

Freedom of Speech

David A. Hughes, Ph.D.

Auburn University at Montgomery

david.hughes@aum.edu

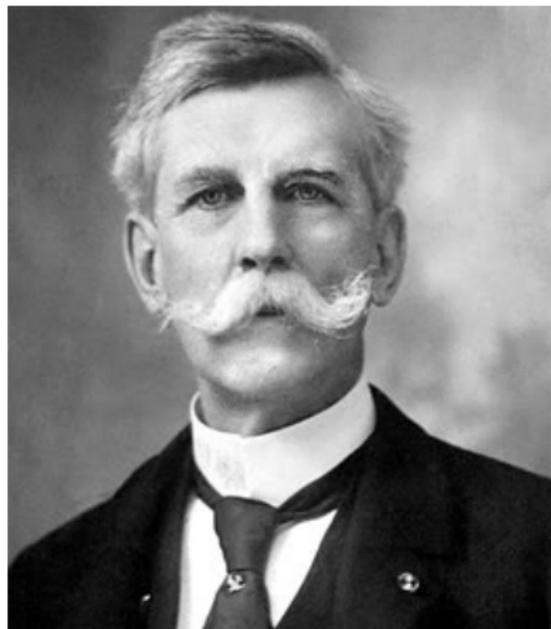
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The speech clause of the First Amendment

- “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.”

Speech Rights in Response to World War I

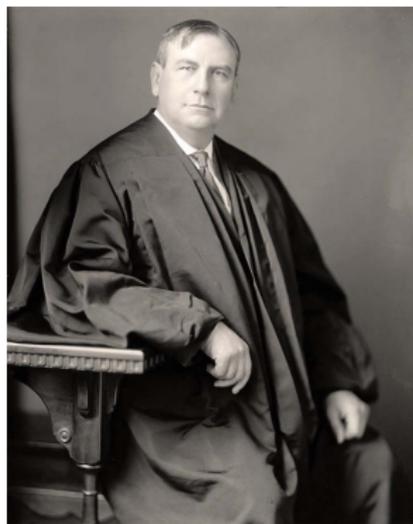
- *Schenck v. U.S.* (1919)
- *Abrams v. U.S.* (1919)
- *Gitlow v. New York* (1925)
- *Whitney v. California* (1927)



Oliver Wendell Holmes (1841–1935)

Speech Rights in the Twilight of the *Lochner* Court

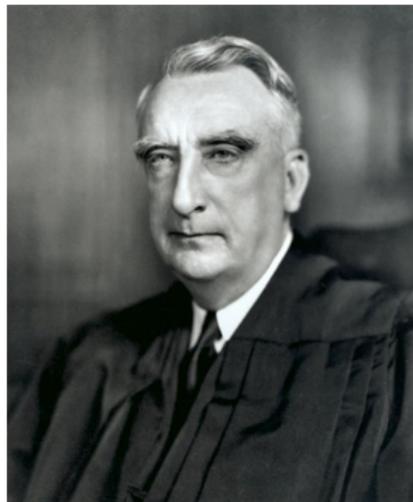
- *Stromberg v. California* (1931)
- *DeJonge v. Oregon* (1937)
- *U.S. v. Carolene Products* (1937)
- *Schneider v. New Jersey* (1939)
- *Thomas v. Collins* (1945)



Harlan Fiske Stone (1872–1946)

Speech Rights during the Red Scare/Vinson Court

- *Kovacs v. Cooper* (1949)
- *American Communications Asscn. v. Doud* (1950)
- *Dennis v. United States* (1951)
- *Brandenburg v. Ohio* (1969)

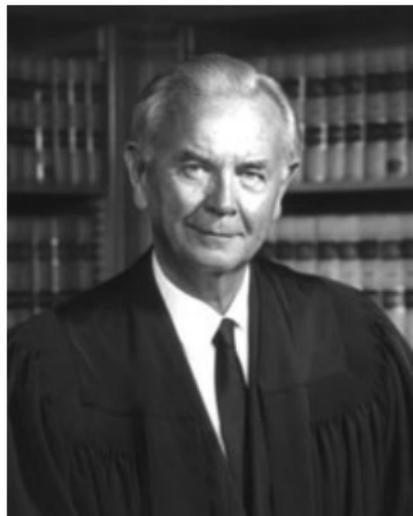


Fred M. Vinson (1890–1953)

Speech Rights after the Crisis

- Government has an interest in limiting effects of some speech:
 - Libel, obscenity, etc.
 - Violence
 - Prevention of others' exercise of rights
 - Trespass
 - Time, place, and manner
- Courts may limit government's enforcement powers:
 - Prior restraints
 - Content neutrality
 - Narrowly tailored
 - No chilling effect

