

Free speech cynthia in the constitution of united states essay sample

[Law](#), [Constitution](#)



**ASSIGN
BUSTER**

Free Speech Cynthia A. Molina POL 303 September 2, 2017 Jean Gabriel

Jolivet Free Speech Introduction AND Thesis Statement On this world today free speech has been a standout amongst the most battled after rights in the United Conditions of America. The right to speak freely was received on December 15, 1791. The right to speak freely is secured by the main correction in the Constitution of United States, which is the privilege to explain one's suppositions and thoughts without dread of government countering or control, or societal endorse.

Free discourse is imperative in the public arena since we are allowed to create as individuals and end up noticeably mindful of what is happening around us. The right to speak freely played an extremely vital part in how and our identity today and is the principle motivation behind why we are effective as a nation. Free discourse enables us to be heard and have a voice that has any kind of effect. For a long time, governments have been securing the right to speak freely which gives Americans voices and the privilege to be heard without the dread of being rebuffed.

Similarly, as whatever else on the planet, the right to speak freely isn't generally free and have positives and negatives that accompany them. In this paper I will talk about and assessing positive and negative effects in which federalism, social liberties and common freedoms have on free speech. Federalism As with everything else in the world there are positives and negatives when it comes to federalism and free speech. First we will be discussing the positive impacts that federalism has on free speech.

A positive impact that federalism has on free speech would be the questioning of whether government interests found within the government against free speech was state or federal, showing a conflict of the balancing process within the government. Before the 14th amendment, American court systems went towards the idea handling federal speech restrictions in a different way than local and state speech restrictions. With the equality flanked by free speech amongst the government, there came individuals that believed it would be more beneficial to treat each sector differently. Another impact that federalism has on free speech is Justice Harlan's argument, in which he argued " that state speech restrictions be given more leeway than federal ones. " (Ivers, 2013)

By expanding state speech and limiting restrictions towards the same privileges as the federal government shows the people that the American government on all sides of the Constitution that is bounded by law, giving the local and state government control to positively influence society.

When a society can trust and rely on state and local authority it will gain the most structure from the people, instead of constantly depending on the federal government to control state disputes. " Federalism, as it is understood in its most basic form, creates a multilevel government that permits the national and various state governments to operate in parallel fashion. " (Ivers, 2013) One real world case and point would be Cohen v. California, where " a 19-year-old department store worker expressed his opposition to the Vietnam War by wearing a jacket that said FUCK THE DRAFT. STOP THE WAR. " (Oyez, 2016)

In that case held by the state, a majority opinion by Justice Harlan that even though it was not directed to anyone, it could be provoked into some kind of physical action. After careful research one negative impact of federalism on free speech would be the implementation of the Sedition Act of 1798. The Sedition Act of 1798 is documented to be “ a major turning point in the meaning of free speech came in 1798, when Congress enacted the Alien and Sedition Acts.

By punishing any “ false, scandalous, and malicious” commentary against the national government, Congress stepped across both the structural and substantive barriers of the First Amendment by placing a content-based restriction on freedom of expression. ” (Ivers, 2013) The Sedition Act was highly encouraged and pushed by the federalists longing to silence the Jeffersonian republicans, who vocally criticized President John Adams and his policies. The Sedition Act was basically the government trying to silence and control what the Framers of the Constitution wanted each American to have, which was the Freedom of Speech without harsh punishment. “ The most dramatic victim of the law was Representative Matthew Lyon of Vermont.

His letter that criticized President Adams’ “ unbounded thirst for ridiculous pomp, foolish adulation, and self-avarice” caused him to be imprisoned. ” (Ushistory. gov) Even though times have changed we still see situations like this today. One real world situation comes from inside the Army that I personally witnessed. When President Obama had got elected to President, there was a Soldier who voiced his opinion about the President and received non- judicial punishment for the comments he had made.

