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The Effect of Anti-Semitism legislations on freedom of speech in the USA

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Dedication

"I dedicate this work of dissertation to my beloved parents, whose words of encouragement and moral from earlier age still ring in my ears. I also dedicate it to my beloved brothers and other members of my precious family, friends. A special thanks for a brilliant person, *Rania* , for her kind and ongoing support. Without forgetting my dear teachers for shaping the person who I am today.

***DIF Djemoui ***

I dedicate this discussion to the two most precious people in my life, my parents, who were the only support and source of inspiration and strength throughout this period and who supported me financially and morally. I say it again, thank you, and may God prolong their life. Also, this work dedicated to my friends "*Mohammed Ghedier*" and " *Adem Mansouri* " who supported me throughout the process.

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ABSTRACT

America established its major rise as a country that represents modern democracy throughout the massive protection of **constitutional rights**, which shaped its uniqueness and made it labelled as the land of freedom. Amongst these rights is **freedom of speech**, which did not only proved to be basic, but also an essential luxury that Americans has which make them make sure that their voices are heard and their government is kept on check. However, America is Also known with many phenomenon that sources from cultural, ethnic, religious, and racial biased views. Hence, in order to protect the security of the nation and its people despite their different backgrounds, the USA was forced to make compensations which led to limiting the totality of some basic rights such as Freedom of speech. One of these phenomena is Anti-Semitism fact; **Anti-Semitism** was one of major causes that led making adjustments on freedom of speech in the united states and imposing some restrictions in a way that was believed to protect the American society from hate speech. However, these restrictions that were influenced by Anti-Semitism had many effects on Freedom of speech in the States. This dissertation will attempt to reveal these effects and navigate throughout the controversial relationship between Anti-Semitism **legislations** and liberty of speech.

Key words : Anti-Semitism, Constitutional right, Freedom of Speech, Legislations

List of Abbreviations and Acronyms

AFSCME	American Federation of State, County and Municipal Employees
BCRA	Bipartisan Campaign Reform Act
FCC	Federal Communications Commission
ICM	Intelligent Contact Management
USA	United states of America

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General Introduction

Although Freedom of speech transcends the fact that a basic constitutional right is the most significant element to ensure American liberties and values. Yet, it appears that a little of agreement exists concerning its scope. A stream of controversy was always provoked whenever the concept was a matter of discussion. Many opinions collided between those who yearn for an absolute freedom of speech, and other opinions that advocates to the fact that freedom of speech must have some restrictions. The main reasons behind these demands of setting some restrictions on a quite important right is mainly related to some moral, cultural, religious, and ethnic excesses and abuses.

Anti-Semitism as a phenomenon and Anti-Semitic legislations were often highlighted whenever a discussion on freedom of speech were raised. In fact, Anti-Semitism has always been in the spot of controversy. It is broadly considered to be complicated by the disreputable origins of the term, the diverse manifestations of the concept the, the contested politics of its applications, and discredited sources of its etymology. However, the term's association with freedom of speech knew many features of intensities. Mainly, the highlight of these intensities lays in the fact that anti-Semitism legislations was a main factor in many restrictions that were set on freedom of speech in USA.

This collision in opinion raises a most interesting point that needs to be looked upon, which is mainly related to the effects of anti-Semitism legislations on freedom of speech. In fact, it is a point worth of studying since it goes around two sensitive terms that discussing them requires a fundamental amount of research, since they are deeply rooted within humanistic variables such as political, religious, cultural, and ethnical backgrounds. As a matter of fact, USA adopted a doctrine of almost absolute protection for the freedom of expression, which led to many unfavourable outcomes; such as: incitement to discrimination based on ethnic, religious, and racial grounds. Furthermore, this absolute protection provides tolerance towards hate speech.

However, there was a point when USA was on the trail to correct it misconception on the full protection of expression by protecting liberty of speech and implementing restricts on racial or hate types of speech that is proven to harm or have inflicts on society.

In fact, the scholar Kenneth L. Marcus in his Global Antimerism tackled this phenomenon and its position in the United States. Moreover, he tackled how an absolute freedom of speech helps in a concerning rise in the anti-Semitism wave. In addition to that, he illustrated how speech restrictions based on resilient legislations may be a solution that aids in decreasing discrimination which develops to anti-Semitism. Other scholars such as C. Edwin Baker in his: Human Liberty and Freedom of Speech tackled the importance of protecting freedom of speech under the conventions of human rights. He believes that Speech or other self-expressive conduct is protected not to achieve a collective good but because of its value to the individual liberty. Moreover, he thinks that individual liberty, such as the constitutional right of freedom of speech must not be in a situation when it gets compromised based on indecisive, misguided, or ambiguous allegations. Mainly, he opts that a full protection of freedom of speech is the ultimate tool to guaranty individual and collective liberties from biased controversial accusations or mere allegations concerning the content of speech.

However, considering all the sayings of both critics, this thesis's this topic from another perspective. This work provokes many significant questions such: How is freedom of speech is a most significant right in USA, What is their historical background, what are Anti-Semitism and its implantations in USA, Why liberty of speech is collided with Anti-Semitism, What are the main laws and restrictions on freedom of speech? And what are the effects of Anti-Semitism legislations on freedom of Speech in America.

Mainly, this study aims to reveal the effects of Anti-Semitism legislations on freedom of speech in USA. Moreover, it aims to put a most sensitive two terms under the highlight of examination and discussing their legal entities. Furthermore, it aims to expose the Collision in

opinions on whether speech must gain total freedom, or it must be restricted and legally penalized based on human conventions such as Anti-Semitism as a human phenomenon. Finally, it seeks to reveal the implicit role of political implementations and the conflict between setting legislations that penalize freedom of speech whenever it comes to the subject of Anti-Semitism, and revising the political biased decisions that anti-Semitism legislations demonstrate.

The division of this thesis into three chapters contributes to understanding how Anti-Semitic legislations affect freedom of speech in USA. The thesis will be divided into two main chapters. The first chapter is entitled as freedom of speech. This chapter is devoted to the theoretical framework and the socio-historical context of the term freedom of speech. It will emphasis subtitles that provide a general insight on freedom of speech in USA, the major steps that contributed into shaping this basic right into what it is today, and the main factors that question its absolute protection and freedom under the convention of human right legislations. This subtitles includes: Historical background of the study, types of speech, Restrictions and laws ,Bill of rights , First amendment. The second chapter entitled: The Effect of anti-Semitism legislation of freedom of speech in the USA. It will emphasis Anti-Semitism, its various definition, highlights its relationship with American politics and constitutional rights such as freedom of speech, and the effect of its legislations on restricting freedom of speech. It contains subtitles entitled as follows:

Freedom of Speech in the USA: major challenges against a significant American right, Anti-Semitism legislation In the USA: a brief insight, The impact of Anti-Semitism legislations on Freedom of Speech in the USA: an insight into the main causes of the speech restrictions and the outcomes.

In the long run, this dissertation will encourage developing a critical thinking on sensitive topics such as anti-Semitism and its effect on constitutional rights such as freedom of speech. It also gives further clarification on the impact of Anti-Semitism legislations on US policies and

provokes readers to think about controversial topics in rational ways which is the audacious hope of humble attempt that aspires to bring any improvement to my field of research.

CHAPTER ONE

Freedom of speech in the USA

Introduction

Freedom of speech and expression in the United States is limited by time, place, and manner, but it is otherwise well protected against government limitations by the First Amendment of the United States Constitution, several state constitutions, and state and federal legislation. The free and public expressing of thoughts without censorship, intervention, or limitation by the government is known as freedom of speech. The First Amendment's word "freedom of expression" refers to the ability to choose what to say and what not to say. The United States Supreme Court has acknowledged that the First Amendment provides less or no protection for certain types of speech, and that governments may impose reasonable time, place, and manner restrictions on speech.

The constitutional right to free speech guaranteed by the First Amendment, which applies to state and local governments under the incorporation doctrine, prohibits only government restrictions on speech, not restrictions imposed by private individuals or businesses unless they are acting on behalf of the government. However, laws may limit the capacity of private organizations and individuals to restrict others' freedom of expression, such as employment rules prohibiting employers from exposing employees' salaries to coworkers or seeking to form a labor union.

The First Amendment's freedom of speech right not only prohibits most government restrictions on the content of speech and ability to speak, but also protects the right to receive information, prohibits most government restrictions or burdens that discriminate between speakers, limits individuals' tort liability for certain speech, and prevents the government from forcing individuals and corporations to speak or finance certain types of speech. Obscenity, fraud, child pornography, communication vital to illegal conduct, speech that incites impending lawless action, and control of commercial speech such as advertising are all examples of speech that is given less or no protection by the First Amendment. Other restrictions on free speech,

such as rights for authors over their works, protection from imminent or potential violence against specific individuals, restrictions on the use of untruths to harm others, and communications while a person is in prison, balance rights to free speech and other rights. When a speech limitation is challenged in court, it is presumed to be unconstitutional, and the government has the burden of proving that the restriction is legal.

1.1. Historical background of the study

Through history freedom of speech went through stages to be where it is at the moment and these are the major historical backgrounds related to it .

1.1.1. In England

English speaking laws were quite harsh during colonial times. Criticizing the government was illegal under the English criminal common law of seditious libel. In a letter sent in 1704–1705, Lord Chief Justice John Holt explained why the restriction was important: "For it is exceedingly necessary for all governments that the people should have a good impression of it." The actual truth of a libelous statement was not considered a defense.

Until 1694, England had a complex licensing system in place, with no publication permitted without a government-issued permission.

1.1.2. Colonies

Initially, the colonies had widely diverse perspectives on the protection of free expression. There were fewer seditious libel convictions in America during English colonialism than in England, but there were other controls against dissident expression.

During the colonial period, the most strict speech controls were those that forbade or censored speech that was considered blasphemous in a religious sense. Persons who disputed the immortality of the soul, for example, were punished under a Massachusetts law passed in 1646.

Under Virginia's Laws Divine, Moral, and Martial, which also banned blasphemy, speaking harshly of ministers and kings, and "disgraceful utterances," a Virginia governor decreed the death penalty for anybody who questioned the Trinity in 1612. (Jamestown Project, 1575–1705)

Recent research concentrating on seditious speech in the 17th-century colonies (when there was no press) has revealed that colonists' freedom of speech grew considerably from 1607 to 1700, establishing the groundwork for the political dissent that blossomed among the Revolutionary generation. (Larry , 1994 , p 33)

The sentencing of John Peter Zenger in 1735 was a seditious libel case stemming from Zenger's publication of criticisms of Governor William Cosby of New York. Zenger's attorney, Andrew Hamilton, contended that truth ought to be a defense to the crime of seditious libel, but the court disagreed. However, Hamilton urged the jury to ignore the law and acquit Zenger. The case is seen as both a win for free speech and a good example of jury nullification. The case ushered in a new era of increased acceptance and tolerance of free speech.

1.1.3. First Amendment ratification

Following the American Revolutionary War, debate over the adoption of a new Constitution resulted in a split between Federalists, such as Alexander Hamilton, who advocated for a strong federal government, and Anti-Federalists, such as Thomas Jefferson and Patrick Henry, who advocated for a weaker federal government.

