

Example of essay on the ruling

[Law](#), [Criminal Justice](#)



Summary about the case

The accused in this case is Feiner, who was accused of making remarks which were considered to be derogatory. The petitioner was found and convicted of making remarks that incited the crowd through a loudspeaker. The remarks he made were seen to be inciting the crowd about President Truman, the Legion of America and also about the mayor of Syracuse. The police found this to be against the stated entities. With these remarks, there was a crowd that came up and the police told Feiner to stop the incitement but he refused to heed what the police were saying. He went on to incite the crowd causing the police to arrest him. The crime he committed was that he breached the peace. The petitioner appealed and argued that the sentence and act that the police did was not according to the constitution of America as he had all the rights to make a speech. This is what he said in the appeal. His basis was in 1st amendment where everyone was free making a speech. The Supreme Court of America argued that the police did not arrest Feiner because of the words that he said but because of the reaction of the crowd that had gathered to listen to Feiner. This is what was considered to be offensive in the case. In the case, the Supreme Court argued that Feiner had a constitutional right to make speech but this right is not right if it causes a riot. The speech is unwanted and will be silenced if it goes beyond the law and causes civil disturbance. It is true that the speech was causing tension and the Supreme Court did the right thing as the crowd could cause unruly behavior.

The petitioner urged the Negroes to rise up and fight the whites so that they could get equal rights. He told them that it was time to argue and stand for

their rights as Negroes. Many people in the streets had feelings for or against the speaker and started being restless. They blocked the sidewalk and others went over to the other streets in excitement because of the words that the petitioner had said. As it is clear, Feiner was the cause of this restlessness. This is not free speech because the crowd reacted to the speech and wanted to cause violence. There are many claims of violence which were about to be started. The police observed the actions of Feiner for some time, and attempted to stop him from making any further speech. This was in their quest to prevent any form of fight from taking place. Feiner did not obey the request of the police and instead went ahead to make the remarks. The police, on the other hand, arrested him after three refusals.

Feiner was arrested and accused of going against § 240.50 of the penal code of New York. This law does not allow anyone to incite people in a way that will breach the peace that is prevailing. According to the court, the petitioner was not arrested for making the speech. He was not arrested for the content in the speech also; he was arrested for the reaction of the crowd that had already gathered. In this ruling, it was also ruled that the police was not used to suppress the speech that would affect many people. In effect, if the speech goes beyond the boundary and incite the crowd to riot, then the police have the power to act and prevent this from taking place. According to me, Feiner did not understand the requirements and the clear definition of free speech. He did not understand that the free speech that he so claimed was causing the crowd to react in an unconstitutional manner.

Opinion of the court

Feiner was found to be guilty of misconduct as it was not in order to breach of peace in the public. The opinion, delivered by Mr. Chief Justice Vinson, served Feiner 30 days in the penitentiary of the county. The affirmation of the ruling was made by the Onondaga County Courts and the New York Court of Appeals.

Analysis of the ruling

In the case, the 1st Amendment is brought into focus. It entails the rights of individuals. It is important to find out if the right of speech of Feiner was violated. It is important that people are not denied their right to express their speech. This amendment was needed to be analyzed. The trial judge, who heard the case without any jury, gave an oral decision at the end of the case so that the facts which he wanted to come out clearly were stated. The ruling shows that the trial judge believed the witnesses of the state. While stating the facts, the other two courts that took the case used the summation of the testimony of the trial judge. The appraisal of the facts is based on the uncontroverted facts.

The ruling of the judge is right because it is important that the content and the reaction of the crowd were analyzed. The crowd should be as peaceful as possible. Even if Feiner was making non-sensitive issues, arresting him would not be avoided if the speech would be seen to be causing unrestlessness. In any crowd, the convener of the crowd should be responsible and should ensure that the crowd should maintain peace. It is important for the conveyor to control the crowds they are addressing. The police officers were concerned about the effect that the speech of the petitioner had on the

pedestrian and vehicular traffic. The police officers were making their observations from the opposite side of the street. They observed that there were some pedestrians who were forced to walk in the streets so that they could avoid the crowd. Since there was moving traffic, the officers tried to get the people who were listening to the speaker to get to the sidewalk. There was a lot of pushing and shoving around. This cannot be said to be free speech. From any perspective, it is clear that the speaker was causing all these disturbances. The speaker was the one causing the crowd to move round. They were restless. It is clear that the crowd were not being controlled. This is one thing that should be looked into when one is handling crowds. In the ruling, the judges were seen to be looking into this issue. From the case, it is clear that the officers did not have any intention of arresting the speaker. This is clear from the way they mingled with the crowd. It is like they wanted to get the feeling on the ground and know what the shoving was all about.

When police intermingled with the crowd, the petitioner was addressing the crowd in a loud and high-pitched voice. The petitioner gave the impression that he wanted to set the Negro people to rise against the White. This is shown in the fact that he told them to rise up in arms and fight for equal rights for the Negro people so that they could have the same footing with the people. The problem that is evident here is that there was mixed race and the comments would stir mixed reactions. There are those who feel they are offended, and at the same time there are those who support the speaker. It is right to judge the petitioner of exciting as it is clear that the intention was to make the Negroes to rise and fight the White in the quest to get their

rights. This is supported by the fact that there are those onlookers who told the police that they were not able to handle the crowd. They threatened the police that if there was no action taken, then there would be violence. The judge was right to make a conviction against the petitioner because it is clear that they would be riots if the police did not act the way they acted. There is no other way that the police could have acted other than by arresting the speaker. The petitioner was allowed to exercise his right by being allowed time to say what he had. He was only arrested when the content of the speech stirred the crowd. The police could not have told the crowd to be calm. The person who is required to make sure that the crowd is calm is the speaker. They are required to control the crowd.

The judge is also seen to be right in that the police are said to have approached the speaker not to arrest him but to implore him to stop speaking so that the crowd would not be agitated anymore. They told him to get down off the box. The petitioner did not heed what they told him and instead continued talking. The police officer told him to stop speaking two times. The crowds were coming closer and closer to the police officer and the petitioner. When the police officer saw that the situation would soon get out of hand, he told the petitioner that he was under arrest. He reached to grab him. From this, it is clear that the petitioner was given enough time to express what he wanted. The problem is that the content of his speech is seen to have been derogatory.

Conclusion

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