

Index

- Abrams English leaflet, 62–3
Abrams v. United States, 54–60, 64, 67, 74,
 130, 133, 139, 219, 223
 Abrams Yiddish leaflet, 63–4
 Abrams, Jacob, 61, 62, 64
 Adams, John, 19, 45, 126, 127
 Alien Registration Act of 1940. *See* Smith
 Act
 Alito, Samuel, 79, 137, 213, 214
 Allen, Henry, 164
 ambiguity, 17
 American Civil Liberties Union, 11–14
 American Communist Party, 70, 71
 American Community Survey, languages
 spoken at home, 170
 American Heritage Dictionary, definition
 of *marriage*, 204
 American Speech Committee, 163
 American, as alternative for *English*,
 152–3, 165
 American, as official language, 153–4
 Americanization Bulletin, 160
 Americanization movement, 158
 Anderson, D. J., 58
Andrews v. State, 26
 Arizona, language policy, 172
 Arthur, Chester, 187
 Arthur, Illinois, schools, English-only rule,
 169
Aymette v. State, 24, 26, 31
 Aymette, William, 24

 Babel Proclamation, 150, 152
 Baer, Dr. Elizabeth, 56
 Baldwin, Luther, 127
 Banting, Emily, 145, 147
 Baude, William, 20
 Bayh, Birch, 193

bear arms, 2, 5–10, 15–29, 209, 212
 Beckett, Thomas à, 143
 Belgium, official language policy, 177
 Benson, Egbert, 29
 Bentham, Jeremy, 71, 223, 224
Bethel School District v. Fraser, 77
 Better American Speech Week, 160,
 164–5
 Biard, Gérard, 45
 Bible, replacing obscenity in, 86
 Big Brother, 225
 bilingual education, 165–7, 170,
 174–5
 Black Lives Matter, 45, 227
 Black, Hugo, 72, 76, 97
 Blackstone, William, 205–6
 Blease, Coleman Livingston, 97–9
 Bledsoe, Benjamin, 48
 bloodletting, 205
Bong Hits 4 Jesus, 79
 books, digital, 225
Bostock v. Clayton County, 212–3
 Boston Marathon bombing, 222
 Bourquin, George, 58, 129
 Bowler, Marianne B., 199
 Brandeis, Louis Dembitz, 60, 67–70, 192,
 216, 223–4
 Brandenburg test, 77
Brandenburg v. Ohio, 3, 36, 68, 72, 74, 75,
 143
 Brandenburg, Clarence, 3, 72–3
 Brennan, William, 77, 104
 Breyer, Stephen, 80
Brown v. Board of Education, 193
 Bruce, Lenny, 84
 Bryan, Leigh, 145–7
 Burger, Warren, 77, 105, 132–3, 143
 Burgess, Ernest, 111