Anti-federalists and state legislators expressed concern during and after the ratification process that the new Constitution placed too much emphasis on the federal government's power. These concerns prompted the formulation and subsequent ratification of the Bill of Rights, which included the First Amendment. The Bill of Rights curtailed the federal government's power.

1.1.4. Alien and Sedition Acts

The Alien and Sedition Acts were passed in 1798 by Congress, which included several of the ratifies of the First Amendment at the time. The laws made it illegal to publish "false, scandalous, and malicious writings against the government of the United States, or either house of Congress of the United States, or the President of the United States, with intent to defame... or bring them... into contempt or disrepute; or to excite hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations

1.1.5. Censorship Era

Various laws restricted speech in ways that are now prohibited, primarily owing to societal norms, from the late 1800s until the mid-1900s. Anthony Comstock fought for government repression of speech that offended Victorian morals, possibly influenced by vulgar language and publicly available pornography he experienced during the American Civil War. In 1873, he persuaded the New York State government to establish the New York Society for the Suppression of Vice, and in 1878, he inspired the formation of the Watch and Ward Society in Boston. The content of newspapers, books, theater, comedy shows, and films was regulated by city and state governments, and laws were enforced through arrests, seizure of materials, and fines. The Comstock laws (together with similar state legislation) made it illegal to send pornography, information about contraception, abortion, and sex toys, and personal letters detailing sexual activity through the mail. From 1930 until 1968, the Motion Picture Production Code complemented state and local government regulation of American film in an attempt by the industry to circumvent federal oversight. From 1954 to 2011, a similar industry-backed Comics Code Authority existed.

Some laws were enacted out of concern for national security rather than morality. During World War II, the Office of Censorship restricted the transmission of military intelligence, including by journalists and any correspondence entering or leaving the United States. McCarthyism resulted in the suppression of communist advocacy and the Hollywood blacklist

from the 1940s through the 1950s. Some of these cases were brought under the Smith Act of 1940.

1.1.6. Modern View

Due to the Warren Court's jurisprudence in the mid-to-late twentieth century, the Court has moved toward a baseline default rule under which freedom of speech is presumed to be protected unless a specific exception applies. As a result, with a few exceptions, the government cannot typically restrict the substance of speech. In Cohen v. California, Justice John Marshall Harlan II stressed that the First Amendment protects the inviolability of "a marketplace of ideas," referencing Whitney v. California, while Associate Justice Thurgood Marshall eloquently noted in 1972 that:

Above all, the First Amendment establishes that the government has no authority to limit expression based on its message, ideas, subject matter, or substance. Our people are granted the right to express any thought, free of government censorship, in order to allow the ongoing development of our politics and culture, as well as to ensure self-fulfillment for each individual. Content control is at the heart of this illegal censorship. Any restriction on expressive behavior based on its content would entirely undermine the United States' "deep national commitment to the notion that public discourse should be free, robust, and wide-open." (Police Dept. of Chicago v. Mosley, 1972)

1.2. Types of Speech

In America speech differs from an environment to another, those r the types of speech used .

1.2.1. Political Speech

Because of its primarily expressive nature and relevance to a functioning republic, this is the most closely guarded type of speech. Restrictions on essential political communication must withstand a thorough examination or they will be overturned. The key exception would be in the

context of the election process, where the Supreme Court has declared that suffrage and running for political office as a candidate are not political speech and thus can be subjected to considerable controls.

1.2.2. Commercial Speech

Commercial speech, which is communication that "proposes a commercial transaction," as defined by Ohralik v. Ohio State Bar Assn. in 1978, is not entirely beyond the protection of the First Amendment. (Ohralik v. Ohio State Bar Assn, 1978) Even though it is being uttered in a market that is normally regulated by the state, such speech nevertheless has expressive value. Central Hudson Gas & Electric Corp. v. Public Service Commission, decided in 1980, stated that commercial speech limitations are subject to a four-part intermediate examination. (Central Hudson Gas & Electric Corp. v. Public Service Commission, 1980)The case of Sorrell v. IMS Health Inc. (2011) puts doubt on the existence of commercial speech as a unique category of communication.

1.2.3. Expressive Conduct

Expressive conduct often known as "symbolic speech" or "speaking actions." Creating or destroying an object as a statement (for example, flag burning in a political protest), silent marches and parades intended to convey a message, clothing bearing meaningful symbols (for example, anti-war armbands), gestures, messages written in code, ideas and structures embodied as computer code ("software"), mathematical and scientific formulae, and illocutionary acts that convey by implication an attitude, request, or opinion are all examples.

Although it is not directly stated in the document, federal court judgments have recognized expressive conduct as a form of speech protected under the First Amendment. (Lee, 2000, p 629-712; Ars, 2017, p 2)

Computer code, for example, is a way of speaking about how a problem is solved, using the precise terms a computer might be given as directions, and flag burning is a way of speaking or expressing forcefully one's views opposing the acts or political position of the relevant country, as seen through the lens of the First Amendment. . (Lee, 2000, p.629-712; Ars, 2017, p.3) Significantly, depending on the context and meaning, a single speech act may be protected or not protected. For example, there may be a First Amendment distinction between protesting by burning a flag and committing wanton damage. (Lee, 2000, p.629-712)

1.2.4. Vague and Meaningless Speech

Some idioms have a meaning that is vague, difficult to describe, unintentional, or indecipherable. Instrumental music, abstract art, and nonsense are among them. These are commonly included under protected "speech," however some of the arguments do not apply. (Mark and Alan, 2017, p.14) The United States Supreme Court affirmed in Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston in 1995 that Jackson Pollock's art, Arnold Schoenberg's expressionist music, and Jabberwocky's semi-nonsense poem are protected. This contrasts with Nazi Germany, which outlawed what it referred to as "degenerate art" and "degenerate music."

1.3. Types of speech restrictions

The Supreme Court has identified several different sorts of speech-restricting regulations and has given each one a different amount of scrutiny.

1.3.1. Content-based restrictions

"Regardless of the government's benign motive, content-neutral reasoning, or absence of animus against the ideas included in the regulated speech," content-based prohibitions "are presumptively illegal." Restrictions that necessitate an examination of the content of speech must be rigorously scrutinized. (Sable Communications v. FCC, 1989)

Restrictions based on content might discriminate based on viewpoint or topic matter. A local ordinance prohibiting all picketing in front of a school saves for labor picketing is an example of a regulation limiting the subject matter of communication. Because it favors one subject over another in selecting who can speak, this law amounts to subject matter discrimination.

A policy of a government official allowing "pro-life" proponents to speak on government property but banning "pro-choice" proponents due to their opinions would be considered "viewpoint discrimination." Restrictions that apply to some but not all opinions are scrutinized closely and, unless they fall under one of the court's exceptional exceptions, are usually invalidated. Legal Services Corp. v. Velazquez, a 2001 judgment of the United States Supreme Court, is an example of this. The Supreme Court ruled in this case that government subsidies cannot be used to discriminate against a certain type of advocacy.

1.3.2. Time, place, and manner restrictions

"The important question is whether the way of expression is fundamentally incompatible with the customary activities of a particular place at a particular time," (Grayned v. City of Rockford, 1972). Restrictions on time, place, and manner must pass intermediate inspection. Any regulations requiring speakers to adjust how or what they say do not come under this category (so the government cannot restrict one medium even if it leaves open another). Ward v. Rock against Racism (1989) stated that restrictions on time, place, or manner must:

- Keep your content unbiased.
- Be quite specific.
- Serve a major governmental interest
- Leave a variety of communication routes open.

Freedom of speech is occasionally restricted to so-called free speech zones, which can include a wire fence enclosure, barricades, or another location designed to separate speakers based on the nature of their message. The introduction of these zones has sparked a lot of debate; some individuals believe that the First Amendment makes the entire country a free speech zone with no restrictions. Free Speech Zones, according to civil libertarians, are frequently utilized as a kind of censorship and public relations management to hide the existence of popular opposition from the general public and elected leaders. (Secret service vs. local police , 2003)

1.4. Bill of rights

The first ten amendments to the Constitution are known as the Bill of Rights. It outlines the rights of Americans in connection to their government. Individual civil rights and liberties, such as freedom of speech, press, and religion, are guaranteed. It establishes norms for due process of law and ceded to the people and states all powers not delegated to the federal government. It further states that "the enumeration of some rights in the Constitution shall not be construed to reject or degrade other rights held by the people." (US constitution, 2018)

1.4.1. Amendment I

Congress may not pass any law forbidding the free exercise of religion, or restricting the freedom of expression or the press, or the right of the people to peacefully assemble and petition the government for redress of grievances.

1.4.2. Amendment II

The right of the people to keep and bear arms shall not be infringed because a well-regulated militia is necessary for the security of a free state.

1.4.3. Amendment III

In times of peace, no soldier shall be quartered in any house without the owner's consent, and in times of war, only in a way allowed by law.

1.4.4. Amendment IV

The people's right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall be issued unless there is probable cause, supported by oath or affirmation, and specifically describing the location to be searched and the persons or things to be seized.

1.4.5. Amendment V

No person shall be held to account for a capital, or otherwise infamous crime, unless on a Grand Jury's presentment or indictment, except in cases arising in the land, naval, or Militia, when in actual service in time of War or public danger; nor shall any person be subjected to being twice put in jeopardy of life or limb for the same offence; nor shall any person be compelled to be a witness against himself in any criminal case .

1.4.6. Amendment VI

In all criminal prosecutions, the accused shall have the right to a speedy and public trial before an impartial jury of the State and district where the crime was committed, which district shall have been previously determined by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

1.4.7. Amendment VII

The right to a jury trial should be preserved in common law suits when the amount in issue exceeds twenty dollars, and no fact tried by a jury shall be re-examined in any United States court other than pursuant to the common law principles.

1.4.8. Amendment VIII

Large bail will not be required, nor will excessive fines or cruel and unusual penalties.

1.4.9. Amendment IX

The listing of specific rights in the Constitution shall not be understood as denying or disparaging other rights held by the people.

1.4.10. Amendment X

The powers not assigned to the United States by the Constitution, nor prohibited to the States by it, are reserved to the States or to the people, respectively.

1.5. A deep transcription of the relation between the first amendments and the freedom of speech:

The United States Constitution's First Amendment (Amendment I) prohibits the government from adopting laws that regulate or prohibit the free exercise of religion, or abridge the freedoms of speech, press, assembly, or petitioning the government for redress of grievances. It was ratified as one of the ten amendments that make up the Bill of Rights on December 15, 1791.

To soothe Anti-Federalist opposition to Constitutional adoption, the Bill of Rights was drafted. The First Amendment only applied to laws passed by Congress at the time, and many of its clauses were read more narrowly than they are now. Beginning with Gitlow v. New York (1925), the Supreme Court used the Due Process Clause of the Fourteenth Amendment to apply the First Amendment to states (a process known as incorporation).

