

FREE SPEECH AND ITS CHALLENGERS

The Constitution guarantees specific freedoms in the First Amendment – the freedom to speak, the freedom of the press, and the freedom to assemble, among others. While these rights have been promised, they have not always been upheld.

Sometimes, the government has tried to stop the publication of things that have displeased it. The Nixon administration attempted to get courts to halt the publication of Vietnam-era war plans that were leaked to the New York Times. In that instance, Nixon lost, and press rights emerged triumphant.

At other times, the government has acted to stop people from assembling freely. After the first day of the 1999 World Trade Organization protests, the mayor of Seattle banned everyone but WTO delegates from the city center. Later, courts issued mixed rulings, upholding the city's power to shut down the streets, but finding that some individuals had their rights violated.

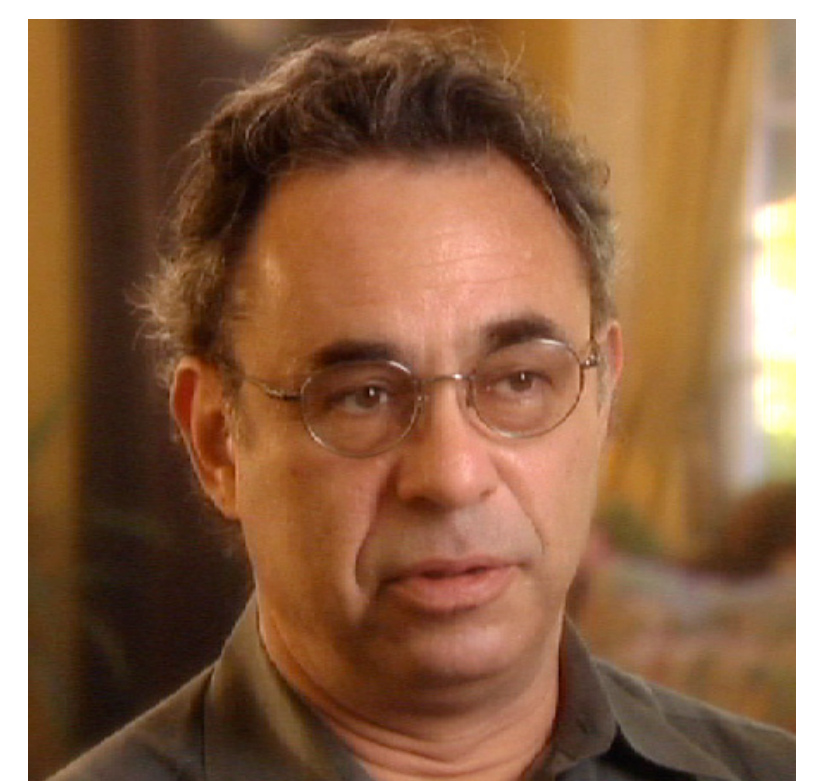


“So what wound up happening was that Mayor Schell set out for Wednesday and for the rest of the week what he called a ‘no-protest zone.’” – Geov Parrish, journalist

Often, the government has acted to surveil speakers that it dislikes, and to keep track of their actions. Such activities have served to chill the speech of these groups or individuals. Government agents have surveilled and infiltrated political organizations, have recorded their conversations, and have sometimes actively worked to disrupt entirely legal activities.

Such actions occurred during the FBI's COINTELPRO era of the 1960s, and were echoed in later decades with differing variations. During the 1980s, church groups that focused on Central American policy issues were subjected to break-ins. Within the past decade, undercover operatives from the Defense Department were sent to infiltrate peace groups.

I know a number of people who I was active with who have remained paranoid all of their lives as a result of that surveillance. It gets people afraid. You never know who in the room is the one doing the reporting, the watching, the telling.” – Dennis Stoval, anti-Vietnam War activist



After 9/11, national security concerns provided new rationales to constrain speech. Memos written by Bush administration lawyers stated that “First Amendment speech and press rights may also be subordinated to the overriding need to wage war successfully.”

As of late, government action has focused on post-publication punishment for speech-related activity. The web site Wikileaks, for instance, has faced threats of prosecution for publishing leaked government documents.

The story of the First Amendment in America is a work-in-progress, and it charts a continual tension between those who seek speech, and those who see constraint.



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