


ASTRONAUTS FOR AMERICA


CONSTITUTIONAL PRINCIPLE: FREEDOM OF SPEECH

“If freedom of speech is taken away, then dumb and silent we may be led, like sheep to the slaughter ”

George Washington, Address to the Officers of the Army, 1783

BACKGROUND

In this eighth briefing in our series, “America, We Have a Problem,” we look at the constitutional principle, Freedom of Speech, one of the most fundamental principles of American democracy. Enshrined in the 1st Amendment to the Constitution, it prohibits Congress from making any law “abridging the freedom of speech...” In practice, freedom of speech protects the right of every individual to express opinions, criticize government, advocate for change, and engage in public discourse without fear of government censorship or retaliation. Speech has been interpreted over time as spoken and written words, symbolic acts, and, increasingly, digital expression. This protection extends not only to popular or comfortable speech, but most critically to dissenting, minority, and unpopular viewpoints, since speech that enjoys broad approval requires no protection. For a democratic republic like the United States, where government derives its just powers from the consent of the governed, free speech is not merely a civil liberty but a structural necessity: it is the mechanism by which citizens hold their representatives accountable, expose corruption and abuse of power, contest unjust laws, and participate meaningfully in self-governance. Without it, the other freedoms guaranteed by the Constitution are diminished, because a people who cannot speak freely cannot effectively defend their rights.

SELECTED HISTORICAL THREATS

- **1798:** The Sedition Act of criminalized criticism of the government, leading to arrest and imprisonment of political opponents of the Adams administration. The Act's unpopularity helped sweep Jefferson into the presidency in 1800; it was allowed to expire in 1801, and Jefferson pardoned everyone convicted under it, calling the law unconstitutional.
- **1861:** President Lincoln suspended Habeas Corpus, shuttered newspapers, imprisoned politicians for anti-war speeches, and subjected civilian dissenters to military tribunals. The Supreme Court reined this in after the war in *Ex parte Milligan* (1866), ruling that civilians could not be tried by military tribunals where civilian courts remained open.
- **1950s:** The “Red Scare” and McCarthyism included government blacklists, and harassment by the House Un-American Activities Committee (HUAC) against suspected communist sympathizers. The Senate formally condemned McCarthy in 1954, 67–22, for conduct “contrary to senatorial traditions,” ending his influence, and the Supreme Court curbed HUAC-type tactics in *Watkins v. United States* (1957), ruling Congress cannot expose people's private beliefs “for exposure's sake.”

SELECTED RECENT THREATS

- Federal agencies have been [enforcing bans on books and silencing educators](#) on topics related to race, gender, and systemic inequality in public universities, government and public schools.
- In 2025, federal officials [threatened to revoke student visas and freeze university funding](#) in retaliation for pro-Palestinian protests on university campuses.
- In a case before the U.S. Court of Appeals, DC Circuit, [the Pentagon is attempting to demote Sen. Mark Kelly](#) for reminding military personnel of their duty to disobey illegal orders, an act the district court had ruled to be protected speech.
- FCC Chair Brendan Carr [repeatedly threatened to revoke broadcast licenses of stations airing content critical of the administration, including requiring Disney-owned ABC stations to file early license renewals](#) in apparent retaliation for a comedian's jokes. A bipartisan bill (the [JAWBONE Act](#), co-sponsored by Sens. Cruz and Wyden) was introduced specifically to prohibit this kind of government coercion of private speech.

Astronauts For America Focus: As NASA astronauts, we learned, sometimes the hard way, that it is critically important to say something when you see something that doesn't look right. NASA policy requires managers to openly foster and resolve substantive dissenting opinions. We are not constitutional scholars, but we know how to defer to subject matter experts when analyzing complex sociotechnical failures. We will analyze one or more recent threats for cause factors. We draw from reliable sources: court decisions, congressional records, peer-reviewed scholarship and news reporting rather than commentary or opinions. We will publish our findings and recommendations in a series of briefings we call, “Failure Is Not an Option,” calling on accountable officials and citizens to “course correct,” and ensure that Freedom of Speech remains a critical component of our constitutional principles.

“Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech.”

Benjamin Franklin, The New England Courant, 1722

Appeal to Our Crewmates: We need your help. Please use the “Contact Us” feature on our website to make suggestions about what we can do to help our democracy strengthen its commitment to that critical constitutional principle, **Freedom of Speech**.