INDEX

- Burr, Aaron, 181
 Burroughs, William, 106
Burstyn v. Wilson, 109
- Cabrera, Alejandrina, 173
 California, Official English ballot initiative, 171
 Cameron, David, 41
 Canada, official language policy, 177
 cancel culture, 2, 8, 214, 217, 220, 227
 Capote, Truman, 193
 Carlin, George, 119–121
Carmen, ban on the movie, 108, 110
 Carroll, Lewis, 19
 CBP. *See* Customs and Border Protection, Office of
 CCTV, 222
 Celler, Emmanuel, 156
 Census Bureau, US, 169
 Century Dictionary, definition of marriage, 203
 Charlie Hebdo, 41–3, 226
 Charlottesville riot, 9, 10, 12–16, 22, 36, 38, 41, 45, 211
 Chase, Samuel, 46
 Chicago Woman's Club, 160, 163
 Child Online Protection Act of 1998, 122
 Children's Internet Protection Act of 2000, 122
 Civil Rights Act of 1964, 165, 213
 Clarke, John Hessin, 65
 Clayton, Henry D., 64, 65
 clear and present danger, 3, 65–73, 133, 184
 clear and present danger test, 60
 Cleland, John, 106
 Clement, Paul, 31
 Cleveland, English for adults campaign, 158
 Clinton, Hillary, 126, 142–4
 Clyde, Andrew S., 2
 Cockburn, Alexander, 89
 COEME. *See* Corpus of Early Modern English
 COFEA. *See* Corpus of Founding Era American English
 Cohen v. California, 120, 138
 Cohen, Paul Robert, 8, 85
 Communications Decency Act of 1996, 122, 215, 217
 Communism, 70, 71
 Communist, 11, 67–70, 72
 compelled speech, 7
 Comstock Act, 92, 93
 Comstock, Anthony, 92
 Conscription Act of 1917, 57
 Conservative Political Action Committee, 217
 Coolidge, Calvin, 187
 Corpus of Early Modern English, 31
 Corpus of Founding Era American English, 31
 CPAC. *See* Conservative Political Action Committee
 Crafts, Wilbur, 110
 criminal syndicalism, 72
 critical race theory, 220
 CRT. *See* Critical Race Theory
 Customs and Border Protection, Office of, 144–6
 Cutting, Bronson, 93–6, 98, 115, 146
- Debs v. United States, 56, 60
 Debs, Eugene V., xiii, 47, 54, 56, 68
 Declaration of Official English Act. *See* English Language Unity Act
 defamation, xvi
 Defense of Marriage Act of 1996, 201, 202
 Dell, Floyd, 50
 Dennis v. United States, 72
 Derr, Nancy, 150
 DHS. *See* Homeland Security, Department of
 Dial-a-Poem, 210
 Dictionaries, banning, 85–6
 District of Columbia v. Heller, xx, 13, 15, 17, 22–4, 26, 28, 30, 31, 34–7, 205
 divisive concepts legislation, 218
 DOMA. *See* Defense of Marriage Act of 1996
 Doonesbury, 43
 Dorsey, Jack, 124
 Douglas, William O., 72, 134
 Doyle, Matthew, 123, 124
 Dubin, Larry, 125
 dystopian novel 1984, 225
- Eastman, Max, 49, 54
 Ebooks, 225
 Eckhard, Christopher, 75
 Education Act of 1870, 87, 88
 Elonis v. United States, 136, 138–141, 144

INDEX

- Elonis, Anthony, 123, 124, 126, 136, 137, 140, 141, 144
 employee speech rights, xiv, 213
 Engel v. Vitale, 193
 English Language Amendment, 174–5
 English Language Unity Act, 175–7, 180, 181, 208
 English language, and immigration, 155–7
 English language, required for citizenship, 154, 176
 English, as an immigrant language, 181
 English, as official language, 152
 English, renamed *American*, 153
 English, William, 25
 Escobedo v. Illinois, 194
 Esmeralda, Nevada, schools, English-only rule, 168
 Espionage Act of 1917, 17, 47–9, 51, 53–6, 67, 69, 127
 European Union Charter of Fundamental Rights, Article 11, 40

 Facebook, 8, 20, 123, 125, 126, 135–141, 144, 145, 182, 214, 216, 217, 225
 Falsely shouting fire in a theater, 60
 Fanny Hill, 106
 Federal Censorship Commission, 115
 Federal Communications Commission, 7, 118–122
 Federal Language, xiv
 Federal Motion Picture Commission, 112
 Fifth Amendment, 7, 187, 189, 192, 198
 fighting words, 2, 16, 44, 81
 fleeting expletives, 121
 foreign languages, ban on, 149, 151
 Forer, Joseph, 131
 Fortas, Abe, 75
 Francis, Pope, 43
 Fraser, Matthew M., 77
 Free Speech Champion, UK, 218–19
 freedom fries, 149
 Freeman, Thomas J., 26
 Fuck the Draft, 85
 Fuller, Melville, 186

 Gardiner, Gerald, 103, 104
 Garfield, James, 126, 127, 187
 Garwood, William, 28
 gay marriage, definition of, 204
 gender pronouns, 213
 George III, 205

