



# CSCI 215

## **Social and Ethical Issues in Computer Science**

privacy, censorship, freedom of  
speech, freedom of the press



# First Amendment Protection

- **Amendment I.** 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.

The First Amendment guarantees freedoms concerning religion, expression, assembly, and the right to petition. It forbids Congress from both [promoting one religion over others](#) and also [restricting an individual's religious practices](#). It guarantees [freedom of expression](#) by prohibiting Congress from restricting the press or the rights of individuals to speak freely. It also guarantees the right of citizens to [assemble peaceably and to petition their government](#).



# Freedom of Speech

- The right to express any opinions without censorship or restraint. (dictionary.com)



# Freedom of Speech

- Freedom of speech includes the right:
- Not to speak (specifically, the right not to salute the flag).  
*West Virginia Board of Education v. Barnette*, 319 U.S. 624 (1943).
- Of students to wear black armbands to school to protest a war (“Students do not shed their constitutional rights at the schoolhouse gate.”).  
*Tinker v. Des Moines*, 393 U.S. 503 (1969).
- To use certain offensive words and phrases to convey political messages.  
*Cohen v. California*, 403 U.S. 15 (1971).
- To contribute money (under certain circumstances) to political campaigns.  
*Buckley v. Valeo*, 424 U.S. 1 (1976).
- To advertise commercial products and professional services (with some restrictions).  
*Virginia Board of Pharmacy v. Virginia Consumer Council*, 425 U.S. 748 (1976); *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977).
- To engage in symbolic speech, (e.g., burning the flag in protest).  
*Texas v. Johnson*, 491 U.S. 397 (1989); *United States v. Eichman*, 496 U.S. 310 (1990).

From [uscourts.gov](https://www.uscourts.gov)



# Freedom of Speech

- Freedom of speech does not include the right:
- To incite actions that would harm others (e.g., “[S]hout[ing] ‘fire’ in a crowded theater.”).  
*Schenck v. United States*, 249 U.S. 47 (1919).
- To make or distribute obscene materials.  
*Roth v. United States*, 354 U.S. 476 (1957).
- To burn draft cards as an anti-war protest.  
*United States v. O’Brien*, 391 U.S. 367 (1968).
- To permit students to print articles in a school newspaper over the objections of the school administration.  
*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988).
- Of students to make an obscene speech at a school-sponsored event.  
*Bethel School District #43 v. Fraser*, 478 U.S. 675 (1986).
- Of students to advocate illegal drug use at a school-sponsored event.  
*Morse v. Frederick*, \_\_\_ U.S. \_\_\_ (2007).



# Freedom of Speech

A case in point is a recent pair of articles for *Public Discourse* advocating government censorship of pornography on the Internet. Conservative Morgan Bennett argues that the First Amendment should not be used to protect Internet pornography and other “obscene” material. He finds that “current jurisprudence protecting pornography as ‘artistic expression’ contradicts the Framers’ understanding and the underlying purposes of the First Amendment’s protection of speech, and it fails to protect Americans from the social and personal trauma caused by pornography.”

What do you think?

<https://www.fff.org/explore-freedom/article/pornography-and-the-first-amendment/>



# Freedom of Speech

- Wikileaks
  - Julian Assange
  - journalist, programmer, internet activist
  - Foster more open and transparent govts by revealing things that govts would prefer to hide.
  - Stephen Moss: uncensorable system for untraceable mass document leaking
  - classified documents
  - Bradley (Chelsey) Manning leaked hundreds of thousands of secret docs through wikileaks
  - Clinton: puts lives in danger

In groups, tell me the latest on this case and argue for or against Wikileaks



# Freedom of Speech

- *Reno v. American Civil Liberties Union* - the Supreme Court held that the government can no more restrict a person's access to words or images on the Internet than it can snatch a book out of someone's hands or cover up a nude statue in a museum
- The ACLU remains vigilant against laws or policies that create new decency restrictions for online content, limit minors' access to information, or allow the unmasking of anonymous speakers without careful court scrutiny.

From <https://www.aclu.org/issues/free-speech/internet-speech>



# Communications Decency Act



- [https://en.wikipedia.org/wiki/Communications Decency Act#:~:text=The%20Communications%20Decency%20Act%20of,indecency%20provisions%20of%20the%20act.](https://en.wikipedia.org/wiki/Communications_Decency_Act#:~:text=The%20Communications%20Decency%20Act%20of,indecency%20provisions%20of%20the%20act.)



# Freedom of Speech

- Should we protect certain populations from freedom of speech?