The First Amendment

GUIDE TO READING

Main Idea
Soon after ratification of the Constitution, the First Amendment was added to guarantee basic freedoms essential to American democracy.

Key Terms
civil liberties, censorship, petition, slander, libel

Reading Strategy
Analyzing Information As you read, list in a chart like the one below the freedoms guaranteed by the First Amendment, along with the limitations to those freedoms.

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<th>First Amendment Freedoms</th>
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Read to Learn
• How does the First Amendment protect five basic freedoms?
• What are the limits to First Amendment freedoms?

Thomas Jefferson was an outspoken supporter of Americans’ personal freedoms. In a letter to Colonel Edward Carrington, dated January 16, 1787, Jefferson wrote: “… were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.” In his lifetime, Jefferson took full advantage of the freedom of the press. He wrote and published dozens of articles and papers to express his views and to encourage his fellow citizens to think and act according to their beliefs.

First Amendment Freedoms
The Founders of the United States believed that protecting individual rights and providing for the safety and well-being of citizens were important purposes of government. The Constitution might not have been ratified had the Bill of Rights not been promised. Added in 1791, the 10 amendments in the Bill of Rights place strict limits on how the national government can use its power over the people. The Bill of Rights protects our civil liberties—the freedoms we have to think and act without government interference or fear of unfair treatment.

The First Amendment to the Constitution protects five basic freedoms: freedom of religion, freedom of speech, freedom of the press, freedom of assembly, and freedom to petition the government.

These civil liberties are the cornerstone of our democracy. They ensure that each of us can develop our own beliefs, express ourselves freely, meet openly with others, and have our views on public matters heard by those who govern.

Freedom of Religion
Intolerance of different beliefs in their homelands forced many colonists to come to America in the first place. To safeguard religious freedom, the First Amendment prohibits Congress from
establishing an official religion in the United States. It protects the freedom of Americans to practice their faith as they wish. The government may not favor one religion over another or treat people differently because of their personal beliefs.

**Freedom of Speech**

In some countries, people can be jailed for criticizing the government or voicing unpopular ideas, even if they do so only in private conversations. In the United States, however, the First Amendment guarantees that we can say what is on our minds, in public or in private, without fear of punishment by the government.

Face-to-face discussions, telephone conversations, lectures, and radio and TV broadcasts are covered by the guarantee of free speech; so are other forms of expression besides the spoken word. As interpreted by the Supreme Court, “speech” can mean Internet communication, art, music, or even clothing.

In 1965, for example, 13-year-old Mary Beth Tinker and two other students wore black armbands to school to mourn those who died in the Vietnam War. School authorities suspended them for wearing the armbands, and the teens eventually took their case to the Supreme Court. In its landmark 1969 decision, the Court ruled that the armbands were a form of speech protected by the First Amendment. \[See Landmark Supreme Court Case Studies on page 108.\]

**Freedom of the Press**

The First Amendment allows Americans to express themselves in print as well as in speech. When the Bill of Rights was written, “the press” referred to printed publications such as books, newspapers, and magazines. Today the press includes many other sources of media, such as radio, television, and computer networks.

Freedom of the press ensures that the American people are exposed to a wide variety of viewpoints. The government cannot practice *censorship*; that is, it cannot ban printed materials or films merely...
because they contain alarming or offensive ideas, and it also cannot censor information before it is published or broadcast.

**Freedom of Assembly**

The First Amendment protects our right to gather in groups for any reason, so long as the assemblies are peaceful. We have the right to attend meetings, parades, political rallies, and public celebrations. Governments may make rules about when and where such activities can be held, but they cannot ban them.

The Supreme Court has decided that freedom of assembly implies freedom of association. Thus the First Amendment also protects our right to form and join social clubs, political parties, labor unions, and other organizations. Even if we never assemble with fellow members, we have the right to belong to such groups.

**Freedom to Petition**

Finally, the First Amendment guarantees all Americans the right to petition the government. A petition is simply a formal request. Often we use the word to refer to a specific kind of document—a brief, written statement signed by hundreds or thousands of people. Even a simple letter or e-mail written by an individual, however, could be considered a petition.

The right to petition means the right to express one’s ideas to the government. If you want to complain about overcrowded schools, for example, or suggest that a skating park be built in your community, you can write to your elected representatives. If enough people express similar views, government leaders may take action.
Limits to First Amendment Freedoms

The Supreme Court has decided that compelling public interests—the safety and security of Americans—may justify limitations on our First Amendment freedoms. Freedom of speech, for example, does not include the right to endanger our government or other Americans. You do not have freedom to provoke a riot or other violent behavior. You are not free to speak or write in a way that immediately leads to criminal activities or efforts to overthrow the government by force.

Citizens should use their civil liberties responsibly, which means they should not interfere with the rights of others. For example, you are free to talk with your friends in the street, but you must not block traffic. You may campaign for causes, but you may not disturb your neighbors with blaring loudspeaker broadcasts. You may criticize government officials, but you may not spread lies that harm a person’s reputation. Spreading such lies is a crime called slander if the lies are spoken and libel if they are printed.

The First Amendment was never intended to allow Americans to do whatever they please. Unlimited freedom is not possible in a society of many people. The rights of one individual must be balanced against the rights of others and against the rights of the community. When there is a conflict, the rights of the community often come first. Otherwise, the society would break apart.

Explaining Why are your First Amendment rights limited?

203 years to pass . . .
The 27th amendment states that no change in congressional pay can go into effect until after the next general election. Originally, it was the second of 12 separate articles that became the Bill of Rights in 1791. In the 1980s, it was rediscovered. By 1992 the required 38 states had ratified it, putting it at last into the Constitution—203 years after it was proposed!