- Recall *Stromberg*
- *Thornhill v. Alabama*
- *U.S. v. O'Brien* (1968)
- *Street v. New York* (1969)
- *Spence v. Washington* (1974)
- *Texas v. Johnson* (1989)
- *U.S. v. Eichman* (1990)



William Brennan (1906–1997)

Speech Rights in a Public Forum

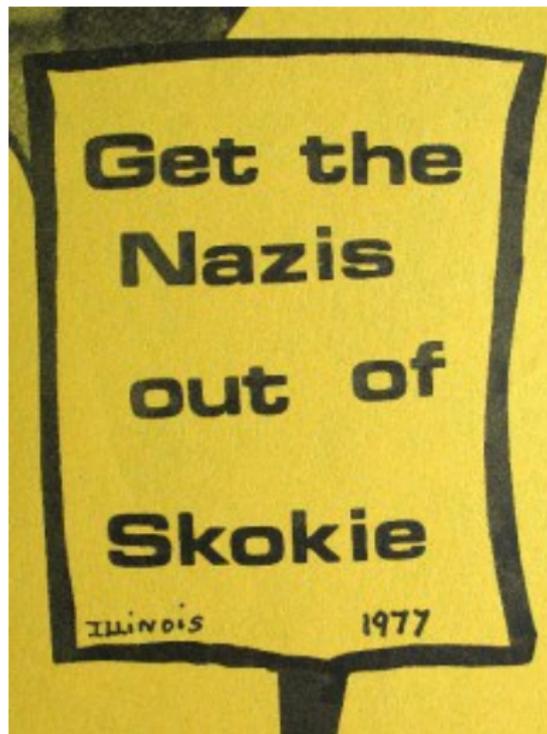
- *Chaplinsky v. New Hampshire* (1942)
- *Cohen v. California* (1971)
- *Ward v. Rock Against Racism* (1989)
- *McCullen v. Coakley* (2014)



John Marshall Harlan, II (1899–1971)

Offensive and Hateful Speech

- *National Socialist Party v. Skokie* (1977)
- *R.A.V. v. City of St. Paul* (1992)
- *Wisconsin v. Mitchell* (1993)
- *Snyder v. Phelps* (2011)
- *U.S. v. Alvarez* (2012)



Speech Rights for Juveniles

- *Tinker v. Des Moines Ind. Community School District* (1969)
- *Bethel School District No. 403 v. Fraser* (1986)
- *Morse v. Frederick* (2007)



The Right *Not* to Speak

- *Minersville School District v. Gobitis* (1940)
- *West Virginia State Board v. Barnette* (1943)
- *Wooley v. Maynard* (1977)



- *Valentine v. Chrestensen* (1942)
- *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council* (1976)
- *First National Bank of Boston v. Bellotti* (1978)
- *Bates v. State Bar of Arizona* (1977)
- *Central Hudson Gas and Electric Corporation v. Public Service Commission of New York* (1980)



Sandra Day O'Connor (1930 –)

- *Buckley v. Valeo* (1976)
- *McConnell v. FEC* (2003)
- *Randall v. Sorrell* (2006)
- *Davis v. FEC* (2008)
- *Citizens United v. FEC* (2010)
- *McCutcheon, et al. v. FEC* (2014)



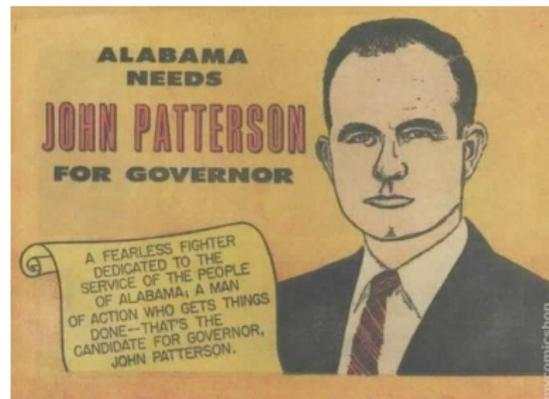
William Rehnquist (1924-2005)

- *Walker v. TX Div., Sons of Confederate Veterans* (2015)
- *Matal v. Tam* (2017)



Freedom of Association

- *NAACP v. Alabama* (1958)
- *Roberts v. Jaycees* (1984)
- *Hurley v. Irish-American GLBG of Boston* (1995)
- *Boy Scouts v. Dale* (2000)
- *Rumsfeld v. FAIR* (2006)



John Patterson (1921 –)