



CONSTITUTIONAL LAW- FIRST AMENDMENT: FREEDOM OF EXPRESSION, FREE SPEECH DOCTRINE AND THE ESTABLISHMENT CLAUSE

Adeyemi Oshunrinade

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The settled principle of law and bedrock of the First Amendment is that, Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press. The market place of ideas notion can be traced back to the English Constitution, the principle that, the State must allow dialogue and ideas to flow irrespective of how distasteful the expression may be. However, when social order is threatened, government may intervene to punish speech; other than such situations, the State has no power or right to restrict expression because of the message it carries. The book is designed to give the student and curious minds a broad and knowledgeable insight into the First Amendment, the meaning of free speech, and why despite the protection afforded by the First Amendment, there are still some categories of expression not offered protection under the free speech doctrine. Fraud, defamation, obscenity and divulgence of State secret are among expressions not offered refuge by the First Amendment.

I have carefully selected and reported some decisions of the United States Supreme Court, focusing on the subject of free speech, the establishment clause and the free exercise clause. The book reports both the controversy and the curiosity that are subjects of the present day Constitutional law. Any restriction on expression because of its contents violates the settled principle that, debates on public issues must be allowed to flow and should be uninhibited, robust, and wide open as well as protected from censorship by the State. The field of ideas must be afforded equal opportunities and each point of view must be given the same forum of expression; government may not inhibit speech or deny assembly based on contents; to do so, violate dictates of the First Amendment.

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