

FIRST AMENDMENT TO THE U.S. CONSTITUTION

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.

ESSENTIALS:

FREEDOM OF RELIGION

The First Amendment prevents the government from establishing an official religion. Citizens have freedom to attend a church, synagogue, temple or mosque of their choice — or not to attend at all. The First Amendment allows us to practice our religion the way we want to.

FREEDOM OF SPEECH

The First Amendment keeps the government from making laws that might stop us from saying what we think. People have the right to criticize the government and to share their opinions with others.

FREEDOM OF THE PRESS

A free press means we can get information from many different sources. The government cannot control what is printed in newspapers and books, broadcast on TV or radio or offered online. Citizens can request time on television to respond to views with which they disagree; they may write letters to newspaper editors and hope those letters will be printed for others to see. They can pass out leaflets that give their opinions. They can have their own Web pages and offer their opinions to others through the many means made available by the Internet.

FREEDOM OF ASSEMBLY

Citizens can come together in public and private gatherings. They can join groups for political, religious, social or recreational purposes. By organizing to accomplish a common goal, citizens can spread their ideas more effectively.

RIGHT TO PETITION

“To petition the government for a redress of grievances” means that citizens can ask for changes in the government. They can do this by collecting signatures and sending them to their elected representatives; they can write, call or e-mail their elected representatives; they can support groups that lobby the government.

SIX PRINCIPLES TO HELP INTERPRET AND UNDERSTAND THE IMPLICATIONS OF THE FIRST AMENDMENT

The First Amendment applies to all Americans. Our nation affirms the truth of inalienable rights for all, working for more than 200 years to make the ideals expressed in the First Amendment a reality in the lives of all Americans. These rights were so important to early citizens and their leaders, many states refused to ratify the Constitution of the United States without the promise of amendments that would protect individual rights.

1. THE FIRST AMENDMENT AFFIRMS THE FREEDOM OF THE INDIVIDUAL.

American government is based upon the concept that all human beings are born with certain rights or freedoms. The First Amendment guards these rights by prohibiting the government from denying citizens their rights. The government does not give us our rights. Its role is to guard the rights that we already have.

We, as individuals, have freedom of conscience. Religious liberty, or freedom of conscience, protects the beliefs of everyone, not just those of recognized faith communities. We are free to worship —or not to worship — as we choose. The government may not tell us what church, synagogue, mosque or temple to attend or whether, where and how we should pray.

As individuals, our ideas and beliefs are our own. We are free to develop and express our thoughts. Through our free press, we have access to a vast range of information. We may criticize our government if we see fit to do so. Judgments about ideas are for individuals to make, not for government to decree.

The First Amendment guarantees we may associate with people and join groups of our own choosing. We may ask or lobby the government to correct certain wrongs or support our beliefs.

2. FREE EXPRESSION IS THE FOUNDATION — THE CORNERSTONE — OF DEMOCRACY.

The First Amendment is based on the premise that people who can freely share information (especially about their government) will be informed and able to make sound choices about what leaders to elect, what forms of government they want, what laws to enact. The freedom to exchange information about the government enables people to seek alternatives to bad government.

3. THE FIRST AMENDMENT TELLS THE GOVERNMENT TO KEEP ITS “HANDS OFF” OUR RELIGION, OUR IDEAS, OUR ABILITY TO EXPRESS OURSELVES.

“Congress shall make no law ...” means that as far as possible the government may not interfere with our fundamental rights. The government may not pass laws that take away our First Amendment freedoms or that force us to express ideas — including religious beliefs — that we do not embrace. But the First Amendment is not absolute.

“No law” does not mean “absolutely no law.” For instance, human sacrifice cannot be permitted in the name of freedom of conscience. The Supreme Court has affirmed that some limits must be placed on our freedoms. The government, for example, may regulate the time, place and manner, but not regulate solely on the basis of the content of our beliefs, ideas, and expressions. We may need to hold a permit before we march in support of a particular cause, but we should not have to worry about the government telling us we have no right to believe in that cause or express that idea.

4. OTHER PEOPLE HAVE RIGHTS, TOO.

The First Amendment is based upon the conviction that all human beings have inalienable rights. Our commitment to rights is inseparably linked to our civic responsibility to guard those rights for all others.

When faced with unpopular views or unrefined speech, members of the public may ask, “Why doesn't the government do something about that?” The answer? Neither government nor a majority of the public has the authority to stop an unpopular idea.

Because the First Amendment belongs to everyone — to each individual — it encourages us to respect the right of others to hold their viewpoints and religious beliefs. The First Amendment protects minority viewpoints and helps us to understand that limiting the rights of some people may eventually limit the rights of all.

5. WHEN RIGHTS COLLIDE, GOVERNMENT MUST BALANCE THEM.

Sometimes the government plays a role in balancing our rights. When two rights collide, tension and controversy may result. What happens, for example, when a person's right to a fair trial conflicts with our right to learn if a fair trial is actually taking place through accounts reported in our free press? What happens when an individual's right to personal privacy conflicts with the free flow of information? The government (through the courts) may make decisions that protect both rights to the fullest extent possible.

In addition to knowing where government officials draw the line when regulating expression, it is important to understand who may and may not control what we say or write or perform.

Public school administrators are government officials and, like city officials, have both power and limits regarding regulation of expression. Although students do not give up their First Amendment rights when they come to school, the United States Supreme Court has determined that school officials may restrict students' rights if the administrators determine that exercising those rights would interfere with the school's mission of educating its students. However, as government officials, they may not control or censor expression to the degree that a private organization or family might. The First Amendment does not apply to private school officials.

6. THE FIRST AMENDMENT HELPS US MAKE CHOICES.

In the “marketplace of ideas,” we may choose which views to support and which ones to reject. When all ideas are allowed to flourish, we — as individuals — may decide what ideas and concepts to question, embrace or reject.

First Amendment advocates say it best: The antidote to distasteful or hateful speech is not censorship, but more speech.