

Constitution Day 2019 Lecture

THE FIRST AMENDMENT

What do these words mean to you?

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or 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.”

Why did the Founders promise Freedom of Speech to American citizens?

One reason is because, under the previous rule of Kings, subjects were not allowed to disagree or dissent. Citizens have rights; subjects do not.

Your rights as a citizen are valuable — Hold onto them! You will likely need them someday.

Prior to the rule of kings, religious leaders could determine what you were allowed to think or say, and “heretics” could be denounced . . . or even killed.

The world does not have an exceptional record of dealing with “dissenters.”

In the United States, we allow people to disagree, and to hold unpopular views.

Your thoughts and opinions are your own, and you enjoy freedom of conscience—the right to arrive at your own private beliefs without being coerced by anyone who has power over you.

Can you remember what the 5 rights spelled out in the First Amendment are?

GRASP your rights!

Here’s a mnemonic to help you remember them:





What could happen without your First Amendment rights?

America's Constitution and Bill of Rights were influenced by thinkers working long before America's founding.

JOHN MILTON (1608-1674)

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- Most famous for epic poem *Paradise Lost*
- Also wrote *Areopagitica* (1644) - one of the earliest essays arguing against censorship and for freedom of the press.

England wanted to control what people said about the government and Church of England in print, and instituted a licensing system requiring every new document to be approved by the government before it could be printed.

JOHN MILTON ON CENSORSHIP

- Milton argued that censoring authors amounted to state control of thought.

QUOTATIONS:

- "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties."
- "[H]e who destroys a good book, kills reason itself."

JOHN LOCKE (1632-1704)

- Among most influential works were *A Letter Concerning Toleration* (1689) and *The Second Treatise of Government* (1690)
- John Locke has been called "the intellectual founding father of the United States."

The phrase "life, liberty and the pursuit of happiness" in the Declaration of Independence was borrowed almost entirely from Locke's writings, along with many other ideas that informed America's founding documents.

LOCKE'S IDEAS

- Political leaders are in no better position to determine "truth" than other men are, and thus have no right to attempt to force their opinions on others.
- People must deal with one another through the use of persuasion and reason rather than coercion (force.)
- Quote: "New opinions are always suspected, and usually opposed, without any other reason but because they are not already common."



TYRANNY OF THE MAJORITY:

What do you think that phrase means?

Have you ever experienced it?

How can you guard against it?

JOHN STUART MILL (1806-1873)

- Published *On Liberty* in 1859; although it was written after the Constitution, it is considered to be one of the most important arguments in favor of free speech and individuality ever written.
- Mill believed that individuality is something that should be protected and nurtured.
 - He believed society squelches nonconformity, which is a loss to everyone, because we can learn new ideas from the nonconformists among us.

MILL ON MINORITY OPINION

- Mill spoke of the need to protect the minority against the power of the majority.
 - This is sometimes referred to as the “tyranny of the majority.”
- Mill says liberty of opinion is valuable for two main reasons. First, the unpopular opinion may be right. Second, if the opinion is wrong, refuting it will allow people to better understand their own opinions.

MILL ON LIBERTY AND CONFORMITY

- Mill argued that societies that allow liberty and freedom of speech and thought will uncover the best new ideas and flourish, but those that impose restrictions will stagnate.
- Mill rejects attempts—either through legal means or social pressure—to coerce people’s opinions and behavior.

MILL ON CERTAINTY AND CENSORSHIP

- Mill observes that people who feel very sure of their opinion may begin to believe they are infallible. This leads to the attempt to try to impose their views on other people and to decide the question for everyone.
- He said that even if only one person held a particular opinion, mankind would still not be justified in silencing him.

MORE FAMOUS FREE SPEECH QUOTES TO CONSIDER:

“To suppress free speech is a double wrong. It violates the rights of the hearer as well as those of the speaker.”

—Frederick Douglass



“Freedom of speech is a principal pillar of a free government; when this support is taken away, the constitution of a free society is dissolved, and tyranny is erected on its ruins.” —Ben Franklin

“The first man to throw an angry word instead of a rock founded civilization.”

—Sigmund Freud

"Above all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." —Justice Thurgood Marshall

BARACK OBAMA ON FREEDOM OF SPEECH AND THE VALUE OF DEBATE

“The Battlefield of Ideas”

“There will be times when you shouldn’t compromise your core values, your integrity, and you will have the responsibility to speak up in the face of injustice. But listen. Engage. If the other side has a point, learn from them. If they’re wrong, rebut them. Teach them. Beat them on the battlefield of ideas.”

-President Barack Obama,

Commencement Address at Howard University

May 7, 2016

CONNECTING PAST AND PRESENT

What connection do you see between Locke’s, Milton’s, and Mill’s ideas on free speech and the “battlefield of ideas” Barack Obama references in his commencement address?

DISCUSSION QUESTIONS

- Why do you think freedom of speech was so important to the founders?
- Why did President Obama say that it is important to listen to the “other side” in a debate? What does he believe we gain by doing so?
 - Can you describe an instance in your experience when you changed your opinion on an issue through this kind of debate?
- What is the difference between persuasion and coercion?

VOCABULARY

Tyranny

Liberty

Conscience

Dissenter

Coercion

Infallible

Rebut



Teachers!

There are more foundational, philosophical summary readings, with questions, attached to this lesson. Students can download a free, shortened copy of On Liberty [here](#), and FIRE's free speech comic [here](#). You can find the rest of FIRE's Free Speech curriculum materials [here](#).

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More famous Free Speech quotes to consider:

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Barack Obama on Freedom of Speech and the Value of Debate

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