 German language, ban on, 148, 149
 German language, fines for speaking, 151
 Gibbons, Henry J., 57
 Giffords, Gabrielle, 226
 Ginsburg, Ruth Bader, 121, 138
 Giorno, John, 210
 Giuliani, Rudy, 4
 Goldstein, Robert, 47
 Gone with the Wind, 117, 118
 Google, 214
 Gopnik, Adam, 44
 Granger, Hermione, 188
 Grant, Ulysses S., 154
 Greeley, Horace, 36
 Green, Nathan, 2
 Griffith-Jones, Mervyn, 10, 103

 H.R. 997. *See* English Language Unity Act
 Hamilton, Alexander, 18
 Hand, Augustus, 50, 59
 Hand, Learned, 17, 50, 51, 53, 54, 56, 60, 67, 70, 80, 206
 Harding, Warren G., 56
 Harding, William L., 149, 151–3
 Harlan, John Marshall, 192
 Hart, Gary, 156
 hate speech, 12, 40, 43, 141, 213, 214, 216
 Hayakawa, Samuel I., 174, 175
 Hays Code, 117, *See also* Movie Production Code
 Hays Office, 111, 112, 117
 Hays, Will, 111, 112, 114, 118
Hazelwood v. Kuhlmeier, 78
 Healy, William, 110
 heckler's veto, 4, 12, 13, 44, 76
 Heckman, Horace, 114
 Heflin, Thomas, 95, 99
 Henry II, 143
 Hicklin obscenity test, 89
 Holder, Eric, 198
 Hollande, François, 41
 Holmes, Oliver Wendell, Jr., 3, 54, 59–61, 65–7, 69, 76, 107, 139, 158, 216, 220, 223
 Homeland Security, Department of, 144, 146, 147
 Hoover, Herbert, 187
 Hudson, Grant M., 114, 115
 Hughes, Dudley, 109
 Humpty Dumpty, 19

INDEX

- imminent lawless action, 3, 37, 73–5, 77, 83
 indecent speech, 121
 India, official language policy, 177
 Indian Affairs, Bureau of, 157
 Instagram, 124, 125, 135, 144, 217
 intent, measurement of, 130
 Internet of Things, 224
 Interstate Communications Act, 136, 141
 invasion of privacy, 222
 IoT. *See* Internet of Things
 Iowa, ban on foreign languages, 46
 Izzard, Eddie, 36

 Jacobellis v. Ohio, 119, 135
 January 6, 1–5, 8, 10, 16, 36, 37, 40, 70, 73, 124, 141, 143, 144, 211, 216, 222, 226
 Jefferson, Thomas, 18, 31, 46, 77, 105
 Jenkins, Roy, 103
 Johnson, Lyndon Baines, 3, 126, 131, 187
 Johnson, Ron, 2
 Johnson, Samuel, 203
 Johnson, Samuel, definition of marriage, 203, 204
 Johnson–Reed Act of 1924, 155
 Joyce, James, 85, 100, 106

 Kagan, Elena, 138
 keep and bear arms, 23, 32
 keep arms, 32
 Kenosha, Wisconsin, 9, 37, 211
 Kessler, Jason, 10, 11, 13, 14
 King, Steve, 152
 Kipling, Rudyard, 103
 Knight Foundation, 212, 220
 Ku Klux Klan, 3, 13, 72, 141
 Kuchibhotla, Srinivas, 182

 La Follette, Robert M., 47, 68
 Lachowsky, Hyman, 61
Lady Chatterley's Lover, 7, 8, 10, 85, 96, 98, 100–104, 106
 Laemmle, Carl, 110
 Lander v. Seaver, 74–6, 79, 80, 82
 Lane, Franklin K., 159
 Lansing, Michigan, 9
 Lau remedies, 166
 Lau v. Nichols, 165–7
 Law and Order, 195
 Lawrence, D. H., 100, 101, 103
 LBJ. *See* Johnson, Lyndon Baines
 Legion of Decency, 115

