

The Chilling Effect of Speech & on Individual Freedom of Mind – A “Sacred Place”



In Constitutional Law, any practice, policy or law that has the effect of seriously dissuading the free exercise of a constitutional right, such as Freedom of Speech &/or infringes on the free exercise of our Individual Freedom of Mind – a sacred place, cannot pass constitutional muster.

Plaintiff [believes] our mind is a ‘*sacred place*’ with the human heart (*emotions*) being our ‘*sacred space*’ found within us all. These utmost sacred precincts of private and domestic life can produce a religious experience for many people. It has for the Plaintiff countless times. However, to assess the chilling effect as a justification, involving these utmost *sacred precincts* of private and domestic life, it is important first to identify the intent requirements it is supposed to justify and then to set out the chilling effect account of those requirements. Chilling effect is a term in law and communication that describes a situation where a speech or conduct is suppressed by fear of penalization at the interests of an individual or group. It can affect one’s free speech, expressive conduct and Individual Freedom of Mind- *a sacred place*.

In a legal context, a chilling effect is the inhibition or discouragement of the legitimate exercise of natural and legal rights by the threat of legal sanction. The right that is most often described as being suppressed by a chilling effect is the US constitutional right to free speech or freedom to think. A chilling effect may be caused by legal actions such as the passing of a law, the decision of a court, or the threat of a lawsuit; any legal action that would cause people to hesitate to exercise a legitimate right (freedom of speech or otherwise) for fear of legal repercussions.

The term *chilling effect* had been in use in the United States since as early as 1950. The United States Supreme Court first refers to the "chilling effect" in the context of the United States Constitution in *Wieman v. Updegraff* in 1952. It, however, became further used as a legal term when William J. Brennan, a justice of the United States Supreme Court, used it in a judicial decision (*Lamont v. Postmaster General*) which overturned a law requiring a postal patron receiving "communist political propaganda" to specifically authorize the delivery.

This Supreme Court doctrine grants special protection against laws that “chill” protected speech, most prominently via the overbreadth doctrine. The overbreadth doctrine permits persons whose own speech is unprotected to challenge laws that infringe the protected speech of third parties. The Court has not generally applied overbreadth and the other speech-protective doctrines to other constitutional rights even though other rights could also be subject to a chilling effect. The case law simply assumes that the chilling effect only acts on the exercise of speech, and that this justifies treating speech differently from other right.