

**AN EXPLORATION OF THE SUPREME
COURT'S DEFINITIVE VERDICT ON FREEDOM
OF EXPRESSION AND DISSENT**



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Freedom Of Expression In The Supreme Court

Henry Waters Taft



Freedom Of Expression In The Supreme Court:

Freedom of Expression in the 21st Century Robert Trager, Donna L. Dickerson, 1999-01-25 An ideal supplement for any course with the goal to make free speech issues meaningful and relevant to young media professionals today Features of the text INTERACTIVE it helps instructors engage students in meaningful discussions about current free speech issues It presents situations often taken from court cases followed by questions that challenge students to clarify and justify their own beliefs about freedom of expression INTERNATIONAL communicates how and why countries and governments other than the United States deal with free speech issues in different ways NEUTRAL not a flag waving catechism for the American way Asks difficult questions as to whether the freedoms many U S citizens take for granted are the best approach to some issues It develops critical thinking skills *Freedom of Expression in the Supreme Court* Terry Eastland, 2000 In *Freedom of Expression in the Supreme Court* Terry Eastland brings together the Court's leading First Amendment cases some 60 in all starting with *Schenck v United States* 1919 and ending with *Reno v American Civil Liberties Union* 1998 Complete with a comprehensive introduction pertinent indices and a useful bibliography *Freedom of Expression in the Supreme Court* offers the general and specialized reader alike a thorough treatment of the Court's understanding on the First Amendment's speech press assembly and petition clauses **Judging Free Speech** H. Knowles, S. Lichtman, 2016-04-08 *Judging Free Speech* contains nine original essays by political scientists and law professors each providing a comprehensive yet concise and accessible overview of the free speech jurisprudence of a United States Supreme Court Justice **The Politics of Freedom of Expression** M. Richards, 2013-08-06 The principle of content neutrality is the cornerstone of freedom of expression jurisprudence protecting the core values of freedom of speech set out in the first amendment whilst also enabling the government to place reasonable restrictions on protected speech *The Politics of Freedom of Expression* examines the US Supreme Court's decision making in freedom of expression cases from the Earl Warren Court in 1953 to the 2012 decisions of the John Roberts Court assessing the extent to which the justices take into consideration their own political attitudes jurisprudence and external factors such as federal government participation In doing so the book highlights the role of the civil rights movement in developing the content neutrality jurisprudential regime Establishing jurisprudential regime theory as a framework for incorporating the various factors that can affect decision making the author draws on quantitative qualitative and interpretive methods in order to analyse the justices changing treatment of content based and content neutral cases over time This unique theoretical approach allows the text to push beyond the traditional law versus politics debate in order to critically evaluate the importance of content neutrality to the Supreme Court's decision making and to compare decision making in the US with Canada Germany Japan and the UK *The Supreme Court and the Philosopher* Eric T. Kasper, Troy A. Kozma, 2024-04-15 *The Supreme Court and the Philosopher* illustrates how the modern US Supreme Court has increasingly adopted a view of the constitutional right to the freedom of expression that is classically liberal in nature

reflecting John Stuart Mill's reasoning in *On Liberty* A landmark treatise outlining the merits of limiting governmental and social power over the individual *On Liberty* advocates for a maximum protection of human freedom Proceeding case by case and covering a wide array of issues such as campaign finance offensive speech symbolic speech commercial speech online expression and false statements Eric T Kasper and Troy A Kozma show how the Supreme Court justices have struck down numerous laws for infringing on the freedom of expression Kasper and Kozma demonstrate how the adoption of Mill's version of free speech began with Justice Oliver Wendell Holmes Jr more than a century ago and expanded over time to become the prevailing position of the Court today The authors argue that this embrace of Mill's rationale has led to an unmistakable reorientation in the Court's understanding of free expression jurisprudence *The Supreme Court and the Philosopher* is the first book to comprehensively explore how the political philosophy of Mill has influenced the highest court in the land In targeting the underlying philosophical reasons that explain why the modern Supreme Court renders its First Amendment decisions this book is particularly timely as the issues of censorship and freedom of expression are debated in the public square today

Freedom of Speech in the United States Thomas L. Tedford, 1985 This historical development of freedom of speech from Athens through Rome to England and the United States presents comprehensive up to date treatment secure upon a historical First Amendment base that also covers defamation and privacy obscenity commercial speech prior restraint free press fair trial copyright and broadcasting as well as questions of media access

Freedom of Speech: The Supreme Court and Judicial Review Martin Shapiro, 2011-02-11 One of the great continuing disputes of U S politics is about the role of the Supreme Court Another is about the First Amendment This book is about both A classic defense of the openly political role of the Court this book belies the notion reasserted recently by Chief Justice Roberts that judges are just neutral umpires Especially in the area of speech judges make policy they create law

Free Speech for Some William Bennett Turner, 2019-09-01 Has the First Amendment become a tool to promote the conservative agenda On June 27 2018 Justice Elena Kagan dissenting from the Supreme Court's decision in a free speech case accused the Roberts Court majority of weaponizing the First Amendment of turning the First Amendment into a sword and using it to serve a conservative political agenda The U S Supreme Court under Chief Justice John G Roberts Jr has decided more free speech cases than any previous court in history The decisions have mostly favored free speech claims But the court increasingly has found First Amendment protection not for dissidents and minorities but for businesses and conservative religious interests The court has taken free speech principles developed decades ago to shield and empower oppressed minorities and applied them to shield and empower corporations and the religious right The book critically examines how the Roberts Court has decided the key cases changed the rules on free speech engineered outcomes and become the willing vehicle for advancing the conservative agenda Justice Kagan was right

Nimmer on Freedom of Speech Melville B. Nimmer, 1984

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.