 Les Amants, 85
 Liberator, The, 54
 liberty cabbage, 149
 liberty measles, 149
 Lincoln, Abraham, 126, 127
 Lineberger, Walter F., 155
 Lipman, Samuel, 61, 65
 literacy rates, United Kingdom, 87
 literacy, dangers of, 87, 91
 living Constitution, 20
 loyalty oaths, 7, 70, 184
 Lumpkin, Joseph Henry, 26

 Macdonald v. City of Chicago, 37
 Madison, James, 18, 19, 29, 31, 32, 46
 Mahanoy Area School District v. B. L., 82
 Malle, Louis, 85
 marketplace of ideas, 67, 221
 marriage, definition of, 201, 206
 marriage, same-sex, 206
 Masses v. Patten, 59, 60, 67, 70, 71, 80
 Masses, The, 48, 49, 50, 54, 56, 70
 Masterpiece Cakeshop v. Colorado Civil Rights Commission, 184
 Maus, 84
 McClellan, George C., 107
 McConnell, Mitch, 4
 McCormick, Washington Jay, 153
 McKellar, Kenneth, 155
 McKenna, Joseph, 109, 119
 McKinley, William, 126, 127
 McMinn County, Tennessee, 84
 McNary, Charles, 155
melting pot, as metaphor for
 Americanization, 16, 159, 178
 Mencken, H. L., 153
 Meriwether v. Shawnee State University, 213
 Merriam-Webster's Collegiate Dictionary, 85
 Merriam-Webster's Collegiate Dictionary, definition of marriage, 204
 Metzdorf, William, 129
 Meyer v. Nebraska, 76, 158
 militia, 23
 militia clause, 23, 24, 27–30
Miller test for obscenity, 105
 Miller v. California, 105, 106
 Miller, Henry, 106
 Miller, Jack, 27
Miranda card, 193
 Miranda rights, 7, 195

INDEX

- Miranda rule, 198
 Miranda v. Arizona, 189, 191–6, 200, 201
 Miranda warning, 189, 193, 195–7, 199, 200, 208
 Miranda, Ernesto, 189, 190, 192, 193, 196, 201
 Miranda, Ernesto, confession, 190
Miranda, public safety exception to, 198, 199
 Mirandize, as a verb, 193
 Mitchell, Margaret, 117
 Morse v. Frederick, 79, 80
 Motion Picture Censorship Commission of Chicago, 111
 Motion Picture Producers and Distributors of America, 111
 Movie Production Code, 111, 114, 116–18
 Mutual Film Corporation v. Industrial Commission of Ohio, 108, 109, 111, 119, 138

Naked Lunch, 106
 National Americanization Committee, 158
 National Council of Teachers of English, 164
 National Firearms Act, 27
 National Rifle Association, 27, 33
 National Vigilance Association, 88
 Naturalization Act of 1906, 155
 Naturalization Act of 1940, 156
 Nazis, American, 14
 Nebraska, ban on foreign-language instruction, 158
 Nebraska, English-only law, 152
 Nebraska, language policy, 173
 Nelson, Henry John, 57, 59
 New Mexico, language policy, 172
 New York State Rifle and Pistol Association v. Bruen, 35, 212
 New York Times v. Sullivan, xvi
 New York v. Quarles, 198
 Nigeria, official language policy, 177
 Nixon, Richard M., 194
 Nunn v. State of Georgia, 26
 NVA. *See* National Vigilance Association

 Obama, Barack, 185, 186, 188
 Obergefell v. Hodges, 202
 Obscene Publications Act of 1857, 89
 Obscene Publications Act of 1959, 101, 103
 obscene speech, 16
 Ohio, ban on foreign-language instruction, 158
 Olmstead v. United States, 223
 online threats guidelines, UK, 124
 original public meaning, 20, 35
 originalism, xvi, 20, 205
 Orwell, George, 225
 Oxford English Dictionary, definition of *marriage*, 204

