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Issue Brief: First Amendment Rights and Socioeconomic Status

The First Amendment states that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” The freedom of speech is arguably the most important of the First Amendment rights, yet is not in fact equally exercised or given to all Americans. One reason behind such inequality lies in the difference between socioeconomic statuses.

With regard to freedom of speech, researchers have found a direct correlation between socioeconomic status and support of civil liberties. In Laura Beth Nielsen’s book *License to Harass: Law, Hierarchy, and Offensive Public Speech*, she uses education and occupational status as a marker for “class” and finds a positive correlation between education levels and higher “occupational positions” in relation to support for freedom of speech. Though the reasoning behind this is not entirely clear, there are multiple factors that can be assumed from this finding. First of all, the fact that those with lower levels of education are less likely to be in support of freedom of speech does is likely a result of lacking education about what civil liberties are and what they protect, as well as a general lower level of political participation. Without knowledge or interest of things such as freedom of speech, it is hard to expect an individual to attribute much value to it. Additionally, those with lower occupational positions are unlikely to experience the practice of free speech in subordinate positions, and are therefore less likely to value it.

*In Inequality and American Democracy: What We Know and What We Need to Learn* by Lawrence R. Jacobs and Theda Skocpol, they discuss the increasing disparity between the wealthy and lower income groups in the United States. This income-gap is a major source of resulting political inequality. As they state, “We find disturbing inequalities in the political voice expressed through elections and other avenues of participation. We find that our governing institutions are much more responsive to the privileged and well organized narrow interests than to other Americans. And we find that the policies our government fashions today may be doing less than celebrated programs of the past to promote equal opportunity and security and enhance citizen dignity and participation, reinforcing the suspicion of many in the American public that government officials “don’t care” about the needs and values of ordinary citizens (pg. 9).” This “control” of government by the upper-class elite only exacerbates Nielson’s findings. If lower-class groups feel, and rightfully so, that they have no real power in government, they become less likely to use their civil liberties to gain more political power. However, this seems somewhat counterintuitive. One would assume that if such a great portion of the U.S. population holds such little “actual” political power, freedom of speech would be one essential right to express this injustice and dissatisfaction. Yet, for example, the heightening campaign costs and media power involved in today’s government places higher-income groups as a priority for politicians to gain election, and reelection.