

Free Speech and Sedition

Terms:

Blasphemy: contempt, or lack of respect for, the sacred, including attacks on the authority of an established church.

Sedition: 1) advocacy or action with the goal of subverting or overthrowing the government, but falling short of treason.
2) publishing or broadcasting any statement that brings the government or its officials into disrepute, this is also known as Seditious Libel.

Treason: Levying war against one's own country, or giving aid and comfort to its enemies in time of war.

A Typology of Free Speech Tests

Bad Tendency

Even a tendency to obstruct govt justifies prosecution

Debs v. US (1919)

Govt can extinguish spark before becomes a flame

Gitlow v. US (1925)

Clear and Present Danger

Suppression of speech only when there is clear and present danger to society under current circumstances

Schenck v. US (1919)

Dennis v. US (1951)

Action, not Advocacy

Constitution protects advocacy and teaching of revolution, but prohibits advocacy of specific actions

Yates v. US (1957)

Imminent Lawless Action

Constitution protects advocacy of lawless action in the abstract, but not advocacy of specific and imminent lawless action

Brandenburg v. Ohio (1969)