

THE FIRST AMENDMENT AND BANNED BOOKS

In the United States, the First Amendment to the Constitution guarantees **freedom of speech**. This is one of the most important values in the United States: freedom to say whatever you want, whenever you want, to whom ever you want.

Or can you? Are there limitations to freedom of speech? Of course there are! People's right to speak (and draw, and write) should be protected, but so should the rights of the people around them.

One way of evaluating freedom of speech is whether the speech presents a **clear and present danger**, either to specific individuals or to the government. Saying that you don't like a building is fine, but advocating that it be blown up or giving directions for doing so are not protected speech, because someone could decide to listen to you. In the same way, giving specific directions for doing really harmful things is not generally considered protected speech.

A judge famously declared you don't have the right to falsely **shout fire** in a crowded theater. Why is this not free speech? Because the result of your speech could be harmful, even deadly, to others. If you shout "Fire!" in a crowded theater, and everyone rushes to the exits, or worse, if someone trips and starts a fire, the deaths would be your fault. Their rights (to be able to watch a movie without getting trampled in a fictional panic) are more important than yours (to shout random words in a theater when you should be watching the movie).

You're free to talk about other people, but if you say something that is believable but untrue (**slander**) or if you write something that is (libel), and you know it's not true, then you're not protected. People's right to not have lies spread are more important than the right to lie. That makes sense, right?

Another type of speech that is not protected is **obscenity**. Obscenity is hard to define: basically, it is material that offends accepted standards of morality and decency. Most people agree that Michelangelo's *David* (a sculpture of a nude man) is not obscene, but pictures of real people might be. And it's not just images...even writing can be considered obscene. One judge said, "I know it when I see it," and this is basically how obscenity is categorized. If an average citizen using average morals determines that something is obscene, it is. Then it is not protected by free speech.