

Reflections on the First Amendment

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HIS 301 - U.S. Constitution

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The First Amendment

The United States Constitution was signed on September 17, 1787 in Philadelphia, Pennsylvania by the members of the Constitutional Convention. On September 25, 1789, the First Federal Congress proposed twelve amendments to the Constitution. "Articles three through twelve, known as the Bill of Rights, became the first ten amendments to the U.S. Constitution and contained guarantees of essential rights and liberties omitted in the crafting of the original document" (The Bill of Rights, 2006). The [first amendment](#) *First Amendment* of the [Constitution](#) focuses on five rights given to the people of the United States. The first amendment states "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" (United States Constitution). The U.S. Supreme Court upholds the First Amendment in the cases *R.A.V. vs. City of St. Paul*, *New York Times Co. v. United States*, and *NAACP v. Alabama*, which involves the rights to exercise a freedom of speech, press, and assembly. *More clear thesis statement needed*

Freedom of Speech

Freedom of speech is the idea of being able to speak freely without censorship. The right to freedom of speech is not unconditional in anywhere, although the degree of freedom varies greatly. "For instance, the United States First Amendment theoretically grants absolute freedom, placing the burden upon the

state to demonstrate when (if) a limitation of this freedom is necessary" (Freedom of speech, 2006). The U.S. Supreme Court is called on in cases where someone feels their Constitutional rights are being violated. *The freedom of speech is often limited and, even at the anger of many, like when a flag is burned, when political speech, it is not limited.*

R.A.V. vs. City of St. Paul

Throughout history the Supreme Court has dealt with many cases involving the First Amendment and freedom of speech. In the 90's the United States Supreme Court was occupied in the R.A.V. vs. St. Paul *cite case* case, which involved the First Amendment of the Constitution of the United States and the freedom of speech. The case concerned the "petitioner and several other teenagers allegedly assembled a crudely made cross by taping together broken chair legs. They then allegedly burned the cross inside the fenced yard of a black family that lived across the street from the house where petitioner was staying" (R.A.V. V. City of St. Paul, 2006 ?). The petitioner was charged under the Bias-Motivated Crime Ordinance, which forbids the display of a symbol which one knows or has reason to know that it would arouse anger, alarm or resentment in others on the basis of race, color, creed, religion or gender.

The R.A.V. v. St. Paul case went through several courts until it made its way to the Supreme Court. "The Supreme Court overturned the states supreme court's decision, declaring the City's ordinance unconstitutional. They found cross

burning to be not fighting words but a viewpoint in the free market of ideas protected by the first amendment” (R.AV. V. City of St. Paul, 2006). Despite the facts that cross burning is offensive and feels like a blow to the face to many, The Supreme Court felt it was an exercise of freedom of speech or expression and secured that right.

Give your own opinion

Freedom of Press

Freedom of the Press is guaranteed by a government of free public press for its citizens and their associations. It is extended to members of news gathering organizations, and their published reporting, it also extends to news gathering, and processes involved in obtaining information for public distribution. The right to Freedom of Press is guaranteed by the First Amendment of the U.S. Constitution. “With respect to governmental information, a government distinguishes which materials are public or protected from disclosure to the public based on classification of information as sensitive, classified or secret and being otherwise protected from disclosure due to relevance of the information to protecting the national interest” (Freedom of the press, 2006). The Supreme Court is requested on cases where a Freedom of Press is dishonored.

New York Times Co. v. United States

The Times case focused on a constitutional emergency in which the U.S.

President Richard Nixon had claimed executive authority to force the prominent newspaper to suspend publication. The issue that was brought before the court was if the constitutional Freedom of the Press was subordinate to a claimed Executive need to maintain the secrecy of information. New York Times wanted to publish the classified Pentagon Papers without risk of government censure. The Supreme Court made a decision that “agreed with the two lower courts which had originally decided that the Government had not met that burden, so the prior restraint was not justified” (New York Times Co. v. United States, 2006) *cite case*. The Supreme Court ruled that the First Amendment did protect the New York Times right to print the Pentagon Papers. *Discuss and define “prior restraint”.. How does it apply and what do you think?*

Draw conclusions and apply the Court’s ruling.

