

## OUR DEMOCRATIC FIRST AMENDMENT

The First Amendment to the US Constitution protects free speech, freedom of the press, freedom of association and assembly, and the right to petition the government. Why did the Framers protect these particular rights? What role were these rights intended to play in our democracy? And what force do they retain in today's world? In this highly readable account, Ashutosh Bhagwat explores the answers to these questions. The first part of the book looks at the history of the First Amendment, early political conflicts over its meaning, and the lessons to be learned from those events about the nature of our system of government. The second part applies those lessons to our modern, fractious democracy as it has evolved in the age of the Internet and social media. Now as then, the key to maintaining that democracy, it turns out, is an active citizenry that fully embraces the First Amendment.

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**Ashutosh Bhagwat**

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*For Shannon, of course.*

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I began working on this book in early 2016 when Barack Obama was president, Hillary Clinton looked to be the next president, and American democracy looked stable if a little worn. Then came the 2016 election and everything changed – or so I thought at the time. In retrospect, however, I have become convinced that that election merely brought to the fore longstanding challenges facing our democracy. Nor has it fundamentally changed the steps we the people need to take to fix that democracy. Hopefully at the end of this book you will agree.

A book is always a product of many people, even or perhaps especially if only one author is listed. While I cannot possibly name every person who has helped me make this project a reality, I can try. First and foremost, thanks to my family for their support and patience: my partner in crime Shannon, my children Uma and Declan, and many, many others, including the family we have chosen. Thanks also to the UC Davis School of Law, my fantastic and supportive colleagues, our brilliant students, our tireless staff, and Deans Kevin Johnson, Madhavi Sunder, and Afra Afsharipour for unstinting support.

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- “Posner, Blackstone, and Prior Restraints on Speech,” 2015 Brigham Young University Law Review 1151 (2015)
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