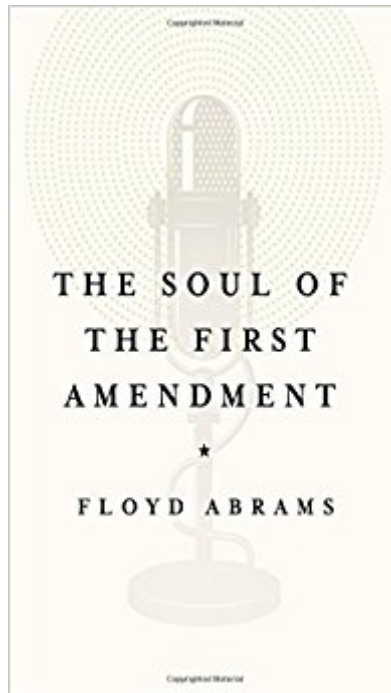


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# The Soul Of The First Amendment



## Synopsis

A lively and controversial overview by the nation's most celebrated First Amendment lawyer of the unique protections for freedom of speech in America. The right of Americans to voice their beliefs without government approval or oversight is protected under what may well be the most honored and least understood addendum to the US Constitution—the First Amendment. Floyd Abrams, a noted lawyer and award-winning legal scholar specializing in First Amendment issues, examines the degree to which American law protects free speech more often, more intensely, and more controversially than is the case anywhere else in the world, including democratic nations such as Canada and England. In this lively, powerful, and provocative work, the author addresses legal issues from the adoption of the Bill of Rights through recent cases such as *Citizens United*. He also examines the repeated conflicts between claims of free speech and those of national security occasioned by the publication of classified material such as was contained in the Pentagon Papers and was made public by WikiLeaks and Edward Snowden.

## Book Information

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## Customer Reviews

"Claims of American exceptionalism can be exaggerated. But the First Amendment really does make America unique, even within the industrialized democracies. . . . [Abrams] celebrates that fact in *The Soul of the First Amendment*. The best part of this short primer is his history of free speech jurisprudence in the United States. . . . Liberals who despise [the *Citizens United*] ruling would be well served to read this book. Whatever the policy merits of letting corporations spend unlimited

amounts on political advertising, Abrams ably defends its legal reasoning." — Daniel W. Drezner, New York Times Book Review "[Floyd Abrams], the titan of free speech jurisprudence, [calls his] new book, *The Soul of the First Amendment*, 'really a story of American exceptionalism.' It argues that the United States' protections for free speech are the best in the world, at least as of now." — Jim Rutenberg, New York Times "Abrams's engaging and plain-spoken reflections will be of interest to those already steeped in constitutional law as well as young readers curious about the nation's founding ideals. . . . For Abrams, one inescapable truth applies across the history of First Amendment disputes. To allow the government to determine whose speech can be regulated . . . is, as [his] fascinating history shows, literally to play with fire." — Daniel Shuchman, Wall Street Journal "Readable and comprehensible to both a specialized audience of lawyers and laypeople just looking to understand a little more about these rights. The book's brevity does not detract from its substance or clarity as Abrams explains the origins and tensions of the First Amendment. He dives into historic and contemporary controversies that test our adherence to these principles, noting, 'Speech is sometimes ugly, outrageous, even dangerous.'" — Roy S. Gutterman, Washington Post "Thoughtful and concise. . . . Abrams assumes little prior knowledge from the reader. . . . Many readers will find the most value in Abrams's discussion of *Citizens United*. . . . Even those troubled by the *Citizens United* decision, which allowed more corporate money into U.S. elections, are likely to emerge with a greater understanding of the Supreme Court majority's logic in that controversial case." — Publishers Weekly "One sign of a good book is its ability to engage readers, to pique curiosity, and to urge one to return anew to something largely known but mostly forgotten. By that measure, Floyd Abrams's latest book, *The Soul of the First Amendment*, is a valuable book." — Ronald K. L. Collins, Concurring Opinions "Abrams brings his personal insight into the subject he has thought about, and knows about, more than any of us. *The Soul of the First Amendment* is a significant book about one of our most important rights, one that we should never take for granted." — Joel Cohen, New York Law Journal "This book provides a powerful, much needed response to mounting criticism of the robust freedom of speech enshrined in US culture and law. Individuals from many sectors of our society that have traditionally championed free speech—including academics, students, writers, and liberals/progressives—have increasingly advocated curbs on speech by certain disfavored speakers or that conveys certain disfavored messages. Abrams convincingly shows the adverse consequences of such an approach, with examples from other countries as well as US history. While fairly recognizing that speech can and does cause harm to individuals and society, he demonstrates that government censorship