1.5.1. Background

The right to petition for redress of grievances was enshrined in the Magna Carta of 1215, as well as the English Bill of Rights of 1689. The Virginia colonial assembly passed a Declaration of Rights in 1776, the second year of the American Revolutionary War, that included the phrase "The freedom of the press is one of the strongest bulwarks of liberty, and can never be repressed except by dictatorial governments." Eight of the remaining twelve states also made similar

commitments. However, rather than being binding legislation, these pronouncements were typically seen as "mere admonitions to state legislators." (Lewis, 2007, p.6-7)

On September 17, 1787, a Constitutional Convention in Philadelphia suggested a new constitution, including a stronger chief executive, after several years of comparably weak administration under the Articles of Confederation. A delegate to the Constitutional Convention and the author of Virginia's Declaration of Rights, George Mason, advocated that the Constitution include a bill of rights that listed and guaranteed civil liberties. Other delegates disagreed, stating that current governmental guarantees of civil liberties were sufficient and that any attempt to catalogue individual rights risked implying that other, unidentified rights were endangered. Mason's plan was dismissed by a unanimous vote of the state delegations after a brief debate. (Beeman, 2009, p.341–343)

However, nine of the thirteen states have to adopt the constitution in state conventions for it to be ratified. The lack of strong guarantees for civil liberties in the Constitution fueled opposition to ratification ("Anti-Federalism"). Supporters of the Constitution in states where popular sentiment was against ratification (such as Virginia, Massachusetts, and New York) were successful in convincing state conventions to ratify the Constitution as well as demand for the addition of a bill of rights. All thirteen states eventually adopted the United States Constitution. Following the request of state legislatures, James Madison offered twenty constitutional amendments in the 1st United States Congress, including the following draft of the First Amendment:

No one's civil rights shall be restricted because of religious belief or worship; no national religion shall be formed; and no one's complete and equal rights of conscience shall be compromised in any way or under any pretext. People's rights to talk, write, and publish their opinions should not be deprived or restricted, and press freedom, as one of the main bulwarks of liberty, shall be unabridged. The people shall not be prevented from peacefully assembling and

conversing for the common benefit, or from petitioning the Legislature for redress of their grievances through petitions or remonstrance. (Haynes, 2003, p 13)

Congress reduced the language and passed it through the House and Senate with almost no recorded debate, complicating future argument on the Amendment's intent. (Jasper & Margaret, 1999, p 2; Lewis, 2007, p 10)

On September 25, 1789, Congress authorized and sent twelve articles of amendment to the states for ratification. Because the last ten articles of the proposed 12 articles were passed by the required number of states on December 15, 1791, the revised text of the third article became the First Amendment, which is now known as the Bill of Rights.

1.5.2. Freedom of religion

Religious liberty, also known as religious freedom, is defined as "the right of all persons to believe, speak, and act in accordance with their view of ultimate truth - individually and in community with others, in private and in public." Religious freedom is the first right guaranteed in the Bill of Rights, indicating that the founders of the United States recognized the importance of religion to human, social, and political flourishing. (Farr & Thomas, p67, 2019).

The First Amendment protects religious liberty through the Establishment Clause and the Free Exercise Clause, which together create the religious liberty clauses. (Charles C & Haynes, p21, 2002)

The first clause forbids the government from "establishing religion," while the second clause forbids the government from interfering with "the free exercise thereof." (McCreary County v. American Civil Liberties Union of Ky, 2005)

The First Amendment's provisions cover a wide range of topics "the two major religious areas in constitutional law the establishment clause of the Constitution prohibit Congress from

endorsing, promoting, or becoming overly involved in religion. Cases involving free exercise of religion concern Americans' right to practice their faith." (Michelle Boorstein, 2020)

Both clauses occasionally compete with one another. This was clarified by the Supreme Court using the following example: When the government spends money on the clergy, it appears to be establishing religion; nevertheless, if the government cannot afford to pay for military chaplains, many soldiers and sailors will be denied the opportunity to practice their religions. (McCreary County v. American Civil Liberties Union of Ky, 2005)

"Ensuring governmental neutrality in questions of religion" is one of the primary goals of the First Amendment. (John R, 1971)

The history of the Establishment and Free Exercise Clauses, as well as the Supreme Court's own constitutional jurisprudence on these issues. (Wallace v. Jaffree, 1985)

The Supreme Court stated right away that the First Amendment limits both Congress and the states' ability to restrict the individual freedoms it guarantees. The First Amendment was enacted to limit Congress's ability to interfere with an individual's right to think, worship, and express himself in accordance with his own conscience. The Fourteenth Amendment's Due Process Clause imposes on the states . (Wallace v. Jaffree, 1985)

The individual's freedom of conscience is the central liberty that unites the many provisions of the First Amendment: (Wallace v. Jaffree, 1985)

The person's freedom to choose his own creed is the counterpart of his right to refuse to accept the creed established by the majority, just as the right to speak and the right to refrain from speaking is complimentary components of a broader idea of individual freedom of mind. This right was once supposed to only prohibit the preference of one Christian sect over another, without requiring equal regard for the conscience of infidels, atheists, or adherents of non-Christian faiths such as Islam or Judaism. However, the Court has explicitly ruled that the

individual freedom of conscience protected by the First Amendment includes the ability to choose any any faith or none at all when the underlying principle is evaluated in the crucible of litigation.

This conclusion is supported not only by the desire to respect an individual's freedom of conscience, but also by the belief that religious beliefs worthy of respect are the result of free and voluntary choice by the faithful, and by the recognition that the political interest in preventing intolerance extends beyond intolerance among Christian sects – or even intolerance among "religions" – to include intolerance of the nonbeliever and the disbeliever's disbeliever. (Wallace v. Jaffree, 1985)

1.5.3. Freedom of speech and of the press

The First Amendment guarantees the freedom of expression and the press. (Police Dept. of City of Chicago v. Mosley, 1972) Free speech refers to the free and open communication of ideas without government censure, intervention, or restraint. The First Amendment's word "freedom of expression" refers to the ability to choose what to say and what not to say. (Riley v. National Federation of the Blind, 1988) Individuals have the freedom to express themselves through the publication and distribution of information, ideas, and opinions without government intervention, constraint, or prosecution. (McConnell & Michael W, 2013). "Freedom of the press, freedom of expression, and freedom of religion are in a preferable position," the Supreme Court declared in 1943 . The Court went on to say that a community cannot ban or tax the spread of ideas just because they are unpopular, bothersome, or objectionable. According to the Court, this would be a full rejection of the Bill of Rights' philosophy. (Murdock v. Pennsylvania, 1943)

The Supreme Court declared in 1969 that the First Amendment protects the right to acquire information and ideas, independent of their social value, as well as the right to be free of government intrusions into one's privacy and control over one's own views. (Stanley v. Georgia, 1969) The United States Supreme Court described free speech and freedom of the press as

fundamental personal rights and liberties, noting that their exercise is at the heart of free government by free individuals. (Schneider v. State 1939) In Bond v. Floyd (1966), the Supreme Court stated that the First Amendment's core commitment is that "debate on public matters should be unrestrained, vibrant, and wide-open," as stated in New York Times Co. v. Sullivan (1964). The Court went on to say that, just as false claims must be protected in order for freedom of expression to thrive, so must statements criticizing public policy and its implementation.

In Chicago Police Department v. Mosley (1972), the Supreme Court stated:

"Above all, the First Amendment states that the government has no authority to ban speech based on its message, ideas, subject matter, or substance. [...] Our people are granted the right to express any thought, free of government censorship, in order to continue growing our politics and culture and to ensure self-fulfillment for each individual. Content control is at the heart of this illegal censorship. Any restriction on expressive behavior according to its content would entirely undermine the "deep national commitment to the notion that public discourse should be free, robust, and wide-open."

1.5.3.1. Wording of the clause

Congress is prohibited by the First Amendment from "abridging the freedom of speech or of the press." "I highlight the word 'the' in the term 'the freedom of speech,' since the definite article shows that the draftsmen intended to immunize a previously specified category or subset of speech," wrote U.S. Supreme Court Justice John Paul Stevens in a 1993 journal article concerning this phraseology. Otherwise, according to Stevens, the phrase can arbitrarily exempt acts like lying under oath.

"The term 'the' can be read to signify what was thought at the time to be included in the concept of free speech," journalist Anthony Lewis remarked, echoing Stevens.(Lewis, 2007, p.

40) However, what was understood at the time is not entirely accurate .(Lewis, 2007, p.41) James Madison, the principal author of the speech and press sections, argued against restricting this freedom to what had prevailed under English common law in the late 1790s:

The American practice must be given far greater respect. The press has exercised a freedom in investigating the virtues and measures of public men of every variety in every state, probably in the Union, that has not been constrained to the rigid bounds of the common law. (Dry & Murray, 2004, p.68-70)

1.5.3.2. Speech critical of the government

Until the twentieth century, the Supreme Court refused to pronounce on the legality of any federal law involving the Free Speech Clause. The Supreme Court, for example, never decided on the Alien and Sedition Acts, and three Supreme Court judges on the circuit presided over sedition cases with no misgivings. (Lewis, 2007, p.15) Vice President Thomas Jefferson and James Madison, two of the law's most vocal opponents, believed that the Acts were illegal based on the First Amendment and other constitutional grounds .(Lewis, 2007, p.16-17) Because of the unpopularity of Adams's sedition prosecutions, Jefferson and his party soon reversed the Acts and pardoned individuals who had been imprisoned under them.(Lewis, 2007, p.20) The Court noted the importance of this public debate as a precedent in First Amendment law in New York Times Co. v. Sullivan (1964), and ruled that the Acts were unconstitutional: "Although the Sedition Act was never tested in this Court, the attack on its validity has carried the day in the court of history." (Lewis, 2007, p.53)

1.5.3.3. Political speech

The political speech can be divided into four sections, each with its own characteristics and environment.

1.5.3.3.1. Anonymous speech

In Talley v. California (1960), the Supreme Court overturned a Los Angeles city ordinance that made anonymous pamphlet distribution illegal. "There can be no doubt that such an identification requirement would tend to restrict freedom of distribution of information and thus freedom of expression," Justice Hugo Black wrote in the majority opinion. "... Anonymous pamphlets, leaflets, brochures, and even books have played an important role in the progress of mankind." The Supreme Court overturned an Ohio statute that made it illegal to distribute anonymous campaign literature in McIntyre v. Ohio Elections Commission (1995). The Foreign Agents Registration Act of 1938, which designated certain Canadian films as "political propaganda" and required their sponsors to be acknowledged, was affirmed by the Supreme Court in Meese v. Keene (1987).