Dilemmas of Free Expression Emmett Macfarlane, 2021-11-01. Free expression is under threat. Social media and fake news, misinformation and disinformation have prompted governments to propose new forms of regulation that are deeply challenging to free expression. Hate speech, far-right populism, campus speech debates, and censorship consistently make headlines in Canada and abroad. *Dilemmas of Free Expression* offers forward-looking appraisals of ways to confront challenging moral issues, policy problems, and controversies that pay heed to the fundamental right to free expression. The essays in this volume offer timely analyses of the law, policy, and philosophical challenges and social repercussions to our understanding of expressive freedom in relation to government obligations and public discourse. Free expression and its limits are multifaceted, deeply complex, inherently values-based, and central to the ability of a society to function. *Dilemmas of Free Expression* addresses the challenges of limiting free expression across a host of issues through analyses by leading and emerging voices in a number of disciplines, including political science, law, philosophy, and Indigenous studies. *Free Speech On Trial* Richard A. Parker, 2003-07-21. Describes landmark free speech decisions of the Supreme Court while highlighting the issues of language, rhetoric, and communication that underlie them. At the intersection of communication and First Amendment law reside two significant questions: What is the speech we ought to protect, and why should we protect it? The 20 scholars of legal communication whose essays are gathered in this volume propose various answers to these questions, but their essays share an abiding concern with a constitutional guarantee of free speech and its symbiotic relationship with communication practices. *Free Speech on Trial* fills a gap between textbooks that summarize First Amendment law and books that analyze case law and legal theory. These essays explore questions regarding the significance of unregulated speech in a marketplace of goods and ideas, the limits of offensive language and obscenity as expression, the power of symbols, and consequences of restraint prior to publication versus the subsequent punishment of sources. As one example, Craig Smith cites *Buckley vs. Valeo* to examine how the context of corruption in the 1974 elections shaped the Court's view of the constitutionality of campaign contributions and expenditures. Collectively, the essays in this volume suggest that the life of free speech law is communication. The contributors reveal how the Court's free speech opinions constitute

discursive performances that fashion deconstruct and reformulate the contours and parameters of the Constitution's guarantee of free expression and that ultimately reconstitute our government our culture and our society **Obscenity and Freedom of Expression** Haig A. Bosmajian, 1976 Contains primary source material *Freedom of Speech and the Espionage Act ...* Henry Waters Taft, 1921 Freedom of Speech Franklyn Saul Haiman, 1976 Traces the development of the concept explores the controversies surrounding the issue and provides excerpts from landmark U S Supreme Court opinions

Freedom of Speech E. M. Barendt, 2005-08-11 Fully revised and updated this title examines topical issues such as free speech and freedom of the press as well as considering other important developments and legislation *Advanced Introduction to Freedom of Expression* Mark Tushnet, 2018-09-28 The Advanced Introduction to Freedom of Expression provides an overview of major issues in the doctrinal structure of a law of freedom of expression relevant to discussions of freedom of expression under many national constitutions Assuming familiarity with basic theories of free expression this book addresses the implications of reasonable disagreement between legislatures and courts about whether a specific measure violates freedom of expression the implications of the fundamental proposition that speech can cause harm the distinction between the coverage of freedom of expression and the protections it affords and the appropriate doctrinal forms when speech is said to conflict with other rights such as equality or merely other social interests The book will be of interest to anyone including students teachers researchers and policymakers wanting to learn more about the freedom of expression and the law

Art and Freedom of Speech Randall P. Bezanson, 2020 This book analyzes the broad range of Supreme Court cases that concern the protection of art and free speech under the First Amendment Finding that debates about free expression whether in speech or art swirl around sex and cultural blasphemy the work tracks and interprets the Court's decisions on film nude dancing music painting and other visual expressions The book draws on settings as diverse as homosexuality in the Boy Scouts gay and lesbian parade floats 2 Live Crew's alleged copyright infringement National Endowment for the Arts grants and diversity dangerous art and screenings of the film *Carnal Knowledge* In considering the transformative meaning of art the importance of community judgments and the definition of speech in Court rulings the book focuses on the fundamental questions underlying the discussion of art as protected free speech What are the boundaries of art What are the limits on the government's role as supporter and patron of the arts And what role if any may core social values of decency respect and equality play in limiting the production or distribution of art *Art and Freedom of Speech* explores these questions and concludes with the argument that for legal purposes art should be absolutely free under the First Amendment in fact even more free than other forms of speech *Determining the Limits of Free Expression* Lawrence Barish, 1971 *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

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