

Williams College

HISTORY 17

THE FIGHT FOR FREE SPEECH IN AMERICA

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Winter Study 2008

There has been a revolution in our attitude toward free speech over the course of the last century. Prior to World War I, freedom of speech was something most Americans took for granted. Yet there had always been censorship in America. Censorship was not widely seen as a problem until World War I. It was then that the rapidly expanding federal government crushed criticism of the war, convicting more than a thousand Americans of making statements that allegedly harmed the war effort. Immediately following the war, Attorney General A. Mitchell Palmer launched nationwide raids that rounded up thousands of suspected Communists who were guilty of nothing more than belonging to the wrong political party.

The civil liberties movement in this country was born in the outrage over the abuses committed during World War I and the Red Scare. Not all Americans were outraged. Most supported the imprisonment of people they regarded as traitors, spies and revolutionaries. In the beginning, the fight for free speech was waged by a handful of men and women who believed that the greatest threat to American government came not from radicals calling for its overthrow but from patriotic officials intent on suppressing “dangerous” beliefs.

In succeeding years, civil libertarians have fought to establish a free trade in ideas. Slowly, battle by battle, they have fundamentally changed the relationship between the American people and their government. “...[T]he censorial power is in the people over the Government, and not in the Government over the people,” James Madison said during a debate in the House of Representatives in 1794. The civil libertarians have repeatedly defeated the government censors. But the battle will never be won. The fight continues.

All readings for the course should be undertaken in the order listed on the syllabus and brought to class for discussion. The main text is the instructor’s book, *From the Palmer Raids to the Patriot Act: A History of the Fight for Free Speech in America* (\$25.95). I will have copies available for purchase on the first day of class. Articles, court decisions and other documents will be available either online or in a photocopied packet that I will distribute.

In addition, to learn about current censorship battles, students will be asked to use Google to create a daily search for items using the key words “free speech.” They will also

receive selected postings from the listservs of two anti-censorship groups, the Free Expression Network (FEN) and Media Coalition.

Evaluation for the course will be based on the following criteria: (1) regular attendance and participation in class discussion; (2) TWO in-class presentations on the readings, in which you will identify the most important aspects of the day's readings and direct class discussion; (3) One 10-12 page paper, due at the end of the course covering any aspect of the book or a current free speech controversy reported by Google, FEN or Media Coalition..

The provisions of the Williams College Honor Code apply to Winter Study courses.

SCHEDULE OF MEETINGS

Week One

Session One: Thursday, Jan. 3

COURSE INTRODUCTION

No reading.

Session Two: Friday, Jan. 4

THE FIGHT BEGINS, 1917-1920

Chris Finan, *From the Palmer Raids to the Patriot Act: A History of the Fight for Free Speech in America*, introduction and chap. 1 (pp. ix-38)

Emma Goldman, statement at deportation hearing, (2 pp.)

<http://sunsite.berkeley.edu/Goldman/Exhibition/plea.html>

Oliver Wendell Holmes, dissenting opinion, *Abrams v. U.S.*, 250 U.S. 616 (1919) (3 pp.)

<http://www.findlaw.com/casecode/supreme.html>

Week Two

Session Three: Monday, Jan. 7

THE TWENTIES: THE HEROIC YEARS

Finan, chaps. 2 and 3, (pp. 39-108)

Martha Glaser, "Paterson, 1924: The ACLU and Labor" (18 pp.), *New Jersey History*, v. XCIV, No. 4 (Winter 1976)

"Bookseller's Responsibility," excerpts from 1923 booksellers convention (7 pp.), *Publishers Weekly*, May 26, 1923, p. 1623

Zechariah Chafee, *The Censorship in Boston* (Boston: Civil Liberties Committee of Massachusetts, 1929) (22 pp.)

Session Four: Tuesday, Jan. 8

GOVERNMENT INTERVENTION

Finan, chap. 4 (pp. 109-33)

Fred W. Friendly, *Minnesota Rag*, chaps. 3, 4, 9-11 (61 pp.)

Near v. Minnesota, 283 U.S. 697 (1931), (19 pp.)

<http://www.findlaw.com/casecode/supreme.html>

Week Three**Session Five: Wednesday, Jan. 16****COLLAPSE OF FREE SPEECH: SECOND RED SCARE**

Finan, chap. 5 (pp. 134-168)

Ellen Schrecker, *Age of McCarthyism*, pp. 155-164, 192-195, 203-209, 217-230

William O. Douglas, "The Black Silence of Fear" (4 pp.), *New York Times Magazine*, Jan. 13, 1952

Session Six: Thursday, Jan. 17**A NEW BEGINNING: THE WARREN COURT AND WATERGATE**

Finan, chaps. 6 and 7 (pp. 169-236)

Roth v. U.S., 354 U.S. 476 (1957), (23 pp.)

New York Times v. Sullivan, 376 U.S. 254 (1964) (26 pp.)

<http://www.findlaw.com/casecode/supreme.html>

Week Four**Session Seven: Monday, Jan. 21****COUNTERATTACK: THE SEVENTIES AND EIGHTIES**

Finan, chap. 8 (pp. 237-267)

Finan and Castro, "The Rev. Donald Wildmon's Crusade for Censorship, 1977-1992" (36 pp.)

<http://mediacoalition.org/reports/Wildmon%20report.pdf>

Finan, "Catherine A. MacKinnon: The Rise of a Feminist Censor, 1983-1993" (25 pp.)

<http://mediacoalition.org/reports/Macreport3.pdf>

Session Eight: Tuesday, Jan. 22**9/11: TERRORISM AND FREE SPEECH**

Finan, chap. 9 (pp. 268-307)

"ACLU and the Courts Since 9/11 (Past Cases)" (8 pp.)

http://www.aclu.org/pdfs/safefree/since911pastcases_20061019.pdf

“ACLU and the Courts Since 9/11 (Present Cases)” (14 pp.)

http://www.aclu.org/pdfs/safefree/since911docket_20061013.pdf

“Secrecy Report Card 2007” (25 pp.)

<http://www.openthegovernment.org/otg/SRC2007.pdf>

NSL Reform Act of 2007 (S. 2088/H.R. 3189)

<http://thomas.loc.gov/cgi-bin/query/z?c110:S.2088>