1.5.3.3.2. Campaign finance

The Supreme Court considered the Federal Election Campaign Act of 1971 and related laws in Buckley v. Valeo (1976), which limited monetary contributions to political campaigns and expenditures by politicians. Limits on campaign contributions were upheld by the Supreme Court, saying they "served the basic governmental interest of safeguarding the integrity of the electoral process without directly imping on the rights of individual citizens and candidates to engage in political debate and discussion." The Court, on the other hand, rejected the expenditure limitations, finding that they imposed "significant restraints on the quantity of political communication."(Lewis 2007, p.177–178)

The Supreme Court upheld a "as applied" challenge to BCRA in Federal Election Commission v. Wisconsin Right to Life, Inc. (2007), finding that issue ads cannot be barred in the months leading up to a primary or general election. The Supreme Court ruled in Davis v. Federal Election Commission (2008) that the BCRA's "Millionaire's Amendment" provisions were unconstitutional. The Court found that lowering BCRA limits for an opponent of a self-

financing candidate who spent at least $350,000 of his or her own money infringed the self-financing candidate's right of speech. (Samuel, 2009, p.58)

1.5.3.3.3. Flag desecration

In Street v. New York, the Supreme Court addressed the contentious topic of flag desecration as a method of protest for the first time (1969). Sidney Street burnt a 48-star US flag after hearing an incorrect story of civil rights activist James Meredith's murder. Street was arrested and charged with violating a New York state law that makes it illegal to "publicly mutilate, deface, defile, or disobey, tread upon, or cast disdain upon [any flag of the United States] either by words or act." The Court ruled that the conviction was invalid because the portion of the New York legislation criminalizing "words" against the flag was unconstitutional, and the trial did not sufficiently demonstrate he had been convicted exclusively under the provisions not yet pronounced unconstitutional. The Court, on the other hand, "resisted the urges to consider the constitutional concerns involved in this case on a larger basis" and left flag-burning untouched. (Jasper, 1999, p. 43)

1.5.3.3.4. Falsifying military awards

While the unauthorized wearing or selling of the Medal of Honor has been a federal violation since the early twentieth century, the Stolen Valor Act made it illegal to not only wear, but also to claim orally entitlement to military honors that one did not earn.(Crewdson, John , 2008) The Supreme Court threw down the Act in United States v. Alvarez (2012), stating that the government cannot punish persons for making false claims about military service or honors if the false claim was not "intended to accomplish a fraud or secure moneys or other desirable considerations." The Supreme Court was unable to reach an agreement on a single justification for its ruling.

1.5.3.4. Compelled speech

The Supreme Court has ruled that the First Amendment protects citizens from being forced to say or pay for specific speech by the government.

The Supreme Court declared in Barnette v. West Virginia State Board of Education (1943) that schoolchildren may not be punished for declining to say the pledge of loyalty or salute the American flag. The Court also overturned Minersville School District v. Gobitis (1940), which upheld such school-based sanctions.

The Supreme Court ruled in National Institute of Family and Life Advocates v. Becerra (2018) that a California law requiring crisis pregnancy centers to post notices informing patients that they can obtain free or low-cost abortions, as well as the phone number of the state agency that can connect women with abortion providers, violated the centers' right to free speech. (Amy, 2018)

The Supreme Court found in Janus v. AFSCME (2018) that compelling a public employee to pay dues to a union in which he is not a member violates the First Amendment. "The government cannot compel a person to pay for another party's speech just because the government believes that the speech furthers the interests of the person who does not want to pay," the Court writes. The Court also overturned Abood v. Detroit Board of Education (1977), which supported the legality of requiring public employees to pay dues. (Amy, 2018)

1.5.3.5. Commercial speech

Commercial speech is speech given on behalf of a firm or an individual in order to make money. Unlike political speech, commercial speech is not given complete First Amendment protection by the Supreme Court. The Court adopts a list of four indications to effectively distinguish commercial speech from other types of speech for the purposes of litigation: (Bolger v. Youngs Drug Products, 1983)

- "Nothing more than a commercial transaction is proposed" in the contents.
- The contents could be considered ads.
- The contents make a specific product reference.
- The disseminator has a financial incentive to spread the discourse.

Each indicator by itself does not compel the conclusion that a speech instance is commercial; but, "the combination of all of these traits... gives substantial support for the conclusion that the “speech” is appropriately described as commercial speech." The Supreme Court affirmed a New York City ordinance prohibiting the "distribution in the streets of commercial and business advertising matter" in Valentine v. Chrestensen (1942), concluding that commercial speech was not protected under the First Amendment.

1.5.3.6. School speech

The Supreme Court extended free speech rights to pupils in school in Tinker v. Des Moines Independent Community School District (1969). Several students were disciplined for wearing black armbands in protest of the Vietnam War. The school could not limit symbolic expression that did not "materially and substantially" impede school activities, according to the Court. (Jasper, 1999, p. 61)According to Justice Abe Fortas:

Teachers and students have First Amendment rights that must be utilized in light of the unique peculiarities of the school setting. It is difficult to argue that students or teachers relinquish their constitutional rights to freedom of speech or expression once they enter the classroom. ... Schools need not be dictatorial enclaves. Officials in schools do not have complete control over their children. Students... have fundamental rights that the state must uphold, just as they must uphold their responsibilities to the state. (Tinker v. Des Moines Independent Community School District)

1.5.3.7. Internet access

The Supreme Court ruled in Packingham v. North Carolina (2017) that a North Carolina law preventing registered sex offenders from accessing numerous websites violated the First Amendment by restricting legitimate expression."A fundamental premise of the First Amendment is that all persons have access to locations where they can speak and listen, and then speak and listen again after reflection," the Court said. (Packingham v. North Carolina)

1.5.3.8. Obscenity

The First Amendment's protection of free expression does not apply to obscene speech, according to the United States Supreme Court. As a result, both the federal government and states have attempted to outlaw or limit obscene speech, particularly the kind currently known as pornography. Pornography, with the exception of child pornography, is currently unrestricted in the United States, while pornography depicting "extreme" sexual behaviors is occasionally prosecuted. A series of court battles addressing the definition of obscenity contributed to the shift in the twentieth century, from total ban in 1900 to near-total tolerance in 2000. Because of changing definitions of obscenity and pornography, the United States Supreme Court has determined that most pornography is not obscene. (Eugene & Volokh, 2013) The legal tolerance mirrors changing social attitudes: juries will not convict for pornography, which is one reason there are so few cases.

1.5.3.9. Freedom of the press

The free speech and free press sections have been construed to provide equal protection to speakers and writers, with the exception of radio and television wireless broadcasting, which has been accorded less constitutional protection for historical reasons. (Volokh & Eugene, 2004, p.409) The Free Press Clause safeguards individuals' right to free expression through the production and dissemination of information, ideas, and opinions without government

interference, constraint, or prosecution. (McConnell & Michael, W 2013, p 17) This right was stated in Branzburg v. Hayes as "a fundamental personal right" that includes pamphlets and leaflets as well as newspapers and journals. Chief Justice Charles Evans Hughes defined "press" in Lovell v. City of Griffin (1938) as "any kind of publishing that gives a vehicle of information and opinion." This right has been expanded to newspapers, books, plays, movies, and video games, among other forms of media. (Adam, 2011, p.4)

While it is unclear whether those who blog or use social media are journalists eligible to protection under media shield legislation, both the Free Speech Section and the Free Press Clause protect them equally, because neither clause distinguishes between media businesses and nonprofessional speakers. (McConnell, Michael W 2013 , p 17 ;Volokh 2014a , p 11 ;Volokh 2014b , p.18) The Supreme Court has frequently refused to regard the First Amendment as providing greater protection to the institutional media than to individual speakers, demonstrating this point. (Bartnicki v. Vopper, 2001; Cohen v. Cowles Media Co, 1991; Henry v. Collins, 1965)

For example, the Supreme Court rejected the "suggestion that communication by corporate members of the institutional press is entitled to greater constitutional protection than communication by" non-institutional-press corporations in a case regarding campaign funding rules. (First National Bank of Boston v. Bellotti, 1978)"The goal of the Constitution was not to construct the press into a privileged institution, but to protect all persons in their right to print what they will as well as to utter it," Justice Felix Frankfurter wrote in a concurring decision in another case. (Pennekamp v. Florida, 1946) The Supreme Court stated the aim of the free press clause in Mills v. Alabama (1943):

Whatever disagreements there may be regarding how the First Amendment should be interpreted; almost everyone agrees that one of the Amendment's main goals was to safeguard free speech in government. This, of course, includes debates of candidates, government

structures and forms, how government operates or should operate, and other issues connected to political processes. The press, which includes not only newspapers, books, and periodicals, but also simple leaflets and circulars, was deliberately chosen by the Constitution to play a vital role in the discussion of public affairs, see Lovell v. Griffin, 303 U. S. 444.

As a result, the press serves and was created to function as a potent antidote to governmental officials' abuses of power, as well as a constitutionally chosen means of holding officials elected by the people accountable to all of the people they were chosen to serve. The suppression of the press's right to praise or criticize government officials, as well as cry and argue for or against change, as this editorial did, muzzles one of the very agencies that the Framers of our Constitution carefully and deliberately chose to enhance and keep our society free.

Conclusion

The United States, as a free society, should allow people to freely discuss any topic, including those that are considered immoral. People can reason and persuade each other through dialogue. Because truth has intrinsic value, when an authority or the general public censors an idea, others are denied the opportunity to exchange error for truth or to learn and listen to another viewpoint. To build reasonable beliefs, open dialogue is essential. Using militants merely causes harm to others and is a clear violation of the constitution's liberties. In such instances, the government must step in to safeguard innocent victims of the inherent violence while also assisting in the restoration of peace and order.

CHAPTER TWO

The Effect of anti-Semitism legislation of freedom of speech in the USA

Introduction:

There is no more explosive topic in American public life today than the rising wave of Anti-Semitism within American policies and its relationship with public liberties that shaped modern America such as freedom of speech. Generally, this topic is mainly hedged with anxiety and controversy, giving the fact that it is quite sensitive. However, this chapter aims to navigate through The Effects of Anti-Semitism Legislations on Freedom of Speech in America. First, the chapter will tackle freedom of speech in the USA, and what are the main challenges that face it. Furthermore, Anti-Semitism legislation In the USA by providing a brief insight on the concept. Finally, the chapter will discuss the impact of Anti-Semitism legislation on Freedom of Speech in the USA: an insight into the main causes of the speech restrictions and the outcomes that follows.

2.1. Freedom of Speech in the USA: major challenges against a significant American right.

America made its exceptionalism by the safety it provides to freedom of expression, however, modern history had proved into a point that this safety maybe at risk of various challenges. As it appears Democratic countries no longer respect, revere, or endeavor to protect freedom of speech. Moreover, according to the scholar Abrams it indicate that the American law is much more frequently severe and contested than it is abroad when it comes to cases related of speech that goes under what is legally known as defamation or slandering (Abrams, p.25, 2017) . To put it another way, this means that America is less concerned than other democratic countries when it comes to liberty of speech, even though, it is a basic right guaranteed by the constitution. Abrams in his book *:The Soul of The First Amendment exclaimed : "* What if any of the seeding interests, such as divisive discrimination, quality, harvest defamation, private reputation, the value of private privacy, and the need to maintain our country's security, were to be considered? " (Abrams, p.10, 2017) However, despite that American laws ultimately put some constrains on speech and even textual content the major concern is the amount of the restrictions that the state directs towards a basic right.