 Pacifica v. FCC, 119–122
 Palin, Sarah, xvi
 panopticon, 223
 Parker, et al., v. District of Columbia, 28
 Parler, 216
 Partridge v. Straunge and Croker, 19
 Passarello, Louis, 59
 Patman, Wright, 115, 116
 Patten, Thomas G., 50
 PEN American Center, 44
 Pew Hispanic Center, 179
 Pew Research Center, 180
 place names, eliminating German from, 149
 Pledge of Allegiance, 7
 policing bill, United Kingdom, 219
 Posner, Richard, 34, 35, 81, 205, 206
 Post Office Law of 1865, 92
 presidential oath of office, 7, 185, 208
 Presidential Threats Law of 1917, 132, 134, 142
 privacy, invasion of, 221
 Prober, Gabriel, 61
 pronouns, as compelled speech, 213
 Proposition 227, 166

 Quarles, Benjamin, 198

 Radio Act of 1927, 119
 Ragansky test, 130, 133, 135, 138, 142
 Ragansky v. United States, 129, 130, 133, 143, 144
 Ragansky, Walter, 129–131
 Regina v. Hicklin, 89, 101, 105
 Regina v. Penguin Books, Ltd, 102, 103
 Rehnquist, William, 189
 Reinhardt, Stephen, 28
 right against self-incrimination, 191
 right to counsel, 189, 191, 194, 195

INDEX

- right to silence, 7, 189, 191, 192, 195,
198–200, 208
- Robbins, Katherine Knowles, 160
- Roberts, John, 79, 80, 121, 123, 141, 185,
186, 188
- Rogers, Henry Wade, 53
- Roosevelt, Theodore, 151
- Rosansky, Hyman, 61, 65
- Roth test for obscenity, 104–5
- Roth v. United States, 104–6
- Rushdie, Salman, 43, 44
- Ryan, Frank, 153, 154
- Sachs, Stephen, 20
- Salinas v. Texas, 198
- Samuel Smith breweries, 84
- Sanford, Edward Terry, 68
- Sater, John Elbert, 128
- sauerkraut, 149
- Saunders, Edward, 19, 205, 206, 227
- Scalia, Antonin, 24, 30, 33–5, 138, 189,
195, 200, 205, 206
- Scarlet Letter*, *The* banned for adultery,
108
- Schenck circular, 56–7
- Schenck v. United States, 3, 38, 54, 55, 61,
62, 65, 67, 75, 120, 133, 219
- Schenck, Charles, 54, 56, 59, 60, 65,
66, 130
- Schwartz, Jacob, 61
- Scirica, Anthony, 140
- Seaver, A. B., 74
- Second Amendment people, 126, 142,
144, 212
- Sedition Act of 1798, 19, 38, 45–6, 127,
134
- Sedition Act of 1918, xiii, 47, 60, 61, 66,
67, 70
- sedition conspiracy, 2
- Seinfeld, Jerry, 189, 195
- Selznick, David O., 117, 118
- Seven Dirty Words, 7, 118, 121
- Shields, John, 155
- Shoemaker, Harold, 131, 133
- shouting fire in a theater, falsely, 3
- Silberman, Laurence H., 28
- Silveira v. Lockyer, 28
- Sixth Amendment, 189
- Skokie, Illinois, Nazi march, 13, 22, 38
- Smith Act, 69, 70
- Smith, Hoke, 109
- Smith, John C., 149
- Smith, Samuel, MP, 87, 91
- Smoot, Reed, 93, 95–100, 106, 115, 122
- Smoot-Hawley Tariff, Section 305, 93, 95,
100
- Socrates, 221
- Sopo, Dominique, 45
- SOS Racisme, 45
- Sotomayor, Sonia, 138
- Souter, David, 31
- speakers of languages other than English,
Census figures, 169
- Spencer, Richard, 12
- Spiegelman, Art, 84
- St John-Stevas, Norman, 103
- St. Anne School, English-only rule, 167,
168
- St. Valentine's Day massacre, 27
- St. Vitus dance, caused by movies, 111
- St. Vitus Dance, caused by strep, 111
- standard English, xv
- Statute of Northampton, 35
- Steimer, Molly, 61, 64, 65
- Stevens, John Paul, 80, 120, 121
- Stewart, Potter, 76, 83–5, 135
- Stewart, Roy Allen, 192
- Stickrath, Pemberton W., 128, 131
- Stone, Harlan Fiske, 187
- stop the steal, 1, 4, 13, 217
- strict construction. *See* originalism
- student speech, xv, 38, 74, 76, 77, 78, 80,
81, 168
- student speech rights, 213, 220
- Stump, Bob, 175
- swear jar*, xiv
- swear-box*, xi
- swearing, xiv, xv, 6, 84, 169, 222
- Swoope, William, 114, 115
- Taft, William Howard, 186
- teacher speech rights, 74–6, 165, 183, 213,
219, 220
- Tennessee, ban on same-sex marriage,
202
- Terminiello v. Chicago, 4
- Thomas, Clarence, 79, 82
- Tinker test, 76, 77
- Tinker v. Des Moines, 38, 75, 76, 78–81
- Tinker, John, 75
- Tinker, Mary Beth, 75
- Todd, Emmanuel, 43
- tomato*, defined by court, 17
- Trading with the Enemy Act of 1917, 148

