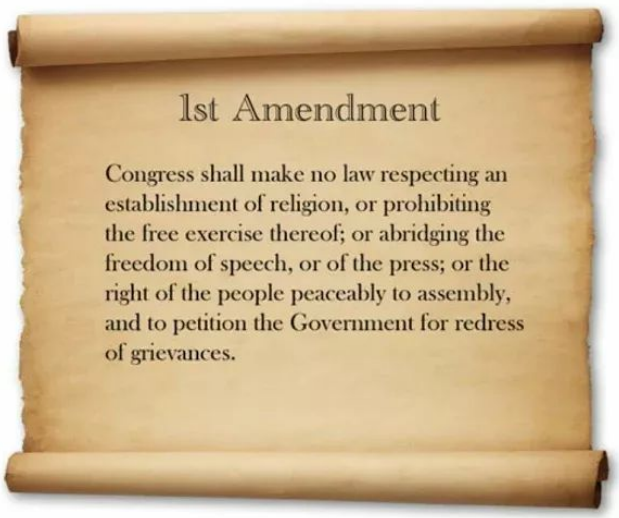
# “The First Amendment and Censorship”

SOPHIA SOCIETY OF PHILOSOPHERS IN AMERICA | FITCHBURG STATE UNIVERSITY

**Overview of the Issue:**




American individual’s right to freedom of speech is one of the most important liberties that we possess. This makes the discussion of the ethics of censorship ever more important. When the Bill of Rights was written, freedom of speech and freedom of the press was limited by the types of media that were available at the time. With the largest presses producing a few hundred copies of a newspaper, readership was naturally restricted to those who had the means of access to these resources. As technologies advance and audience sizes increase, many have called for increased censorship in order to protect people from what some consider offensive, obscene, or inappropriate ideologies and information. A painting, a photograph, a piece of music, poetry, book, script, play, television show, movie, or radio show all may say or portray the exact same story or message, but the medium of said message is subjected to unique censorship laws. The Supreme Court has ruled about various types of media and its legal protection under the First Amendment, but is censoring one medium and not another ethical?

**Discussion Questions:**

1) What are your views on a social media service removing content that contains controversial ideas? What is considered controversial and who determines it?
2) What is your opinion of restrictions being placed on graphic (i.e. sexual, violent, drug related) content on the internet? What do you consider graphic? Where should the line be drawn on what is restricted?
3) Students vary in their reading comprehension at all levels in maturity and in reading comprehension. What types of topics, if any, should be restricted to students and at what specific age? Is it more important for the school system or parents to regulate the information that children are getting? Why?
4) The Fairness Doctrine of 1949 required news stations to provide equal access to contrasting viewpoints but was repealed in 1987. In what ways can the removal of this decision affect fair news reporting? What are the ethical ramifications of for-profit news stations? In what ways do 24-hour news stations help or harm journalistic ethics and integrity? How do government restrictions on reporting affect the news that is provided to the public? As news stations become more and more concerned about achieving high ratings, how does this affect their own journalistic integrity? By sensationalizing or discrediting various stories, how does this affect the ethics and the veracity required by journalists?

**Graphic Content on Social Media & Internet**

The portrayal of violence, sex, and drugs/alcohol on social media and the internet has been a heavily debated topic relating to the behavioral development in adolescents. There is a strong association between perceptions of messages on social media, the internet, and observed behavior, especially with children. These companies are private corporations that are not required to follow First Amendment protections, meaning that they can pick what they choose to show, censor, or remove and determine what they believe violates their terms of use. However, much content still exists on these platforms that many people would identify as harmful material.

**Questions:** What is your opinion on these platforms being considered private and having their discretion on what they can pick and choose to be censored/removed? Why would any content that could be deemed harmful in any manner be removed? Who is, or should be responsible for defining and deciding what is harmful material? What are your feelings regarding such content being easily accessible to people that may be impressionable to violent or graphic images?

**Fake/False News and Misinformation**

News reporters, whether broadcast or print or online, follow journalisms' code of ethics, which include such principles as truthfulness, accuracy, objectivity, impartiality, fairness, as well as limiting harm, by withholding certain details from reports such as names of minors, certain distinguishing details of crimes, or information that may be of national security. The press has been held as "the Fourth Estate" of the United States, to check and balance the Executive, Legislative, and Judicial branches and provide transparency to the public regarding what is happening at the highest levels of government. While "fake news" is not a new concept, it has become increasingly discussed in the past few years, and especially so as the U.S. tries to cope with the COVID-19 pandemic. Fox News reported that the outbreak of COVID-19 was nothing to worry about, and was being blown out of proportion, while other news stations reported that it was being downplayed, and that more extreme measures should be taken.

**Questions:** While the First Amendment protects the freedom of the press, this was originally aimed at newspapers with a limited audience and slower publication. In what ways, if any, can the 24-hour news cycle be detrimental to journalistic integrity? How can 24-hour news cycles fully vet their sources before releasing "breaking news" stories before their competitors? To what extent is Fox News ethically or legally liable for the spread of misinformation early on in the COVID-19 pandemic by allegedly claiming the pandemic was a "hoax" and liberal propaganda? How much evidence would you require to demonstrate that they knowingly provided misinformation? If they did not *intentionally* misinform the public, can they still be held ethically or legally liable for the amount of harm that it may have caused?

*This one-sheet was created for the SOPHIA of Worcester County chapter by students in the Communication Law and Ethics course at Fitchburg State University and edited by Dr. J.J. Sylvia IV. Its creation was supported by SOPHIA and the Douglas and Isabelle Crocker Center for Civic Engagement. Students included: Shannon Creedon-Axtell, Jonathan Flerra, Owen Fraga, Joshua Goggin, Matt Makris, Ian Poyant.*