As a matter of fact, the United States' unique imagery of liberty is built upon freedom of speech. The precept beneath which a potentially subversive and socially hazardous speaking activity is protected from government regulations. People are free to advocate for the overthrow of the government by violence, terrorizing the enforcement of valid and legitimate laws, heckling senators in public places, and arguing for discrimination against racial and non-secular groups. No other free culture enables this type of verbal entertainment to the same extent. The question that comes to mind however is: What will Americans will gain as a society or assuming will gain by acting in this manner (I.E acting upon their preserved right of liberty of speech)? Numerous observers in this matter believe that the historical progression of this ultimate over challenged right results significant social development, for when people are able to express their demands

freely, the chances of social, political, and legal corruption incredibly decreases (Barnet & Blackman, p.38,59, 2019). The statute of the

Primary Revision of freedom of speech in modern day USA has been the subject of incorporated volumes of cases, mass of books, and variety of articles. The main point that these studies tackled was often related to the press and media, and in much more recent year's authentic social media platforms. Discussions are of often raised and quite present to defend the essentiality of free discourse and press. As a matter of fact, The Primary Correction which the first Amendment was a subject to in a point in the American history had helped in displaying how the it developed significantly in length of its subdivided into numerous plots. The main point that captures the attention is without doubt the one that is related to the security of radical discourse. In fact, this point caused some controversy, yet, it was the main core of the Primary Revision. In an age whereas the alterations in broadcast communications era is guaranteed, or from any other private sector such as Social media platforms, the debilitating to revolutionize the American society in terms of having a voice and using it have been increased. The However, this led into a parallel increase in framework of plenty of detached discourse and press issues such as the legal problems of false misaligning for the sake of commercial profits. Furthermore, the fundamental inquiry of how to act with radical discourse that influences hatred keeps to the rise which created a wide spread of controversy (Curtis, p.21-23, 2000).

In a general sense, free discourse battles they were battles for maintaining an equitable government. In these battles, Americans had broadly unique thoughts on the meaning of flexibility of discourse. Historically, these battles helped to form a Joined together States. Moreover, the battle for an agent government and one minister was a decisive factor that molded American discourse nowadays. In fact, some major events during the last Century had a hand in shaping modern American freedom of Speech. There were striking distinctive approaches to flexibility of transcription to free discourse, Free Press and flexibility to specific devout. For the purpose of brevity, it is important to regularly allude to these flexibilities, selectivity and

opportunity of discourse. Mainly, a throwback on the American history reveals that the Parliament was controlled with an Olive Plant house in Provence in a Reedit breezy house in Florida. It emphasizes wide control to challenge feedback of those in control and hone. It was found by those who saw the more agent Parliament and more noteworthy opportunity of religion. This led the government to give more noteworthy security for opportunity of liberal expression. By the time of the American Revolution, there were two American approaches, free speech and Orthodox legislation (Usually Orthodox referees to the fact that their church favored reason and logic in expressing thoughts).

In a more popular free speech tradition, there was an administration within the Orthodox understanding of the injections that would apply in the popular right exercise in a more popular free speech tradition, However there wasn't an absolute positive review of freedom of speech giving the religious restrains at that time. Yet, this religious motif that somehow granted a limited liberty of speech encouraged somehow in the election in the legislature for at least the actions of government officials. This led to the Ratification of the 14th amendment and the Bill of Rights crafted by activists for speech freedom in America. A new free speech tradition was developed and expanded. However it encountered with the sensation of the struggle and its aftermath. Outside of the courts, popular sentences frequently contradicted judicial doctrine. Moreover, they had significant popular appeal that influenced the Bill of Rights battles over the basic right of freedom of speech. Due to this major development, it was generally believed that the Constitution gave Congress no power over speech and the press.

Mainly, the government, the Federalist president, or Congress, even with all the legal authority granted to it by the law, it cannot form any sort of restriction on the citizens' freedom of speech, or the press as a tool to hit people with the truth. However, there were political pressures from time to time that somehow prevented, or made liberty of speech face some challenges. In addition to that, there were some controversies within the government itself such as the case of the Republican vice president, who will be the president's likely opponent in the

next election. At the time, the vice president was the person with the second highest number of votes in the Electoral College. As a result of his sunset provision, it will expire at the end of the Federalist President's term. At the federal level, the position act clearly penalized the assertion of false political ideas argument as well as calls back. This truth alone leads most Americans to strive for freedom of speech, since it will decrease the chances of political corruption and guaranties the settlement of democracy in the political scene that runs the country.

Navigating through the history of the United States, there are some major stops that shaped modern freedom of speech. One of the most important stops must be without doubt the civil war era, due to the major political change that followed it. In fact, During the Civil War, there was a major battle over the definition of free speech. The earlier pre and post-Sedition Act consequences that the federal government or Congress lacked power over speech clashed with the constitution for power, and no federal power over speech claim that was severely rising . There were many exceptions factors that helped nonetheless. Such as arresting some prominent Democratic politicians who were giving an anti-war speech, and tried to dictate it in front of a military commission.

The free speech tradition is also important as a forerunner of modern free speech ideas. These ideas contrast sharply with theories that justified anti-slavery suppression. Generally, speech theories used in the debate over slavery, somehow managed to survive slavery's demise. Today's free speech ideas, however, can be transmitted without fear of government restraint. Furthermore, It is closely related to the concept of press freedom in the United States, since the first amendment protects both freedom of expression and freedom of assembly.

Although America was a pioneer when it comes to the leisure and liberty that it granted to guarantee its people’s freedom of speech, however, just like most of the Western it went with limiting manifestations of free speech that are deemed to be disruptive to civil order. Features considered to be threatening to the social order of the community, or plans to carry a context

influenced by hatred or taboo, subjects get usually restricted in the name of the law. There are critical factors in determining the degree of free speech in the American society. This degree is usually governed by political, social, and cultural restrictions that aspire to protect the morphology of the community, mainly from itself. Such as many observers confirmed that obtaining too much liberty of speech will not only decrease the value of this right, but will also menace the society through the dilution of the concept of freedom of speech.

Yet, one must not deny that the struggle for free expression has a long history. This mere truth has been a fundamental aspect as the relationships between citizens and their government progressed through the years. There are many good examples that illustrate the difference in the relationship between the government and the citizens based on liberty of speech. In fact, various forms of censorship of free speech were common in the 17th century for instance; they were primarily contested in the context of larger issues of political underpinning agents, concept, and influence in the 17th century.

What is most notable on the historical pattern of freedom of speech in America, However; is the concern of misusing this right as a way to transgress the liberties of other citizens. More often, there was a discount divided by a probability that justifies such legal infringement on free speech as is required to avoid the danger. Legally, it is not a mistake to believe that it's crucial to maintain a balance between the value of free expression and the demands of order in a free society. Critically, the maintenance appear to be very difficult to apply however it leads into a very strong balance and creates a society where people are neither intimidated by law enforcements on their liberty of speech, nor they get violated by other citizens who practice this liberty. Yet, there were collisions in opinions about this point. As some citizens appeared to favor collective security, and safety over extreme individual liberties this argument is mostly based on the Patriot Act and the 2001 terrorist attacks.

In fact, despite the rigmarole that accompanied freedom of speech as an approach that defines the uniqueness of the liberties protected by the constitution, Americans seemed to believe in many periods of their history that this approach strengthens civil liberties and is preferred among other constitutional values. Although it was occasionally discounted by the government to demonstrate that when it comes to state unity, or the security and the civil rights of its citizens the American Government takes the risk of exercising restraints over freedom of speech .Merely, these types of restraints has been the subject of various discussions, however. There are many examples that illustrates that it is quite complicated to find a middle ground when it comes to the bargain of guaranteeing citizens' liberties, and granting freedom of speech that it is already entitled by the constitution. A good incident was while a group of American Nazis planned to hold a rally in Skokie in 1977-78, and clashed with other visitors who were by most from Jewish backgrounds. After the incident there were high demands that freedom of speech must be a subject of a deep study in America, especially when it tackles some extreme sensitive subjects such as ethnical, cultural, and religious backgrounds.

Many scholars believe that Freedom of expression is a right-wing issue, as it is a support for other rights protected by the conventions, such as the right to a fair trial. For example, the right to a fair trial and the honoring of prior lives refers to. "I must safeguard the interests or values stated in the Convention's, such as national security and public health. In order to create the free predominance with one right over the other, the port struck a balance" the scholar claimed .Furthermore, freedom of expression, is a grand manifestation in itself for the Left-wing parties and political ideologies that encourages mainly individual liberties over collective censorship and conventions. Yet, the mere truth that everyone seems to understand is that freedom of expression is an essential component of a democratic society and one of the prerequisites for its advancement.

Most Americans have a huge eager to use their fundamental liberties, because it carries with it duties and responsibilities that may be subject to legal formalities, limitations,

restrictions, or penalties that are required in a democratic society for national security, territorial integrity, or public safety. This Safety is mainly for the prevention of order chaos and the fallouts of abusing basic rights. All in all, freedom of speech in the United States had always been and possibly will remain a point of discussion and controversy. Yet, Citizens should be able to express themselves freely, make decisions about how they want to be governed, and criticize those in authority. In a democracy, the questions of: why is freedom of speech so important, and what is the significance of this principle are often raised. In fact the answer can be quite simple and it is always related to the quest of embitterment of the democratic status. Freedom of speech makes the interchange of ideas and opinions a two-way dialogue that takes place during a government term. Moreover, it represents a massive asset to the quest of fighting for truth. Citizens require access to reliable and accurate information on a wide range of topics in order to make meaningful decisions about how they want society to function (Lewis, p.117, 1986). This can only happen if people feel comfortable speaking up about issues that affect their community. Indeed, Freedom of speech leads into surpassing internal difficulties which benefit the citizens on both levels collectively or individually.

2.2. Anti-Semitism legislations In the USA: a brief insight.

It has always been difficult to define the phrase of "Anti-Semitism" due to its dubious roots and utilization according to various sources. This concept from a critical view, however, was discovered to be well-understood not simply because of clarity recruiting, but also to understand its definitions' modern progression.to begin with, Anti-Semitism is not a new phenomenon. In fact, it was and still quite rooted and spread around different parts of the world. At many points in the history of western civilization, Anti-Semitism was always a main point of controversy. Many factors appear to have taken a part in the Instruction of such a phrase, i.e.: Anti-Semitism. Such factors are mainly related to main stream individual vision towards the matter. This individual vision is usually influenced by cultural, historical, social and most importantly political ideologies (Laqueur, p.21-22, 2006).

The etymology's dubious sources, the concept's various expressions, and the contentious politics of its application are all point that considering them helps in a clear understanding of the term “Anti-Semitism”. Nonetheless, a theoretically competent definition of anti-Semitism must properly account for anti-ideological Semitism’s dimensions. These dimensions were drawn in the works of various intellectuals such as Jean-Paul Sartre, Theater, Adorno, Helen Fine, and Gavin Langner. The term a metrical quality in terms of its attitude and practical aspects, its enduring latent structure within Western civilizations, and its continuities and discontinuities with related occurrences. As a matter of fact, it’s self-fulfilling potential, as well as its importance in the formation of Jewish identity. Above all, the definition must take into account the role of anti-Semitic discourses and actions in the development of the individual and collective as both a false image and a real person. This approach is equally important for understanding anti-Semitism and how political main streams and legislations add up to its spread in the United states (Lewis, p.16, 1986).

Because the term was coined, or at least popularized, by a self-proclaimed anti-Semitic group in real life, the etymological approach is more broadly problematic. Wilhelm Marr, a famous Deutsch scholar will know of its quite hostile and controversial biased views, hoped that it would encourage more people to adopt the racial hatred of Jews and Judaism that he and his compatriots had developed it and worked on spreading it. I've been promoted (Enzyklopadia, p.585-586, 2005). Mainly, early definitions emphasized the link between Jewish racial distinctiveness and morally repugnant characteristics. An anti-Semite behavior, for example, was defined as normal social segregation in a German lexicon from 1882. It mainly concentrates on the one who despises Jews or opposes Judaism in general, and fights against the Semites' character traits in their intentions. An explanation supplied five years later by one of the creators of modern political anti-Semitism: Fritsch, who articulated the concept as follows, clarifies the racial factor even more, as anti means "against", and sematic refers clearly to any group of people from Jewish ethnic backgrounds (Fritsch, p.75-76, 1887).