Instead of protecting the people and ensuring they are being protected by the constitution, the government tries to control them. The Sedition Act is negative because it loses the trust of the people, and in return it loses control over the society in which we live in. Freedom of speech states that “ Congress shall make no law abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. ” (Ivers, 2013)

Many people feel as if the Sedition Act is unconstitutional but was never taken to court in order to dispute. Another real-world example would be the case of *United States v. Thomas Cooper*. In that case “ Thomas Cooper was a lawyer and newspaper editor in Sunbury, Pennsylvania where he was indicted, prosecuted, and convicted of violating the Sedition Act after he published a broadside that was sharply critical of President Adams. ” (National Archives)

Civil Rights When talking about civil rights and the type of impact it has on free speech there are many perspectives that can be talked about. Although there are both pros and cons the first one that we will be discussing will be the positive impacts that civil rights has on free speech. A positive impact that the civil rights had on free speech was that it was the most influential when it came to giving minorities equal rights in America. By removing the racial barriers surrounding minorities and the Constitution, minorities were able to have a voice in America. Free speech allowed people like Dr. Martin Luther King Jr. and many others to engage in protests, marches and many other to force a change in society.

The rights to free speech and assembly allowed civil rights protesters on the streets in many cities throughout the south to force a social change in the treatment of African-Americans. In the case of Gibson v. Florida, where “ the State of Florida, in 1959, established a Legislative Investigation Committee to study what were called “ subversive organizations. ” Gibson, president of the Miami branch of the NAACP, was subpoenaed before the committee and asked to produce a membership list of his organization. He refused and was found in contempt.

In a very close decision, the courts agreed that Gibson’s free speech rights were indeed violated. With that being said, without civil rights minorities voices and opinions would not be heard. Although civil rights are known to be positive, there are negative impacts that civil rights had on free speech like the amount of limitations it has. Whereas assault, battery, lynching’s and physical harassment are punishable by law, the government has forgotten about the hate speech which further ignites racial terrorism.

The right to express hate for others by name calling (nigger), means of intimidation (burning of crosses) is protected by the courts, as individual expression. The right of individual expression now protects white domination and allows for a group to victimize another group meanwhile silencing their victims because the wrongdoers cannot be punished for their crimes. This leaves room for confusion as there is no set guidelines to what exactly is and isn’t accepted or protected by law. In 1992 in the case of R. A. V vs St. Paul there was a cross burned on the front lawn of an African American family by white teenagers which the courts deemed as a form of symbolic speech.

One of the many teens were charged and later dismissed. “ In a 9-to-0 vote, the justices held the ordinance invalid on its face because “ it prohibits otherwise permitted speech solely on the basis of the subjects the speech addresses. ” The First Amendment prevents government from punishing speech and expressive conduct because it disapproves of the ideas expressed. Under the ordinance, for example, one could hold up a sign declaring all anti-Semites are bastards but not that all Jews are bastards.

Government has no authority “ to license one side of a debate to fight freestyle, while requiring the other to follow the Marquis of Queensbury Rules. ” (Oyez, 2016). These limitations and gray areas that don’t specifically state what is and what is not right leaves room for certain people to be falsely convicted of wrongdoings when there is no guideline to what is acceptable. Civil Liberties Freedom of speech has its negative and positive effects on individuals’ civil liberties which include Freedom of Speech and the press, freedom of religion, and the rights of individuals accused.

One positive would be the fact that African Americans were allowed to protest against issues like segregation and the right to marry interracially in America. As shown in the case of Loving v. Virginia, the couple Mildred and Richard Loving were married in the District of Colombia and then moved to Virginia. In the state of Virginia, it was against the law for a person classified as white and person classified as black to marry. They were sentenced to a year in prison for marrying each other for violating the Racial Integrity act of 1924. This was a case in history that overturned the unconstitutional treatment of mixed raced couples.

The Supreme courts decided to overrule Pate VS Alabama and to put an end to restrictions on race based decisions on marriages in the United States.

This case was detrimental to free speech and the first amendment, because without free speech they wouldn't have been able to in force their constitutional rights. Another positive effect that civil liberties had on free speech was that now African Americans could speak their mind and protest about segregation within the education system, which ultimately allowed all races to attend any school they wanted to.

