



Free Speech On Trial: Communication Perspectives on Landmark Supreme Court Decisions

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Describes landmark free speech decisions of the Supreme Court while highlighting the issues of language, rhetoric, and communication that underlie them.

At the intersection of communication and First Amendment law reside two significant questions: What is the speech we ought to protect, and why should we protect it? The 20 scholars of legal communication whose essays are gathered in this volume propose various answers to these questions, but their essays share an abiding concern with a constitutional guarantee of free speech and its symbiotic relationship with communication practices.

Free Speech on Trial fills a gap between textbooks that summarize First Amendment law and books that analyze case law and legal theory. These essays explore questions regarding the significance of unregulated speech in a marketplace of goods and ideas, the limits of offensive language and obscenity as expression, the power of symbols, and consequences of restraint prior to publication versus the subsequent punishment of sources. As one example, Craig Smith cites *Buckley vs. Valeo* to examine how the context of corruption in the 1974 elections shaped the Court's view of the constitutionality of campaign contributions and expenditures.

Collectively, the essays in this volume suggest that the life of free speech law is communication. The contributors reveal how the Court's free speech opinions constitute discursive performances that fashion, deconstruct, and reformulate the contours and parameters of the Constitution's guarantee of free expression and that, ultimately, reconstitute our government, our culture, and our society.

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