This clarification was vital because it depicted the oral characteristics of anti-Semitism. Moreover, character qualities in their objectives. A general explanation was constructed. It was supplied five years later by one of the creators of modern political anti-Semitism, who articulated the concept as follows, clarifies the racial factor even more. Anti means "against," as in "against Semitism," which is the essence of the Jewish people? As a result, anti-Semitism is a fight against Semitism (Porat, p.12, 2005). in recent years, no respected authority would accept a definition like this, which presumes that Jews have the character qualities that their nemeses attribute to them.

Nonetheless, some authorities continue to use a definition of the term that emphasizes the racial aspect of some forms of animus. Those who use this definition of anti-Semitism tend to emphasize how racial Jew hatred differs from other forms of anti-Semitism (Langumri, p.311, 1990). They argue that racist hatreds are more dangerous than other animus because of the Holocaust's unique horrors (Langumuri, p.314, 1990).However, the problem with such broad definitions is that they imply that anti-Semitism differs only in the persecuted out-group chosen, not in the nature or intensity of hatred. When historian Benzoin Netanyahu described anti-Semitism as an animus that combines hatred of the other, he noticed this disparity in intensity. Hatred of aliens and hatred of foreigners (Porat, p.24, 2005).

There is more discrimination linked to the term, which takes the form of an ideology. This ideological dimension was effectively emphasized in the mid-century term of theatrical door nose as the scholar Marcus had described (Marcus, p.14, 2010). This anti-Semitism worldview is made up of stereotypical negative ideas identifying the juice as endangering a moral and categorically distinct from non-Jews, and of hostile attitudes advocating various types of restriction, exclusion, and suppression as a way of resolving the Jewish hating problem. This metric is significant since it reveals the level to which anti-Semitism exists. In some civilizations, it has become ubiquitous (Freshman, p.317, 2000).

The prominent scholar Adorno made a flimsy sociologically informed description represents the realization that anti-Semitism ideology is a more sophisticated network of myth, ideology, folklore, and imagery that is closely tied not only to individuals (Adorno, p.54, 1950).Adorno believes that Anti-Semitism is mostly triggered by political legislations, which in many cases, due to his perspective, influenced the rising wave of anti-Semitic actions. Moreover, the famous American sociologist W.I. Thomas believes that a good, realistic definition is essential for understanding the real circumstances of the phenomenon. He mentioned that "if men define situations as real, they are real in their consequences." (Langumuri, p.342, 1990). This speculations of Thomas were an interesting subjects for many scholars such as Robert K. Merton, who reformulated Thomas's definition to say that the "self-fulfilling prophesy is, in the

Beginning a false definition of the situation evoking new behavior which makes the originally false conception come true." (Merton, p.54, 1987) .Gavin Langmuir, as one of the most interested scholars in the subject, modified Merton's definition and applied it to anti-Semitism as follows: "the self-fulfilling prophecy is, in the beginning, a motivated definition of an out-group as inferior in one fundamental way that is accompanied by treatment that evokes new behavior in members of the out-group that seems to add up and strengthen the origin a judgment of inferiority."(Langmuri, p.355, 1990).Mainly, anti-Semite shaped Jewish identity by creating economic conditions in which Jews are forced to comply with the representations that anti-Semites create of them. It is not a mistake then to consider that, anti-Semite "makes the Jew" not only as a figment of the imagination, and biased stereotypes but also in the sense of transcending the actual reality of the Jewish people.

2.3. The impact of Anti-Semitism legislations on Freedom of Speech in the USA: an insight into the main causes of the speech restrictions and the outcomes.

To begin with, the relationship between freedom of speech and anti-Semitism can be in a least fashion described as quite controversial. Generally, human rights legislations, which aim to

eliminate discrimination against indefinable groups, can be used to combat utterances of hatred, and contempt, as well as any expression that demonstrates a purpose to discriminate or inspire others to discriminate. The question of whether these rules should include restrictions on allegedly hate speech and its promotion has been a subject of debate for some time in the states. In fact, the jurisdiction taken some approaches that penalize Anti-Semitic harassments according to the degree of the deed, mainly the use of expressions and words that seem to be colored with Anti-Semitism are legally penalized (Badiou, p.65, 2001).

As a matter of fact, every legislature in America has passed a human rights law to prohibit or limit discriminatory activities. Among these rights laws is the principal one that protects freedom of speech, which obtained its statute in the federal sector. It applies generally to federal government departments and agencies, government corporations and federally regulated businesses.48 It prohibits an employer or service provider under federal jurisdiction from carrying out discriminatory practices (that is usually declarations, and defamations through media or social media) based on certain prohibited grounds: race, national or ethnic origin, color, religion, age, ethnicity , sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability (including previous or present drug or alcohol dependence), and pardoned conviction (Klug, p.123-124, 2012).

Human rights law in USA contains a provision that prohibits some public displays, inciting others to discriminate, or the broadcast or the publication of messages that announce an intention to discriminate; based on certain prohibited grounds. The original purpose of these provisions was to prohibit the types of signs that had been used in USA by some institutions, be it public or private, which may indicate that the members of certain racial or ethnic groups would not be accepted., just because of the fact he doesn’t match the stereotypical standards of an the dated vision of what is actually an American that implies hatred or racism (Ezequiel, p.65, 1990).

These Human Rights Commissioned by the federal law notes that these provisions allow human rights agencies to use enforcement powers to deal with the publication of intent to deny employment or social services such as access to public institutions like schools, or administrations because of an individual's race, religion or other enumerated ground.

While these provisions place limits on freedom of expression, they have received a certain amount attention by commentators or in the American courts between partisans or opponents. In fact, there were some rising voices that dictate that People are right to be afraid of rising anti-Semitism in the United States. But too many of them are wrong about what it is and where it's coming from. Moreover, there's a belief that modern anti-Semitism is rooted in White supremacy, despite the fact that in the United States a majority of Jews are recognized as White. Yet, that did not prevent some horrific crimes inspired by hate speech. A good example lies in the cultural anthropologist C. Richard King, who described the Pittsburgh shooter's rationale with: "It's not just that Jews are conspiring to destroy the world by manipulating the econ--omy, although you did hear that narrative during the Great Recession. A newer type of conspiratorial thinking has grown in which Jews are using other racial groups to erode or destroy White America. That narrative is now happening around immigration." (King, p. 85, 2018).

In addition to that, there was a rising criticism to some definitions of Anti-Semitism. It is believed that it has focused on its associated list of 'illustrative' examples, which effectively stigmatize and enable the censorship of wholly legitimate non-criticism towards any wrong action (mainly economical) that comes from an individual with Jewish backgrounds, just because of fear of matching anti-Semitism definitions. Furthermore, those critics have ramped up the rhetoric demands to a much higher level. They even claimed that the restrictions of freedom of speech are intensely high when an individual or a group of Jewish ethnicity is the party that gets criticism. Most of these critics are influenced by a conservative political main stream.(Klug p.94, 2012).They think that restricting liberty of speech based on guilt-by-association tactics he must hold some questions towards some legislations that facilitate many suspicious actions (

most importantly economical variations, and business that contains usury), and at the same time restrict their freedom of speech or criticism; for they would face penalties of hatred speech and get accused with anti-Semitic allegations. In fact, there were some incidents that benefited some cooperation, and individuals whether by escaping legal penalties or gaining legal immunity, only based on playing on the card of anti-Semitic allegations. A good example is in the previous owner of media association Fox, who managed to escape many legal charges of sexual harassment by utilizing anti-Semitic allegations towards his accusers and walked out the court with minor casualties that did not equal his charges (Lyotard p.17, 1990) What is more notable is the fact that the country's media has passed along these grotesque falsehoods without the slightest hint of critical analysis.

Astonishingly, the purest example of a "meta-controversy" in the case of restricted freedom of speech and anti-Semitism is likely to be: a row about anti-Semitism that has absolutely nothing to do with prejudice against Jews. This proposal leads into a good probability, which is related to the fact that the implicit subtext has turned into fully explicit; as the controversy is not really about anti-Semitism at all, it is about attitudes towards restricting liberty of speech and using a phenomenon as a cover to enhance these restrictions. The entire row has focused on an alleged "definition of anti-Semitism" that lays down very detailed guidelines for what people are and are not allowed to say when it comes to Semitic ethnicities (Zizek, p.68, 2008).

The general believes in this case that anti-Semitism at a certain point has been a subject of linguistic, legal, and logical manipulations. In fact, many believe that Instead of defending those guidelines on their merits, their advocates have tried to impose them by brute force, deploying slander and emotional blackmail in place of reasoned argument. It is likely that the ones who forged some bared of truth definitions, or mostly exaggerated in the description of the phenomenon during modern time will continue to use the same tactics against anyone who puts forward effective criticisms of some Semitic groups especially when they are in a high political or economic statue (Becker, p.16, 1995).

In fact, surrendering to overrated definitions or even bared of truth definitions will not only restrict freedom of speech but will also menace a most basic right, and prevent people from exercising their rights guaranteed by the constitutions because of fear of facing mere allegations. As a matter of fact, There will be no "drawing a line" under this saga (I.e. restricting people's liberty of speech based on anti-Semitic speculations with no legal proof) .the main interest is that freedom of speech doesn't only help citizens to express themselves but it will also aid a big deal in penalizing those who tend to break the law no matter what their ethnicity. Moreover, it will hold them accountable to their actions without any interference, or manipulation under the shield of a given phenomenon such as "Anti-Semitism" (Fein, p.71, 1987).

All the space devoted to this controversy in USA managed to provide the basic facts of Speech liberty restrictions that had been kept submitted and hidden underneath a human problematic such as " anti-Semitism". In fact, The International Holocaust Remembrance Alliance (IHRA) has put forward a "working definition of anti-Semitism" that includes many examples that "could, taking into account the overall context" be construed as anti-Semitic. Some of these examples are clearly anti-Semitic in any context like: calling for Jews to be killed, denying the Holocaust took place, etc. However, several examples that yearn for giving advantages, mainly economic or political as a form of compensations for hate crimes that took place in past times against the Jews, were a point of a severe discussion. In fact, many believed that basic rights of American societies should never be bargained with the outcomes of certain definitions of quite sensitive phenomenon such as Anti-Semitism (crygiel& Kleparski, p.56, 2011).

As other opinions insist that there is nothing wrong with over sympathizing with a humanist cause, which represents a major concern in the United States throughout almost its entire modern history, many believe that freedom of speech restrictions based on mere accusations, imprecise; or overly general definitions of a phenomenon like anti-Semitism is but an outstanding violation of constitutional rights. To illustrate, In the United States, anti-Semitism

never reached the same universality, regularity or social destruction of the internment of Japanese Americans, the horrific genocides and violations towards native Americans, slavery, or anti-Black racism. However, it never entirely disappeared, too in a logical view towards the matter (crygiel& Kleparski, p.71, 2011).

