

Freedom of Speech: Then & Now

“If the freedom of speech is taken away then dumb and silent we may be led, like sheep to the slaughter.”- George Washington

Mike Thomas
Sheridan College
Thickman Lecture Series

History of Free Speech:

- Ancient Greece
 - “Parrhesia”
 - To speak candidly
 - “Isegoria”
 - Equality of speech
- Are you able to criticize the political system under which you live?



History of Free Speech: Timeline



- 1215
 - Magna Carta
- 1628
 - Petition of Right
- 1689
 - English Bill of Rights
- 1735
 - John Peter Zenger Case
- 1776
 - Virginia Declaration of Rights
- 1776
 - Declaration of Independence
- 1791
 - Bill of Rights

Free Speech Restrictions:

I believe free speech is more dependant on the culture of free speech rather than laws.

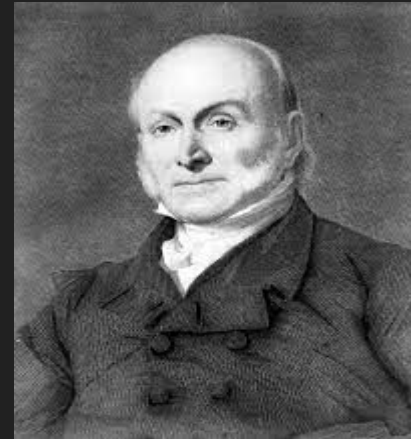
- 1771
 - Virginia Arrests 50 Baptists
- 1798
 - Alien & Sedition Acts
 - John Adams



Free Speech Restrictions:

I believe free speech is more dependant on the culture of free speech rather than laws.

- 1836
 - Gag Order in the House of Reps
 - Could not talk about abolition of slavery
 - Repealed in 1844
- 1873
 - Comstock Law



Free Speech Restrictions:

I believe free speech is more dependant on the culture of free speech rather than laws.

- 1917
 - Espionage Act
- 1918
 - Sedition Act



Free Speech Restrictions:

I believe free speech is more dependant on the culture of free speech rather than laws.



- 1919
 - Schenck vs. United States
- 1919
 - Debs vs. United States
- 1919
 - Abrams vs. United States
- 1925
 - Gitlow vs. New York

Free Speech Restrictions:

I believe free speech is more dependant on the culture of free speech rather than laws.

- 1940
 - Congress passes the Smith Act, Title I of the Alien Registration Act of 1940
 - Makes it a crime to advocate the violent overthrow of the government.
- 1940
 - *Minersville School District vs. Gobitis*
 - Pennsylvania Flag Salute
 - “National unity is the basis of national security.”
- 1941
 - Congress authorizes FDR to create the “Office of Censorship.”
- 1942
 - *Chaplinsky vs. New Hampshire*
 - “Fighting Words” Doctrine
 - Your right to swing your fist ends where my nose begins



Free Speech Restrictions:

I believe free speech is more dependant on the culture of free speech rather than laws.



- 1969
 - Brandenburg vs. Ohio
 - Imminent Lawless Action
- 1973
 - Miller vs. California
 - Obscenity Test

Free Speech Upheld:

I believe free speech is more dependant on the culture of free speech rather than laws.

- 1937
 - Dejonge vs. Oregon
 - The Court writes that “peaceable assembly for lawful discussion cannot be made a crime.”
 - “The holding of meetings for peaceable political action cannot be proscribed.”
- 1969
 - Tinker vs. Des Moines
 - Students do not shed their constitutional rights at the schoolhouse gate
- 1971
 - New York Times vs. United States
 - Publishing of the Pentagon Papers



Free Speech Upheld:

I believe free speech is more dependant on the culture of free speech rather than laws.



