

First Amendment Essay
Ruby Calkin
Cedar Shoals High School
BluePrints

A society in which people can be legally prosecuted for insulting or offending someone is with little doubt not a free society. Despite how often speech rights are debated, I think the majority of Americans would agree with my opinion. With the exception of threats, libel and valueless obscenity, most people agree that we should place few limitations on speech. In principle, Americans love the First Amendment; it's beloved, idealized and maybe more symbolic of the U.S. than the bald eagle. But when free speech becomes more than an idea, more than just an emblem we can show off, we lose what we think is an unwavering belief in the Constitution.

The First Amendment only becomes relevant when disagreements occur. Describing this right as "freedom for the thought we hate," Justice Oliver Wendell Holmes identifies the crux of this issue. If everyone agreed on everything, the freedom of speech would not need to be in the Constitution. But Holmes's quote is from 1929, almost a hundred years ago, so this idea is far from new and original. Clearly it is much easier articulated than executed.

I find my personal biases reflected in this. When I first considered this essay's prompt, I did not want to write an essay touting free speech. I felt that the prompt was leading me to discuss the "age of left-wing cancel culture and increasing sensitivity." But why is it that I felt like I was being pigeonholed into defending the speech of right-wing, conservative thinkers? Probably because this speech is the one I am most likely to infringe upon. So why is it that I didn't want to write that essay, despite the fact that I do genuinely believe in the importance of free speech? Probably because my hypocrisy is exposed by the First Amendment.

The Supreme Court case *Snyder v. Phelps* (2011) is one of many examples that reveals my false virtue. This case disputed whether or not the father of a deceased U.S. Marine could sue the Westboro Baptist Church for protesting at his son's funeral. The hate group picketed from 1,000 feet away, displaying signs reading, "Thank God for Dead soldiers," "F*g Troops" and "Thank God for IEDS." My initial reaction is to side with the deceased Marine's family; how could anyone say these things at someone's dead son's funeral? But further examining this impulse, I recognize that it is based purely on my disgust and contempt for the church's statements, not for any legitimate legal reasons.

I find myself agreeing with the Court's decision that the church's speech was protected. After all, if my beliefs aligned with theirs, like if they had been protesting unethical military actions, maybe I wouldn't have a knee-jerk reaction to deny them free speech. However despicable their words may have been, despicable is not the same as unconstitutional. As our society becomes more and more fractured, remembering this is not only becoming increasingly difficult, but also increasingly imperative.