Freedom of Assembly

The Freedom of Assembly is the freedom to associate with, or coordinate any groups, gatherings, clubs, or organizations that one wishes. With the Freedom of Assembly *you one* can form or join any political party, special interest group, or union without government restrictions. “The Freedom of Assembly in order to protest sometimes conflicts with laws intended to protect public safety, even in democratic countries: in many cities, the police are authorized by law to disperse any crowd (including a crowd of political protesters) which threatens public safety, or which the police cannot control” (Freedom of assembly, 2006). Most

local laws require a permit to be obtained in advance by protest organizers if a protest march is anticipated, although the permit can be denied. On different occasions permit laws have collided in court with the Freedoms of Assembly and of speech and the Supreme Court has been asked to judge if the First Amendment was violated. *Also connect assembly to association as in the NAACP case*

NAACP v. Alabama

The NAACP v. Alabama was a significant civil rights case brought before the United States Supreme Court. The case was a result of the Attorney General of Alabama bringing a suit to the State Court challenging the NAACP for violation of a state statute requiring foreign corporations to qualify before doing business in the state. The NAACP, a nonprofit membership corporation, believed itself to be exempt from that statute. The suit wanted to both prevent the Association from conducting further business within the state and, to remove it from the state altogether. The circuit court agreed to issue an *ex parte define ex parte* order restraining the Association from conducting business in the state or taking steps to qualify it to do so. The state also issued a subpoena for most of the Association's records, including bank statements and leases, but most notably the names and addresses of the agents or members of the Association in Alabama. The Association refused to give up there records and was held in contempt and fined ten thousand dollars. The case was then taken to the

Supreme Court. "The Supreme Court decided in favor of the petitioners, holding that immunity from state scrutiny of petitioner's membership lists is here so related to the right of petitioner's members to pursue their lawful private interests privately and to associate freely with others in doing so as to come within the protection of the Fourteenth Amendment and further that freedom to associate with organizations dedicated to the advancement of beliefs and ideas is an inseparable part of the Due Process Clause of the Fourteenth Amendment"

(NAACP v. Alabama, 2006). The Supreme Court upheld the First Amendment

right to exercise freedom of assembly. *Why was the 14th amendment used,*

connect and apply the ruling. Also, give your opinion

Conclusion

In conclusion *T*he First Amendment allows the right to exercise Freedom of Speech, Press, and Assembly. The United States Supreme Court helps to protect the rights given in the First Amendment. There have many occasions when the civil rights have been violated and the Supreme Court helped rectify that situation. Such as in the cases of R.A.V v. St. Paul, New York Times v. U.S., and NAACP v. Alabama.

More conclusion on the impact of these case's First amendment ruling on society and your own life. Write a clear thesis in the intro and return to it in the conclusion.

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Grading: the paper will be graded in the following areas applying the definitions listed

| Ideas (10 poss.) | Organization (7) | Fluency (4) | Conventions (3) | Total |
|------------------|------------------|-------------|-----------------|-------|
| 8.6 | 6.3 | 3.4 | 2.4 | 20.7 |

Ideas =

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| Connections, assessments, evaluations and your own descriptions. |
| The content is comprehensive, accurate, and /or persuasive. |
| Numerous examples from the news and one's own life are related to the topic |
| A clear thesis statement is made. |
| A position is taken and its arguments are refuted. |
| The paper links theory to relevant examples. |
| Major points are stated clearly and are supported by specific details, examples, or analysis. |

Fluency =

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| Ease to read |
| Citations are integrated to the paragraph structure. |
| Paper is interesting to read. |
| The thesis is clear throughout the paper. |

Organization =

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| The paper develops a central theme or idea, directed toward the appropriate audience. |
| The introduction provides sufficient background on the topic and previews major points. |
| The conclusion is logical, flows from the body of the paper, and reviews the major points. |
| Transitions between sentences, paragraphs, and sections aid in maintaining the flow of thought. |
| The tone is appropriate to the content and assignment. |

Conventions/Mechanics =

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| Citations of original works within the body of the paper follow APA guidelines where appropriate. |
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| The paper is laid out with effective use of headings, font styles, and white space. |
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| Rules of grammar, usage, and punctuation are followed. |
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| Sentences are complete, clear, concise, and varied. |
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| Spelling is correct. |
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