

= Free Speech , " The People 's Darling Privilege " =

Free Speech , " The People 's Darling Privilege " : Struggles for Freedom of Expression in American History is a non-fiction book about the history of freedom of speech in the United States written by Michael Kent Curtis and published in 2000 by Duke University Press . The book discusses the evolution of free speech in the U.S. within the context of the actions of individuals and how they affected change . The author writes that protests and actions by citizens helped to evolve the notions surrounding free speech in the U.S. before definitive statements on the matter from U.S. courts . Curtis writes that free speech rights were first developed in " the forum of public opinion " , and that , " The history of free speech shows the need for broadly protective free speech rules applied generally and equally " .

For his work on Free Speech , " The People 's Darling Privilege " , Curtis received the Hugh M. Hefner First Amendment Award and the Mayflower Cup Award . Critics gave the book a positive reception . A review in Columbia Journalism Review called it a " rich and original study " , and The Journal of American History said that it includes " fine analytic discussions " . Perspectives on Political Science called the book " an extremely valuable contribution to the literature addressing the history of free speech in America . " Timothy C. Shiell of the University of Wisconsin - Stout reviewed it for The Historian and wrote , " Michael Kent Curtis offers a major contribution to the scholarship of both that era and of free speech . "

= = Author = =

Curtis ' previous book , No State Shall Abridge : The Fourteenth Amendment and the Bill of Rights , was published in 1986 . The Journal of Information Ethics said that before the book 's publication , Curtis had " written quite extensively on the subject " of freedom of speech , and cited articles in Constitutional Commentary ( 1995 ) , and Wake Forest Law Review ( 1996 ) . With J. Wilson Parker , Davison Douglas , and Paul Finkelman , Curtis served as editor of the 2003 work , Constitutional Law in Context . In 2002 , Curtis was a professor of law at Wake Forest University , where he taught American legal and constitutional history , free speech law , and constitutional law . In 2004 , Curtis was a professor of Public and Constitutional Law at Wake Forest University .

= = Contents = =

Structured in chronological order , Free Speech , " The People 's Darling Privilege " discusses the development of free speech through controversies which arose during the history of the United States . These include the Quasi War with France , the 1798 Alien and Sedition Acts , conflict regarding speech related to abolitionism and criticism of slavery , and speech related to criticism of the American Civil War . Curtis discusses the efforts of abolitionists Elijah Lovejoy and Hinton Helper .

The book discusses in detail attempts by U.S. President Abraham Lincoln to curtail free speech during the American Civil War . He comments on the ways attitudes about free speech affected events in history related to this period of time , " The weakness of the popular free speech tradition ( especially in the South ) encouraged violence that did not end with the Civil War ... [ but was ] revived during Reconstruction to silence those who supported civil and political rights for blacks " . Curtis discusses conflict involving people related to these historical events , including editors , political activists , and politicians . The author discusses advocates of free speech before the recognition of this right in the U.S. court system .

Curtis writes that despite the actions of the government , it is the actions of individuals through speech and protest that allow democracy to function appropriately . The author states that , " again and again , people in power have treated speech that advocated lawful change through democratic process as an incitement to lawless action " . Curtis says that free speech rights in the U.S. , which at present are believed to be given through 20th century court rulings , were actually developed first in " the forum of public opinion " . He says , " The history of free speech shows the need for broadly

protective free speech rules applied generally and equally " .

He writes that during the 18th and 19th centuries in the U.S. , protests by individuals and the press predated court judgments regarding the development of free speech . The author says , " as Madison had expected , constitutional guarantees of liberty do their work at popular levels as well as at the level of institutions such as the Supreme Court of the United States , state supreme courts , Congress , and state legislatures . Popular views limit and channel both legislation and private action , each of which can either constrain or empower speech " . Curtis says that , " The similarity of current suppression theories to those of the past suggests caution . Historic attempts to use these ideas to suppress democratic discussion of positive social change should make us wary of attempts to resurrect them for benevolent purposes " .

= = Reception = =

= = = Awards and honors = = =

For his work on the book , Michael Kent Curtis was recognized with the Hugh M. Hefner First Amendment Award , which recognizes contributions to the First Amendment . He also received the Mayflower Cup Award , which honors the best non @-@ fiction work by an individual from North Carolina , from the North Carolina Literary and Historical Association .

