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Importance of the First Amendment

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.” After the Revolutionary War ended, America’s first Constitution was established. The Articles of Confederation ensured strong state power to avoid tyrannical rule in the American colonies, but it did not last. The American colonies needed a stronger government that was run by “the people”. This led to the establishment of the U.S. Constitution, which became ratified with the addition of the Bill of Rights. The most important of these amendments is the first amendment. The five rights included in the first amendment are included, to protect “the people’s” unalienable rights.

Freedom of religion is protected by the First Amendment of the U.S. Constitution. By the time of the American Revolution, many churches in the colonies were competing with one another. The founders came to believe that the only way to prevent the new nation from being pulled apart by religious groups, was to cut ties between church and state. The first amendment was ratified in 1791. The religious freedom summarized in the first amendment was split into two parts. The Establishment clause, and the Freedom Exercise clause. They guaranteed that the government wouldn’t have an official religion, or prohibit anyone from practicing their religion of choice. “In 1971, the Supreme Court in *Lemon v. Kurtzman*, created a three prong criteria to

ensure the government policies would not violate religious freedoms” (“Freedom of Religion”). These principles simply state that the government is not to have, promote, or be overly involved with religion.

The First Amendment to the Constitution forbids Congress from passing any law abridging “the right of the people peaceably to assemble, and to petition the Government for a redress of grievances” (“Rights of Assembly and Petition”). This includes the right to communicate with government officials, lobbying government officials, and petitioning the courts by filing lawsuits with a legal basis. The Petition Clause first came up in the 1830s when Congress established a rule barring anti-slavery petitions from being heard, but the rule was later turned around in *California Motor Transport Co. v. Trucking Unlimited*, the Supreme Court stated that the right to petition came with the issue of the approach of citizens and groups to administrative agencies and to courts in the legislative branch. Today citizens are able to approach all three branches. The right of assembly was originally distinguished from the right to petition. In *United States v. Cruikshank*, Chief Justice Morrison Waite ruled that the right of assembly was a secondary right to the right to petition. However, the right to assemble is not to be made less. The Government can’t prohibit a public assembly in their own discretion, but the government holds the power to set restrictions on the time, place, and manner of peaceful assembly.

The First Amendment guarantees freedom of speech. Freedom of speech gives Americans the right to express themselves without having to worry about government interference. Before WWI, the Supreme court hadn’t ruled against any cases concerning free speech. “In 1919, in *Schenck v. United States*, the Supreme Court ruled to limit speech that

presented a clear and present danger” (A&E Television Networks). “After this, the Supreme court went on to rule against things regarding speech such as hate speech, reciting the pledge of allegiance, flag and cross burning, etc” (“Freedom of Speech”). Some laws are thought to be especially problematic because they begin public debate and deny a principle of self-government.

Freedom of the Press is protected under the First Amendment to “the people’s” rights. Before America gained independence from Great Britain, the British government attempted to censor American newspapers and media from publishing negative information. One of the first court cases involving freedom of the press in the United States was William Cosby v. The New York Weekly Journal. The case was against John Peter Zenger for publishing commentary disapproving of Cosby’s government. Zenger was ruled not guilty. Another example of Freedom of the Press was Daniel Ellsberg and the leaking of the Pentagon Papers to The New York Times. The release of these papers created a lot of controversy between Ellsberg and the government. Freedom of the press protects The New York Times for publishing the papers, but Ellsberg was punished for the leaking of the papers.

Therefore, “the people’s” unalienable rights are protected under the five rights of the First Amendment. “Because of the First Amendment, Americans can speak freely, voice their opinions about issues large and small, and not fear censorship or punishment from government officials who may not like what they say. The free press guarantee enables Americans to read and learn about events near and far, including news of when oppressive governments around the world shut down the Internet and wireless networks to silence public protest” (Kinney). The freedoms supported by the first amendment, are important to the daily lives of American citizens, and America as a whole.

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