It is a complete different thing however, when it comes to refuse bargaining liberty of speech even for a just cause like anti-Semitism (although this refusal is mainly related to alleged accusations, not proven actions that are described as anti-Semitic), and allowing hate speech to spread; and using legal alibies that doesn't condemns racism, and hatred but rather encourage it such as hiding beneath the legality of freedom of speech. In fact, just as there were harmful outcomes for speech restrictions that was condemned by anti-Semitism allegations, there are many err outcomes for a total freedom of speech. There are many examples such as: the Charlottesville march of fascists, the Pittsburgh murders in the synagogue, and other acts of violence can indisputably trace their lineage to long histories of anti-Jewish bigotry across the country. All in All, Anti-Semitism in the United States, including in its most violent forms, emerged directly from the broader category of White supremacy that was the main source for other factors such as political manipulations that bargains a just humanist cause with a basic right like liberty of speech (zizek, p.79, 2008).

Conclusion:

Freedom of Speech as a right stated in the Constitution of the united states of America, the source of most of the U.S legislations and its fundamental law of its significant federal system stated in the 1st and the 14th amendments guarantees the express of ideas, opinions, and information freely beyond government restriction that are based on ethnicity, gender, cultural or religious background. However anti-Semitism as a most concerning phenomenon raised too many controversy about this right, when it comes to the fact that it had influenced some of its legal restrictions. This chapter attempted to uncover the stressful relationship by emphasizing a brief insight for each of the concepts then highlighting the relationship between them by focusing on the challenges that anti-Semitism may create to freedom of speech and the outcomes that follows the legal restrictions or non-restrictions of speech liberty.

General Conclusion

The uniquely high level of the mass protection that America shows towards freedom of speech are not a scale that confirms that liberty of speech in America is total and beyond questioning. In fact, the United States was labelled as caring less about a bevy of competing interests such as the side effects of defamation, discrimination, and the vice of a mere slandering with no proofs when it comes to the minor revisions and legal penalties that it put on hate speech. Furthermore, it was often discussed that the United States adopted a legal system that defends speech in a most exuberant manner that it can be often described as biased, racial, and in worst scenarios hate speech.

It was the need to safeguard national securities, interests, and the fear of weighing with far greater outcomes that hate speech inspires, that made the demands of setting speech restricts demands rise. Naturally, these demands were not in a position of a total agreement by the entire American society. As some thought that these restrictions are mere violations to the most basic American rights. Yet, the voices that demanded these restrictions found a response from the government.

Usually, these demands are based on logical premises that make its stand quite resilient. Much of these premises are strongly related to warnings from were moral, cultural, and political exceeds that may lead to severe national conflicts. Moreover, this premises is based on the fact that providing legal restrictions will demise the dangers of hate speech which is by most built upon loathing giving groups based on biased racial or ethnic prejudice views. Mainly, the demands of speech restrictions and the premises that advocate these demands are concerned to be the result of cultural movements or humanistic phenomena. These phenomena by most evidence that are fed and inspired by hate speech.

Anti-Semitism is on the lead of these phenomena, and it was one of the main reasons that led into setting legislations and restrictions on freedom of speech. As a matter of fact, Today American anti-Semitism has retreated into wings of politics. Yet, The focus on law-making and the exercise of government power does not necessarily call for different conclusions than it does focus on individual rights. Nevertheless, the option of focusing and emphasizing different concerns about a basic right based on mere allegations that labels a given exercise of speech liberty under the dome of Anti-Semitism was a crucial point that this dissertations attempted to shed the light on. Moreover, the thesis attempted to show that this point can also lead to further analyses I concerning the controversial relationship between Anti-Semitism and freedom of speech in USA.

Matter of fact, the findings of this thesis dictate that Anti-Semitism legislation has many effects on freedom of speech in America. The study refers those political decisions takes into consideration Anti-Semitic allegation in an extensive fashion that may compromise liberty of speech of Americans into the danger of violations. Moreover, it dictates and open the door for further studies to the point of abusing legislation to the favour of a certain ethnicity, based on the powerful effects of legally questioning freedom of speech whenever it tackles Semitic groups even if it's not intended to offend these groups and cannot be referred to as an anti-Semitic action.

In addition to that, the thesis tackled that the phenomenon of Anti-Semitism lacks clarity in its definition as there are many contradicted definitions that may be described as ambiguous . Thus, violating Americans' freedom of speech based on legislations that source from uncertain claims and references that links a given speech and refers to it as anti-Semitic without a solid proof is quite problematic. Hence, it is not a mistake to consider that alongside the positive effects of anti-Semitic legislations on freedom of speech, there are many negative effects and that's what this thesis focused on.

References

- Bartnicki v. Vopper, 532 U.S. 514 (2001) where the U.S. Supreme Court "draw no distinction between the media respondents and" a non-institutional respondent. Retrieved March 07, 2022.
- Beeman, Richard (2009). Plain, Honest Men: The Making of the American Constitution. Random House. P 340-360 . Retrieved March 11, 2022.
- Bill of Rights. National Archives. Archived from the original on April 4, 2013. Retrieved February 14, 2022.
- Bolger v. Youngs Drug Products, 463 U.S. 60 (1983) Retrieved March 28, 2022.
- Bond v. Floyd, 385 U.S. 116 (1966), at 136. Justia US Supreme Court Center. December 5, 1966. Retrieved February 9, 2022.
- Buckley v. Valeo, 424 U.S. 1 (1976). Retrieved February 20, 2022.
- Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980). Retrieved February 20, 2022.
- Cohen v. Cowles Media Co., 501 U.S. 663 (1991) where the U.S. Supreme Court held that the press gets no special immunity from laws that apply to others, including those—such as copyright law—that target communication.
- Davis v. FEC, 554 U.S. 724 (2008). Retrieved February 20, 2022.
- Dry, Murray. Civil Peace and the Quest for Truth: The First Amendment Freedoms in Political Philosophy and American Constitutionalism, pp. 68–70 (Lexington Books 2004). Retrieved February 22, 2022.

- Eugene Volokh. "First Amendment". Encyclopædia Britannica. Archived from the original on May 12, 2013. Retrieved April 08, 2022.
- Eugene Volokh. "The American Heritage Foundation's Guide to the Constitution: Freedom of Speech and of the Press". The American Heritage Foundation. Archived from the original on May 12, 2020. Retrieved April 18, 2022.
- Federal Election Commission v. Wisconsin Right to Life, Inc., 551 U.S. 449 (2007) Retrieved February 21, 2022.
- First National Bank of Boston v. Bellotti, 435 U.S. 765 (1978) Retrieved February 20, 2022.
- Grayned v. City of Rockford, 408 U.S. 104 (1972). Retrieved February 24, 2022.
- Haynes, Charles, et al. The First Amendment in Schools: A Guide from the First Amendment Center, p. 13 (Association for Supervision and Curriculum Development, 2003). Madison also proposed a similar limitation upon the states, which was completely rejected: "No State shall violate the equal rights of conscience, or the freedom of the press, or the trial by jury in criminal cases." Madison, James. "House of Representatives, Amendments to the Constitution" (June 8, 1789) via The Founders' Constitution. Retrieved April 12, 2022.
- Henry v. Collins, 380 U.S. 356, 357 (1965) (per curiam) (applying Sullivan standard to a statement by an arrestee); Garrison v. Louisiana, 379 U.S. 64, 67–68 (1964) (applying Sullivan standard to statements by an elected district attorney); New York Times Co. v. Sullivan, 376 U.S. at 286 (applying identical First Amendment protection to a newspaper defendant and individual defendants). Retrieved February 20, 2022.

- Jasper, Margaret C. (1999). The Law of Speech and the First Amendment. Oceana Publications. . p. 2-61. Retrieved February 10, 2022.
- John R. Vile. "Gillette v. United States (1971)". The First Amendment Encyclopedia presented by the John Seigenthaler Chair of Excellence in First Amendment Studies. Archived from the original on June 14, 2020. Retrieved April 14, 2022.
- KLEINMAN v. CITY OF SAN MARCOS. Retrieved February 21, 2021.
- Larry D. Eldridge, A Distant Heritage: The Growth of Free Speech in Early America, New York: NYU Press, 1994. Retrieved February 29, 2021.
- Lee Tien (2000). "Publishing Software as a Speech Act". Berkeley Technology Law Journal. P. 629–712. Retrieved March 17, 2021.
- Lewis, Anthony (2007). Freedom for the Thought That We Hate: A Biography of the First Amendment. Basic Books. pp. 6-178. Retrieved March 17, 2021.
- Lovell v. City of Griffin, 303 U.S. 444 (1938). Retrieved March 02, 2021.
- Mark V. Tushnet; Alan K. Chen; Joseph Blocher (2017). Free Speech Beyond Words: The Surprising Reach of the First Amendment. NYU Press. Retrieved March 02, 2021.
- McCreary County v. American Civil Liberties Union of Ky., 545 U.S. 844 (2005), at Part IV. Justia US Supreme Court Center. June 27, 2005. Retrieved March 17, 2021.
- McIntyre v. Ohio Elections Commission, 514 U.S. 334(1995). Retrieved March 01, 2021.
- Meese v. Keene, 481 U.S. 465 (1987). Retrieved March 01, 2021.
- Mills v. Alabama, 384 U.S. 214 (1966), at 218-219. Justia US Supreme Court Center. May 23, 1966. Retrieved January 28, 2022.

- Murdock v. Pennsylvania, 319 U.S. 105 (1943), at 115. Justia US Supreme Court Center. May 3, 1943. Retrieved January 28, 2022.
- Murdock v. Pennsylvania, 319 U.S. 105 (1943), at 116. Justia US Supreme Court Center. May 3, 1943. Retrieved January 28, 2022.
- New York Times Co. v. Sullivan, 376 U.S. 254 (1964). Retrieved March 09, 2022.
- Ohralik v. Ohio State Bar Assn., 436 U.S. 447 (1978). Retrieved March 07, 2022.
- Packingham v. North Carolina . Retrieved March 17, 2022.
- Pennekamp v. Florida, 328 U.S. 331 (1946), at 364. Concurring opinion by Felix Frankfurter. Justia US Supreme Court Center. June 3, 1946. Retrieved March 17, 2022.
- Personal Narratives from the Virtual Jamestown Project, 1575–1705". Etext.lib.virginia.edu. Archived from the original on June 21, 2002. Retrieved March 08, 2021.
- Police Dept. of Chicago v. Mosley, 408 U.S. 92 (1972). Retrieved March 21, 2021.
- Police Dept. of City of Chicago v. Mosley, 408 U.S. 92 (1972), at 95–96. Justia US Supreme Court Center. June 26, 1972. Archived from the original on July 4, 2020. Retrieved March 21, 2022.
- Riley v. National Federation of the Blind, 487 U.S. 781 (1988), at 796 – 797. Justia US Supreme Court Center. Retrieved July 28, 2020. Retrieved March 01, 2021.
- Sable Communications v. FCC, 492 U.S. 115 (1989) Sable Communications of California v. Federal Communications Commission. No. 88-515. Argued April 19, 1989. Decided June 23, 1989. Retrieved March 01, 2021.