= = = Reviews = = =

In a review of the book for the Columbia Journalism Review , James Boylan said Curtis ' work is a " rich and original study " . Reviewing the book for The Journal of American History , Michael P. Zuckert called it a " very fine book " that is " gracefully written and engaging to read " . He said , " After Curtis 's book , nobody should be able to say that the Bill of Rights was unlikely to be on the minds of the drafters of the Fourteenth Amendment . " Zuckert wrote , " Sprinkled into the stories are fine analytic discussions . "

Writing in Perspectives on Political Science , Paul Weizer described the book as " an extremely valuable contribution to the literature addressing the history of free speech in America . " Weizer said , " Although there are countless books on the theories behind the speech guarantee embedded in our Constitution , Curtis brings a fresh perspective . Most First Amendment books begin with Supreme Court decisions from the early 1900s ; Curtis reminds us that modern ideas about the protection of expression originated much earlier . " As to the writing quality of the book , Weizer wrote , " The first hundred years of American history are rich with stories such as this . Curtis does an outstanding job of bringing them to life . He is to be commended for keeping editorial comments to a minimum and allowing the participants to make his points for him . The book is painstakingly documented to provide first @-@ person accounts from sources such as newspapers and town meetings . " Weizer recommended the book for those researching the subject matter , writing , " For specialists on free speech issues , the book provides remarkable detail . "

In a review for The Historian , Timothy C. Shiell of the University of Wisconsin ? Stout wrote , " In providing the first detailed history of free speech from the Sedition Act of 1798 to the Fourteenth Amendment of the 1860s , Michael Kent Curtis offers a major contribution to the scholarship of both that era and of free speech . " Shiell wrote on the views put forth by the author in the book , " Curtis does not limit this erudite work to historical narration . He also addresses political and legal movements and ideas that influenced and were influenced by free @-@ speech controversies such as theories of democracy , justifications for broad protections of free speech , and the doctrines of content neutrality and heckler 's veto . His treatment of justifications for suppression is especially valuable . " Shiell concluded his review writing , " For at least these three reasons ? the historical detail , the review of relevant legal and political theory , and the lessons from history ? this book is a ' must read ' for anyone interested in the period from 1798 to 1870 or in the development of free @-@ speech theory and practice in the United States . "

Gordon Moran reviewed the book for the Journal of Information Ethics , writing , " In this book , Prof. Curtis ... provides a thorough account of the evolution of free speech , in theory and practice , from pre @-@ Revolutionary times through the Civil War and the Fourteenth Amendment ( 1868 ) . As a history book , it is worthy of being in the library of every high school , college , and university that teaches American history , and would also be very useful and instructive as a textbook for university courses in American studies and advanced courses in American history . " In a review for The Journal of Southern History , William Pannill wrote , " This is more a work of history than of law . Although the author summarizes the reasoning of legislatures and courts that overrode the First Amendment , he does not analyze the unfolding of constitutional doctrines . " Pannill concluded , " At 437 pages of text , the book is too long . The writing suffers from repetition . For example , the author reminds us again and again that the southern states feared that debates over slavery would lead to slave revolts @-@ one time was sufficient to make the point . The chapters also jump around in time and subject . Pruning and redrafting would have improved the book for a wider audience . The story certainly deserves one . "

In his book Freedom of Speech : A Reference Guide to the United States Constitution , author Keith Werhan placed Free Speech , " The People 's Darling Privilege " among " leading works on free speech " during the American Civil War . Werhan noted that the book includes " excellent discussions " of the Alien and Sedition Acts . In addition to Werhan , Steven J. Heyman 's book Free Speech and Human Dignity also recommended Free Speech , " The People 's Darling Privilege " for " leading works " on freedom of speech . Author Margaret Kohn recommended Free Speech , " The People 's Darling Privilege " as a resource , " for extensive examples of the courts ' willingness to countenance restrictions on speech " , in her book Brave New Neighborhoods : The Privatization of Public Space .

In Free Expression and Democracy in America : A History , Stephen M. Feldman classed the book among " helpful sources on the history of free speech " . Writing in Lincoln 's Censor : Milo Hascall and Freedom of the Press in Civil War Indiana , David W. Bulla wrote , " Curtis showed how freedom of the press has both functional and formal protections " . Judge Andrew P. Napolitano recommended Curtis ' book in his books The Constitution in Exile , and Constitutional Chaos , writing , " Michael Kent Curtis offers an excellent and detailed account of the troubled affair between Clement Vallandigham and Abraham Lincoln in this work . "

In Constitutional Democracy : Creating and Maintaining a Just Political Order , Walter F. Murphy wrote that Curtis " beautifully detailed " an incident when the U.S. Post Office refused to deliver abolitionist writings through their service . In his book Eloquence and Reason : Creating a First Amendment Culture , Robert L. Tsai recommended Curtis ' book , " for an account of antebellum debates over the scope of the First Amendment " . In her book Licentious Gotham : Erotic Publishing and Its Prosecution in Nineteenth @-@ Century New York , Donna Dennis recommended Free Speech , " The People 's Darling Privilege " , " for evidence of commitment to freedom of speech and freedom of press among abolitionists " .