opposing views but required that contrasting viewpoints be presented. The main agenda for the doctrine was to ensure that viewers were exposed to a diversity of viewpoints. In 1969 the United States Supreme Court upheld the FCC's general right to enforce the Fairness Doctrine where channels were limited. But the courts did not rule that the FCC was obliged to do so. 3] The courts reasoned that the scarcity of the broadcast spectrum, which limited the opportunity for access to the airwaves, created a need for the Doctrine. However, the proliferation of cable television, multiple channels within cable, public-access channels,

and the Internet have eroded this argument, since there are plenty of places for ordinary individuals to make public comments on controversial issues at low or no cost. The Fairness Doctrine should not be confused with the Equal Time rule.

The Fairness Doctrine deals with discussion of controversial issues, while the Equal Time rule deals only with political candidates. The Fairness Doctrine has been both defended and opposed on First Amendment grounds. Backers of the doctrine claim that listeners have the right to hear all sides of controversial issues. They believe that broad-casters, if left alone, would resort to partisan coverage of such issues. They base this claim upon the early history of radio.

Opponents of the doctrine claim the doctrine's "chilling effect" dissuaded broadcasters from examining anything but "safe" issues. Enforcement was so subjective, opponents argued, there was never a reliable way to determine before the fact what broadcasters could and could not do on the air without running afoul of the FCC. Moreover, they complain, print media enjoy full First Amendment protection while electronic media were granted only second-class status. I'll be honest, I'd never even heard of the Fairness Doctrine until I read this question.

After looking it up on a few different sites, I'd have to say I'm still not entirely sure whether or not I think it should be reinstated. I see both pro's and cons to requiring licensed broadcast stations to present controversial public issues (which tends to apply mainly to political situations) in a fair, equal and honest way. I think this would create a more balanced source of rational

discourse and information for the public on such issues and in this way serves the public interest.

That being said, I think this is getting uncomfortably close to infringing upon freedom of the press and speech. I understand that the Fairness doctrine has the best of intentions and has even served us well in the past, But often, even good legislation leads to increased powers and control for government. No matter how many checks and balances our government has, It only takes one government official's loose interpretation of a law in order to justify abusing his office and encroaching up the basic rights our constitution grants us.