- Schneider v. State, 308 U.S. 147 (1939), at 161. Justia US Supreme Court Center. November 21, 1939. Retrieved February 10, 2022.
- Secret Service Ordered Local Police to Restrict Anti-Bush Protesters at Rallies, ACLU Charges in Unprecedented Nationwide Lawsuit. ACLU press release, September 23, 2003. Retrieved March 01, 2022.
- Stanley v. Georgia, 394 U.S. 557 (1969), at 564-566. Justia US Supreme Court Center. April 7, 1969. Retrieved January 16, 2022.
- Stevens, John Paul. "The Freedom of Speech", Yale Law Journal, Vol. 102, p. 1296 (1993). Retrieved March 08, 2022.
- Street v. New York, 394 U.S. 576 (1969). Retrieved March 01, 2022.
- Stromberg v. California, Stromberg v. California, 283 U.S. 359 (1931). Retrieved March 07, 2022.
- The Editors of Encyclopaedia Britannica. "American History: Massachusetts Bay Colony". Encyclopaedia Britannica. Archived from the original on December 4, 2020. Retrieved December 15, 2020. Retrieved March 17, 2022.
- The New United States of America Adopted the Bill of Rights: December 15, 1791. Library of Congress. Archived from the original on December 25, 2012. Retrieved April 4, 2013. Retrieved March 14, 2022.
- Tinker v. Des Moines Independent Community School District. Retrieved April 11, 2022.
- United States v. Alvarez, 567 U.S. 709 (2012). This article incorporates public domain material from this U.S government document. Retrieved March 07, 2022.
- Valentine v. Chrestensen, 316 U.S. 52 (1942) Retrieved March 04, 2022.

- Volokh, Eugene. The Heritage Guide to the Constitution, p. 409 (Forte and Spalding, eds., The Heritage Foundation 2014). Retrieved March 03, 2022.
- Wallace v. Jaffree, 472 U.S. 38 (1985), US Supreme Court Center. June 4, 1985. Retrieved March 06, 2022.
- Ward v. Rock Against Racism, 491 U.S. 781 (1989). Retrieved March 17, 2022.
- Jochen Abr. Frowein, "Freedom of expression under the European Convention on Human Rights", in Monitor/Inf (97) 3, Council of Europe. Retrieved March 14, 2021.
- Report of the Committee of Ministers, in "Theory and Practice of the European Convention on Human Rights", P. Van Dijk and G. Van Hoof, Kluwer, 1990, p.413 Retrieved March 14, 2021.
- Marktintern Verlag GmbH and Klaus Beermann v. Germany, 20 November 1989 . Retrieved March 17, 2022.
- Hassan, M.(2021).Is Freedom of Expression a Tool of Oppression and Harm? A Study on Hate Speech and its Harms in Case Law and Doctrine of the US and European Court ofHuman Rights [Master's Thesis, the American University in Cairo]. Retrieved March 17, 2022.
- Slavoj Žižek, Violence: Six Sideways Reflections 2008 pp. 66-67. Retrieved March 17, 2022.
- Encyclopedia of the Holocaust, Vol. I,editor-in-chief: Israel Gutman (Yad Vashem/Sifriat Poalim, 1990; in Hebrew), pp. 98-116, Retrieved March 17, 2022.
- Jean-François Lyotard, "The jews," in Heidegger and "the jews" (Andreas Michel and Mark Roberts, trans.) (Minneapolis: University of Minnesota Press 1990), p. 3. Retrieved March 14, 2022.

- R.S.Ezequiel, The Racist Mind: Portraits of American Neo-Nazis and Klansmen (New York: Penguin, 1996), p. 65. Retrieved March 18, 2022.
- Robert S. Wistrich, A Lethal Obsession: Anti-Semitism from Antiquity to the Global Jihad (2010), pp. 5-6. Retrieved March 19, 2022.
- Mari J. Matsuda, “Public Response to Racist Speech: Considering the Victim’s Story,” in Mari J. Matsuda, Charles R. Lawrence III, Richard Delgado, and Kimberlè Williams Crenshaw. Retrieved March 11, 2022.
- That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment (Boulder: Westview, 1993), p. 26 . Retrieved March 12, 2022.
- Sorrell v. IMS Health Inc., 131 S. Ct. 2653, 180 L. Ed. 2d 544, 2011 ILRC 2067, 32 ILRD 281 (2011), Court Opinion.Text . Retrieved March 14, 2022.
- Handyside v. the United Kingdom, 7 December 1976, paragraph 49. Retrieved March 18, 2022.
- Lingens v. Austria, 8 July 1986. Retrieved March 14, 2022.
- Lingens v. Austria, 8 July 1986, paragraph 41. Retrieved March 17, 2022.
- Kamen, Al (April 29, 1987). "Court Upholds Government Labeling Certain Foreign Films 'Propaganda'". The Washington Post. Archived from the original on May 9, 2013. Retrieved April 11, 2022.
- Groppera Radio AG and Others v. Switzerland, 28 March 1990. Retrieved March 28, 2022.
- Castells v. Spain, 23 April 1992. Retrieved March 28, 2022.

- Biskupic, Joan (October 13, 1994). "Court Hears Case on Unsigned Leaflets". The Washington Post. Archived from the original on May 9, 2013. Retrieved April 11, 2022.
- Prager and Oberschlick v. Austria, 26 April 1995. Retrieved March 25, 2022.
- Müller and Others v. Switzerland, 24 May 1998, report of the Commission, paragraph 70. Retrieved March 25, 2022.
- Ars Technica: Is code free speech? - Page 2 (4/99)". archive.arstechnica.com. Retrieved June 19, 2017. Retrieved March 25, 2022.
- Şener v. Turkey, 18 July 2000. Retrieved March 25, 2022.
- Thoma v. Luxembourg, 29 March 2001. Retrieved March 25, 2022.
- Marônek v. Slovakia, 19 April 2001. Retrieved March 25, 2022.
- Dichand and Others v. Austria,26 February 2002. Retrieved March 25, 2022.
- Krone Verlag GmbH & Co. KG v. Austria (No. 3), 11 December 2003, paragraph 31 . Retrieved March 25, 2022.
- Crewdson, John (May 27, 2008). "Fake claims of war heroics a federal offense". Chicago Tribune. . Retrieved March 25, 2022.
- Samuel Gedge (June 22, 2009). "'Wholly foreign to the First Amendment': the demise of campaign finance's equalizing rationale in Davis v. Federal Election Commission". Harvard Journal of Law and Public Policy. . Retrieved March 25, 2022.
- Adam Liptak (June 27, 2011). "Justices Reject Ban on Violent Video Games for Children". The New York Times. Archived from the original on March 31, 2019. Retrieved April 19, 2022.

- McConnell, Michael W. (November 2013). "Reconsidering Citizens United as a Press Clause Case". The Yale Law Journal. 123 2013–2014 (November 2, 2013, Pages 266–529). Retrieved April 19, 2022.
- Eugene Volokh (January 8, 2014). "First Amendment (United States Constitution)". Encyclopædia Britannica. Encyclopædia Britannica. Retrieved April 18, 2022.
- Amy Howe (June 26, 2018). "Opinion analysis: Divided court rules for anti-abortion pregnancy centers in challenge to California law". SCOTUSblog. Retrieved April 27, 2022.
- Amy Howe (June 27, 2018). "Opinion analysis: Court strikes down public-sector union fees". SCOTUSblog. Retrieved April 27, 2022.
- Farr, Thomas (November 1, 2019). "What in the World is Religious Freedom?". Religious Freedom Institute. Archived from the original on May 14, 2020. Retrieved April 27, 2022.
- The Editors of Encyclopaedia Britannica (June 7, 2020). "West Virginia State Board of Education v. Barnette". Encyclopedia Britannica. Retrieved april 21, 2022.
- Michelle Boorstein (November 3, 2020). "Religion: Religious conservatives hopeful new Supreme Court majority will redefine religious liberty precedents". The Washington Post. Archived from the original on November 5, 2020. Retrieved april 10, 2022.
- Religious Freedom Education Project Charles C. Haynes (December 26, 2002). "History of Religious Liberty in America. Written for Civitas: A Framework for Civic Education (1991) by the Council for the Advancement of Citizenship and the Center for Civic Education". Archived from the original on May 25, 2020. Retrieved May 25, 2022.

Summary

As a final thought in this dissertation we uncovered the consequences **Anti-Semitism** legislations as well as manage the contentious interplay between **Anti-Semitism legislation** and free speech. America's major emergence as a country that epitomizes modern democracy was formed by the widespread preservation of **constitutional rights,** which gave it a distinct identity and earned it the moniker "land of freedom." **Freedom of speech** is one of these rights, which has shown to be not only basic, but also a necessary luxury for Americans, allowing people to ensure that their views are heard and their government is held accountable. However, America is also notorious for a slew of phenomena stemming from cultural, ethnic, religious, and racial prejudices. As a result, in order to safeguard the nation's and people's security, the United States was compelled to make compensations, which resulted in the totality of some core rights, such as freedom of speech, being limited. Anti-Semitism is one of these phenomena. In reality, anti-Semitism was one of the key causes that led to changes in freedom of speech in the United States and the imposition of various limits in order to protect American society from hate speech. However, anti-Semitism-influenced restrictions had a significant impact on freedom of speech in the United States.

Key words: Anti-Semitism, Anti-Semitism Legislations, Constitutional right, Freedom of Speech.

الملخص

كحوصلة للدراسة قمنا بتغطية نتائج او اثار تشريعات مضادات السامية . والبحث في العلاقة المثيرة للجدل بين تشريعات معاداة السامية وحرية التعبير. أسست أمريكا صعودها الكبير كدولة تمثل الديمقراطية الحديثة من خلال الحماية الهائلة للحقوق الدستورية، والتي شكلت تفردها وجعلتها موطنًا لأرض الحرية. من بين هذه الحقوق حرية التعبير، والتي لم تثبت فقط أنها أساسية، ولكنها أيضًا رفاهية أساسية يتمتع بها الأمريكيون والتي تجعلهم يتأكدون من أن أصواتهم مسموعة وأن حكومتهم تخضع للمراقبة. ومع ذلك، فإن أمريكا معروفة أيضًا بالعديد من الظواهر التي تنبع من وجهات النظر الثقافية والعرقية والدينية والعرقية المتحيزة. وبالتالي ، ومن أجل حماية أمن الأمة وشعبها على الرغم من خلفياتهم المختلفة ، اضطرت الولايات المتحدة إلى تقديم تعويضات أدت إلى الحد من مجمل بعض الحقوق الأساسية مثل حرية التعبير. إحدى هذه الظواهر هي حقيقة معاداة السامية ، كانت معاداة السامية أحد الأسباب الرئيسية التي أدت إلى إجراء تعديلات على حرية التعبير في الولايات المتحدة وفرض بعض القيود بطريقة يعتقد أنها تحمي المجتمع الأمريكي من خطاب الكراهية. ومع ذلك، فإن هذه القيود التي تأثرت بمعاداة السامية كان لها العديد من الآثار على حرية التعبير في الولايات المتحدة.

الكلمات المفتاحية: حرية التعبير ، حق دستوري ، معاداة السامية ، التشريعات الأمريكية