- 1971
 - Cohen vs. California
 - F the Draft
 - Profanity is Protected Speech
 - Time, Place, & Manner
- 1989
 - Texas vs. Johnson
 - Flag Burning
- 2002
 - Republican Party of Minnesota vs. White
 - Provision prohibiting judicial candidates from announcing their views on disputed legal or political issues violates the First Amendment.
- 2010
 - Citizens United vs. FEC
 - Campaign donations are free speech
 - Opened floodgates of campaign finance
- 2021
 - Mahoney vs. BL
 - Student speech off-campus
 - Social Media
 - School Officials

Free Speech Issues Today:

- Social Media
- Safe Spaces
- Cancel Culture
- Covid-19
- Jawboning
- Echo Chamber



Free Speech Issues Today: Social Media

- Social Media
 - X
 - Jack Dorsey vs. Elon Musk
 - Facebook
 - Mark Zuckerberg
 - \$400 million into elections in 2020
- Republican backed lawsuits over banned users concerning “contentious rhetoric”



Free Speech Issues Today: Safe Spaces

- Safe Spaces
- College Campuses
 - Speakers
 - Cancelled
 - Pay for Security
 - Professors
 - Fired
 - Lawsuits



Free Speech Issues Today: Cancel Culture



- Cancel Culture
- What does the research say?
 - 58%
 - 38%
- How does politics affect cancel culture?
 - Democrats:
 - 75% vs. 39%
 - Republicans:
 - 56% vs. 22%

Free Speech Issues Today: Covid-19

- **Misinformation & Fact Checking**
 - **Several countries have criminalized vaccine misinformation, but the United States has not.**
 - **Has the Supreme Court's interpretation of the First Amendment allowed the continued spread of false claims?**
 - **US vs. Alvarez 2012**
 - **Impact?**



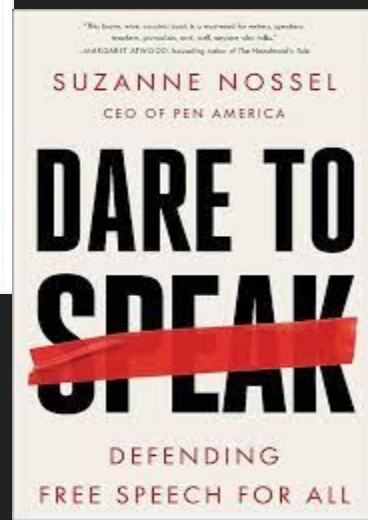
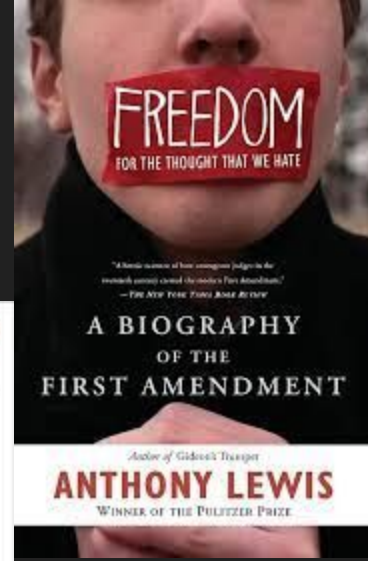
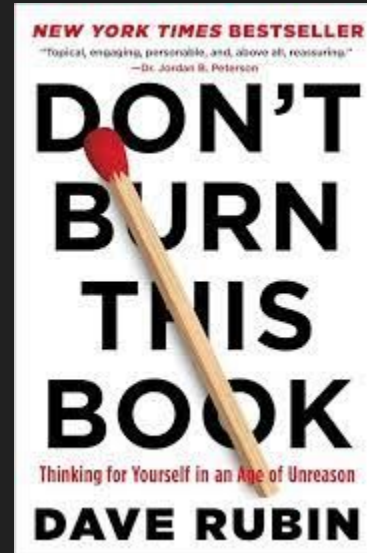
Free Speech Issues Today: Jawboning

- Jawboning
- “Cheap Speech”
 - Social media has allowed more people to speak with little to no cost
 - Speak about things that might be considered taboo- thus prompting censorship



Free Speech Resources:

- Freedom from the Thought We Hate
 - Anthony Lewis
- Don't Burn this Book
 - Dave Rubin
- Dare to Speak
 - Suzanne Nossel



Resources: Work Cited

<https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does>

https://www.law.cornell.edu/wex/freedom_of_speech

<https://www.aclu.org/issues/free-speech>

<https://billofrightsinstitute.org/resources/freedom-of-speech-general>

<http://www.oyez.org/cases>

<https://www.thefire.org/history-free-speech>

<https://images.google.com/>

Questions: mthomas@sheridan.edu



- THANK YOU:
 - Sheridan College Foundation
 - Thickman Faculty Lecture Fund