causes immeasurably greater harm." —Nadine Strossen, Former President, American Civil Liberties Union "A great book about the soul of the first amendment by its most distinguished and enduring defender. Floyd Abrams didn't write the first amendment but he has done so much to protect it — and us all — from those who would curtail it in the false names of security, sensitivity and political correctness." —Alan Dershowitz, Author of Taking the Stand: My Life in the Law "Floyd Abrams is the greatest free speech advocate of modern times — he is to the First Amendment what Muhammad Ali was to boxing — and his book explaining and defending the First Amendment's soul, like his advocacy, is elegant, concise, and profoundly persuasive." —Rodney A. Smolla, Dean, Delaware Law School "Floyd Abrams is one of America's greatest constitutional lawyers and defenders of the First Amendment. In this inspiring book, he reminds us why it's important to protect the speech we hate even on platforms where the First Amendment doesn't formally apply — from tech platforms to college campuses — and why the future of democracy depends on our willingness to resist growing calls from all sides to suppress unpopular speech." —Jeffrey Rosen, author of Louis D. Brandeis: American Prophet

Floyd Abrams has litigated First Amendment cases ranging from the Pentagon Papers case to Citizens United and has taught as a visiting lecturer at the Yale and Columbia Law Schools.

"Justice William O. Douglas, in 1973, stated that 'the struggle for liberty has been a struggle against Government. The essential scheme of our Constitution and Bill of Rights was to take Government off the backs of people.'" Floyd Abrams has argued important speech cases in the Supreme Court, and provides a deep and loving look at our speech rights in *The Soul of the First Amendment: Why Freedom of Speech Matters*. It is a short but powerful book on the history of the Amendment and jurisprudence surrounding it. The smart kids sitting up front already know the controversy surrounding inclusion of a Bill of Rights. Jefferson, in France, was appalled at its omission. Others were not on board: "Noah Webster, tongue deeply in cheek, suggested that if a list of inalienable rights were to be added to the Constitution, it should include a clause stating that 'every body shall, in good weather, hunt on his own land, and catch fish in rivers that are public property . . . [ and ] that Congress shall never restrain any inhabitant of America from eating and drinking, at seasonable times, or prevent his lying on his left side, in a long winter's night.'" Madison was won over, and the nation got its most enforceable protections against government. A great reminder of its importance. Five stars.

I live in a small New England town, where the Annual Town Meeting is still the centerpiece of local government. One year I brought some Russian (formerly Soviet) generals to observe. When I asked them for their reactions, the first response was, "It was interesting to see so many ordinary people speaking their minds without fear." This book - in a blessedly few number of pages with great narrative flow...describes the history of the First Amendment and how free speech /free press came to be a defining characteristic of American life only in the last half of the 20th century and early part of the 20th century, That historical narrative then becomes useful background for a very thought provoking discussion of the cases (Snowden, Wikileaks, and the publication thereof) that test the limits of free speech. There is no discussion of the "free speech on college campus" issue, but I'm guessing that's the sequel. Overall, a very worthwhile and interesting book on its own topic and in understanding what makes the U.S. different.

Abrams is an easy read by someone who has long been involved in First Amendment law. The book speaks to the mind, heart and soul of the First Amendment. The major case holdings and dissents are woven in a tale that helps readers understand the development of First Amendment law. If you just read the cases mentioned in this six part story, you will know much more about the importance the Founders placed in speech, publishing and the like. There is a nice index but not many citations to cases, so you might heed a lawyer to help you find the decisions.

Short and sweet summary of the case for an expansive view of the First Amendment. Abrams makes a convincing case that the federal and state governments are all too prone to pare away freedom of speech in pursuit of other objectives.

This is an excellent book, written in a way that appeals to a general audience and provides a synoptic overview of the history of American attitudes towards freedom of speech. I hope to use it in one of my college classes in the spring.

I'm not writing a book review, except to state that Abrams knows his subject well and has well-thought-out arguments.

Outstanding work Review of cases includes a review of history Great read for anyone Who wants to understand an important part of the US Constitution

Interesting argument for a liberal from a First Amendment expert.

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