Martin Luther King Jr. said it best in his I have a dream speech, which stated " I have a dream that one day, down in Alabama, with its vicious racists, with its governor having his lips dripping with the words of interposition and nullification; one day right there in Alabama, little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers. " (Journal of Education and Practice, 2015) Allowing African Americans to have a voice made it possible for the government to hear and fix the problems that were going on in America)

Identify suggestions for federalism identified with Free Speech.

A) Subject Sentence: Although there are numerous, one positive effect of federalism on free discourse would be the inquiring of whether government intrigues found inside the government against free discourse was state or elected, which demonstrated a conflict of the adjusting process inside the legit

B) Topic Sentence: After cautious research I trust one negative effect of federalism on free discourse would be the usage of the Sedition Act of 1798.

C. Supporting Evidence: “ A noteworthy defining moment in the importance of free discourse came in 1798, when Congress sanctioned the Alien and Sedition Acts. By rebuffing any “ false, shameful, and malignant” critique against the national government, Congress ventured crosswise over both the auxiliary and substantive hindrances of the First Amendment by setting a substance construct limitation with respect to flexibility of expression.

“(Ivers, 2013)

D. Importance of confirmation: Instead of securing our privileges of the right to speak freely congress and the states put points of confinement to them, that was just truly valuable to them.

E. What of it? This proof is critical in light of the fact that it demonstrates that despite the fact that it says we have an ensured ideal to the right to speak freely, it isn't that ensured and can be changed keeping in mind the end goal to profit the administration.

2) Identify implications for civil rights related to Free Speech. A). Point Sentence: When discussing social liberties and free discourse, one positive affect was the social liberties development, which gave minorities break even with rights in America.

B). Subject Sentence: Although there are numerous positives with regards to free discourse what's more, polite appropriate, there are likewise negatives,

for example, there are excessively numerous hazy areas that make a carelessness for the constitution.

C). Supporting Evidence: “ The law additionally pronounced that all nationals were to have the same rights to make contracts and have them authorized by the courts, claim property, and appreciate the “ full and equivalent” advantages of all laws beforehand constrained to “ white residents.” (Civil Rights Act of 1866)

D). So, what? The significance of this quote is the defining moment with the social equality and free discourse. It is vital in understanding the development to free discourse and how the effect was both positive and negative.

3) Identify implications for civil liberties related to Free Speech.

A). Topic Sentence: Speaking on common freedoms there are numerous positives that are drawn from free discourse like giving all people the privilege to free discourse, which enabled all races to challenge isolation.

B). Topic Sentence: Along with the positives managing common freedoms and free discourse there are likewise negatives, for example, the dread of counter fear mongering on 9/11, due to the way that the legislature was leading observation without appropriate endorsement from the courts.

C). Supporting Evidence: In 2007, Congress authorized the Protect America Act of 2007, which licenses government specialists, including the National

Security Agency (NSA), to screen electronic correspondence without obtaining a warrant or, on the other hand show reasonable justification.

These exercises, some of the time depicted as “ information mining,” turned into the subject of open examination in 2013 after a few news associations distributed stories that the NSA had been gathering the telephone records and email locations of U. S. natives. Common freedoms associations and indeed, even a portion of the first creators of the Patriot Act contended that such information mining disregarded the Fourth Amendment. (Ivers, 2013)

D). What of it? The explanation behind this confirmation is to indicate how polite freedoms were affected by free discourse in an unexpected way.

4) Conclusion: Taking everything into account, our protected rights are vital to everyone and shape our identity as a general public. It is likewise critical to comprehend the battles and hardships Americans experienced creating the right to speak freely composed by the designers of the constitution. Free discourse is a correct that was contended energetically for keeping in mind the end goal to enable us as Americans to talk unreservedly and express our emotions so anyone might hear without being rebuffed.

It likewise assumed a key part in the getting full balance for African Americans in the place that is known for the free. Without free discourse we as individuals would not have the capacity to convey what needs be and therefor have no say as much.

References

<https://content.ashford.edu/> <http://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does> <https://www.aclu.org/issues/free-speech> <https://www.hrw.org/topic/free-speech>

<https://assignbuster.com/free-speech-cynthia-in-the-constitution-of-united-states-essay-sample/>