INDEX

- Tropic of Cancer, 106
 Trudeau, Garry, 43
 Truman, Harry, 187
 Trump, Donald, 1–5, 8, 12, 73, 126, 141–4, 183, 211, 214–17
 Tsarnaev, Dzhokhar, 199, 200, 208
 Twitter, 4, 8, 124, 125, 135, 144, 146, 210, 214–17

Ulysses, 85, 100, 106
 Unite the Right, 10, 211
 United States v. Dennis, 70
 United States v. Eastman, 59
 United States v. Emerson, 28
 United States v. Hall, 58, 60
 United States v. Metzdorf, 129
 United States v. Miller, 27
 United States v. Stickrath, 128, 132
 United States v. The Spirit of '76, 47
 United States v. Windsor, 202, 204
 Upshaw, William D., 112, 114, 115
 US Supreme Court, speech ban in, 39–40

 Vineland High School North, English-only rule, 168
 Vinson, Fred M., 72
 Virginia v. Black, 141
 Vizetelly, Henry, 88–90, 92, 94, 99, 102

 Walker, Moses B., 25, 26
 Warhol, Andy, 210
 Warren, Earl, 191–3
 Warren, Samuel D., 223, 224
 Washington, George, 205

 Watch Your Speech Pledge, 163
 Watts v. United States, 3, 5, 126, 134, 135, 139, 143, 144
 Watts, Robert, 3, 131–5
 Webb, Edwin, 132
 Webster, Noah, xiii, xiv, xv, 86
 Webster, Noah, definition of *marriage*, 203, 204
 Webster's Third New International Dictionary, 120
 Weinberger, Harry, 64
 White, Byron, 78
 Whitmer, Gretchen, 211
 Whitney v. California, 67, 68, 70, 72
 Whitney, Anita, 67
 Wikipedia, 137, 225
 Wills, Garry, 31
 Wilson, Woodrow
 threats against, 128, 129, 133
 Wilson, Woodrow, on Americanization, 159
 Wingardium Leviosá, 188
 Woods, Arthur, 222
 Woolsey, John M., 100
 Worley, H. F., 109
 Wright, James Skelly, 133, 134

 Yiddish language, avoided as too much like German, 153
 Young, Art, 50, 54

 Zamecnik v. Indian Prairie School District, 80
 Zangwill, Israel, 159
 Zola, Emile, 88–92, 99, 102
 Zuckerberg, Mark, 145, 225, 226