

## Module 7: Civil Rights and Civil Liberties

### Topic 1 Content: First Amendment

#### Introduction



**Demi Tracy:** The Bill of Rights guarantees certain rights and civil liberties to American citizens. Some of these rights have become so well ingrained over the years that many Americans take them for granted. For example, the First Amendment has become such a basic part of American society that it is difficult to imagine the U.S. without it. Jamie Madson joins us today to discuss this important amendment to the U.S. Constitution.

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#### The Constitutional Connection



**Jamie Madson:** Thank you, Demi. I agree with you when you say that the civil liberties granted by the First Amendment are very well ingrained into American society. Let's take a look at the specifics of this important amendment.

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#### The First Amendment

## The First Amendment

“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.”

The First Amendment to the U.S. Constitution

Click the protections highlighted in the text above.

**Jamie Madson:** The First Amendment of the Constitution 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.”

In order to gain a greater understanding of this amendment, we will examine each part individually.

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#### Freedom of Religion

## The First Amendment

“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.”

*The First Amendment to the U.S. Constitution*

### Freedom of Religion

- Can be traced back to colonials escaping religious persecution in Europe
- The free exercise clause: protects people's right to exercise their beliefs without government interference
- The establishment clause: prevents the government from establishing or endorsing an official religion

**Jamie Madson:** The first freedom protected in the First Amendment is religious freedom. Beginning in colonial times, many people journeyed to America in order to escape religious persecution. The Founding Fathers understood the importance of religious freedom as well, and included this clause, which protects freedom of religion in two ways. First, people are free to exercise their beliefs without interference from the government. This is known as the free exercise clause. Second, the government may not establish or endorse an official religion. This is known as the establishment clause, and can trace its roots to the Virginia Statute for Religious Freedom, written by Thomas Jefferson.

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#### Freedom of Speech

## The First Amendment

“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.”

The First Amendment to the U.S. Constitution

### Freedom of Speech

- An individual's right to express their personal opinions and beliefs
- Allows the open debate and discussion of various ideas
- Prevents citizens from being legally punished for criticizing the government, or sharing unpopular or offensive speech

**Jamie Madson:** The First Amendment also protects the freedom of speech. This means that no law may be passed that prevents individuals from expressing their personal opinions and beliefs. This freedom is particularly important in a representative democracy, where in order to operate effectively, various ideas must be open to debate and discussion. The freedom of speech is a cornerstone of American society, but it has consequences. For example, citizens are free to criticize the government without the being legally punished; however, citizens are also free to share unpopular or offensive speech without being legally punished.

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#### Freedom of the Press

## The First Amendment

“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.”

*The First Amendment to the U.S. Constitution*

### Freedom of the Press

- The right to collect ideas and publish or distribute them without government interference
- Helps American citizens access information about the workings of their government in order to fully participate
- Allows the press to circulate information among citizens, even if it reflects poorly on the government

**Jamie Madson:** The freedom of the press is the freedom to collect ideas and publish or distribute them without government interference. There has been debate about whether or not the Founding Fathers viewed the freedom of the press and the freedom of speech as separate civil liberties. Regardless, the two are closely related and essential for a healthy representative government. In order for American citizens to participate in the democratic process, they must have access to information about the workings of their government. The press has the freedom to circulate this type of information among citizens, even if it reflects poorly on the current government.

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#### Freedom of Assembly

### The First Amendment

“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.”

The First Amendment to the U.S. Constitution

#### Freedom of Assembly

- The right of citizens to hold public meetings without government interference
- Prohibits laws that prevent people from meeting peacefully to discuss or share their views and ideas
- Applies to all public meetings, regardless of how offensive or unpopular the views are

**Jamie Madson:** The freedom of assembly is the right of citizens to hold public meetings without government interference. This means that the government may not pass laws to prevent people from meeting to peacefully discuss or share their views and ideas. Similar to the freedom of speech, the freedom of assembly applies to all public meetings, regardless of how offensive or unpopular the views are, as long as the gathering is peaceful.

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#### Freedom to Petition

## The First Amendment

“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.”

*The First Amendment to the U.S. Constitution*

### Freedom to Petition

- The right to share their criticisms with, or make a complaint to public officials, without the fear of reprisal
- Essential to a strong representative democracy



**Jamie Madson:** The freedom to petition the government “for a redress of grievances” means that citizens have the right to share their criticisms with, or make a complaint to public officials, without the fear of reprisal. This civil liberty may not be discussed quite as frequently as the freedom of religion or the freedom of speech, but it is just as essential to a strong representative democracy.



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#### Individual Liberty vs. Public Interest



**Jamie Madson:** Imagine a society where you are free to do whatever you want, without restrictions or repercussions. Now imagine those same rules, or lack of rules, apply to everyone in that society. It's not hard to see how unrestricted individual liberty could interfere with the liberty of others. The welfare of every person in a society, or the public interest, needs to be balanced with the freedom of the individual. Because of this, there are limitations on several freedoms granted by the Bill of Rights. The argument can even be made that no civil liberties are considered absolute. The legislative and executive branches have restricted civil liberties with laws and actions that the Supreme Court has ruled constitutional. Now that we have examined the different civil liberties of the First Amendment, we are going to take a quick look at some of the limitations on these civil liberties.

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**Restrictions on the First Amendment**

<b>Restrictions on the First Amendment</b>	
<b>Civil Liberties</b>	<b>Restrictions</b>
Freedom of Religion	Using illegal substances in observance of a religious practice
Freedom of Speech	Slander, libel, and speech that knowingly puts people in danger
Freedom of the Press	Information that has the potential to cause serious and irreparable harm
Freedom of Assembly & Freedom to Petition	Violent protests or those that encourage violence, and time, place, location

Next

**Jamie Madson:** The free exercise clause prevents the government from interfering with the practice of religious beliefs, but what if these religious beliefs are in conflict with the law? In *Employment Division of Oregon v. Smith*, the Supreme Court decided that the use of illegal substances is a punishable offense, even if they are used in observance of a religious practice.

The freedom of speech protects individuals from being punished for unpopular speech, but it does not protect slander or libel. Slander is a false statement spoken about a person or persons that is intended to harm their reputation. Libel is similar to slander; the only difference is that the false statement is printed rather than spoken. Additionally, knowingly putting people in danger with speech, such as falsely shouting that there is a fire in a crowded building, is not protected by the First Amendment.

The freedom of press allows the media to gather and publish information without restriction from the government, but what if the information in question could jeopardize national security? If the information has the potential to cause serious and irreparable harm, the press can be restricted from publishing it.

The freedoms of assembly and petition may be restricted if demonstrators become violent or attempt to encourage violence; however, the government can also restrict the time, location, and manner of a peaceful assembly, as long as it applies the same restrictions evenly to all demonstrations.

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#### Ending of Episode



**Demi Tracy:** It is a difficult task to balance the public interest and the protection of civil liberties, such as those outlined under the First Amendment. Maintaining this balance is a responsibility that usually falls on the judicial branch. Using the power of judicial review, the courts can decide which laws and executive actions violate the rights and liberties granted by the Constitution. That's the end of today's show. See you next time!