Test One- Essay

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**Question: Write an essay of about 400 words that illustrates how the First Amendment's protection of speech changes and strengthened from the Alien and Sedition Acts, to the first cases around World War I - Shenck, Debs, Abrams - to the Smith Act prosecutions of the McCarthy era, to the modern cases - Brandenburg, Texas v. Johnson, Cohen and the Pentagon Papers.**

**Answer:** The first amendment of the US Constitution adopted in 1791 which is often read together with nine other amendments protects the right of speech of every citizen of the US. This written document which is also sometimes referred to as the Bill of Rights protect the civil liberties of the people of the US. The bill of rights has although remained under critical discussions, as some people that time believed that bill of rights leave space for the foreigners to spread ill against the American forces. Based on such rhetoric the bill of rights remained a subject of wide interpretation. Influenced by such debates, the American Congress passed another act in 1798 known as alien and sedition act which became crucial for the foreigners in the US.

The Alien and Sedition Act of 1798 limited the movement of foreigners in the mainland of America. These were four laws which primarily targeted the freedom of speech and expression along withrestrictionson the movement of foreigners, remains the most controversial act in American history. Some historians claim that passing of such laws by American Congress really helped in lowering the threat of revolt against the American forces from inside the country. It is also debated that during those times, there was a high threat of war with the French forces, which were believed to be residing inside the American territory.

In the cases of Schenck, Debs, and Abrams which took place around World War I, the judges resorted to the practice of freedom of expression enshrined under the common law rule of the proximate causation. In the Shenck and Abrams cases of 1919, Justice Oliver Holmes maintained that there is clear and present damage in considering the Espionage Act as despotic and unconstitutional. Similarly, in Abram's case, the Russian immigrant was convicted on account of distributing pamphlets calling for a general strike. These cases were debated considering both the first amendment and alien and sedition acts, in which finally the alien and sedition act remained pressing.

Similarly, the Smith Act prosecutions which were held between the years of 1949 and 1958 resulted in the conviction of some communist party leaders. These leaders were held accountable for the charges of advocating violent means to overthrow the government. In this case, the defendants argued that the first amendment protects their right to speech and their association, therefore they have not committed any offense contradictory to the US constitution. These leaders were finally convicted by a lower court in the US under the Smith Act, which ruled that they supported carrying violent means, therefore it is by every mean is in contradiction to the first amendment.

Finally, in the recent cases such as Brandenburg v. Ohio case of 1969, Pentagon Papers case of 1971, and Texas v. Johnson case of 1989, the Supreme Court of the United States held the same decision that the first amendment protects the claims offered by the defendants. In such cases, no other law or act was read together with the first amendment, as the defendants’ acts in all three cases were protected by the first amendment of the US constitution.