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First amendment analysis outline

The First Amendment to the U.S. Constitution protects freedom of expression, religion and the press. It also protects the right to peaceful protests and government petitions. The amendment was adopted in 1791, along with nine other amendments that make up the Bill of Rights - a written document that protects civil liberties under U.S. law. The meaning of the First Amendment has been the subject of continuous interpretation and dispute over the years. Landmark Supreme Court cases have dealt with citizens' right to protest against U.S. involvement in wars, flag burning and publication of classified government documents. Bill Of Rightsin the summer of 1787, a group of politicians, including James Madison and Alexander Hamilton, gathered in Philadelphia to draft a new American Constitution. The anti-federalists, led by Virginia's first governor, Patrick Henry, opposed the ratification of the Constitution. They felt that the new constitution gave the federal government too much power at the expense of states. They also argued that the Constitution does not have protections for individual people's rights. The debate on the ratification of the Constitution in several states depended on the adoption of a Bill of Rights protecting fundamental civil rights under the law. Fearing defeat, pro-constitution politicians, called federalists, promised a concession to the anti-federalists - a Bill of Rights.James Madison drafted most of the Bill of Rights. Madison was a representative of Virginia who would later become the fourth president of the United States. He created the Bill of Rights during the first Congress of the United States, which met between 1789 and 1791 – the first two years of President George Washington in office. The Bill of Rights, which was introduced in Congress in 1789 and adopted on December 15, 1791, includes the first ten amendments to the U.S. Constitution. First Amendment Text First Amendment reads: Congress will not make any law on a establishment of religion, or prohibition of the free exercise of it; or reducing freedom of expression or the press; or the right of the people to gather peacefully and to ask the Government for an appeal of grievances. While the First Amendment protected freedoms of expression, religion, the press, assembly and petition, subsequent amendments under the Bill of Rights referred to the protection of other American values, including the Second Amendment right to bear arms and the Sixth Amendment right to a trial by the jury. Freedom of expressionFirst Amendment guarantees freedom of expression. Freedom of speech gives Americans the right to express themselves without having to worry about government intervention. It is the most basic component of expression. The U.S. Supreme Court has often struggled to determine what types of speech is protected. Legally, materials labelled as obscene have been excluded from First Amendment protection, for example, but deciding what qualifies as obscene was problematic. Also, an action that provokes speech that would harm others – true incitement and/or threats – is not protected, but, again, the determination of words that have qualified as true incitement has been decided on a case-by-case basis. Freedom of the PressThis freedom is similar to freedom of expression, in which it allows people to express themselves through publication. There are certain limits to press freedom. False or defamatory statements - called slander - are not protected under the First Amendment.Freedom of Religion first amendment, in guaranteeing freedom of religion, prohibits the government from establishing a religion state and from favoring one religion over any other. Although not explicitly stated, this amendment establishes the long-established separation of the church and the state. The right to assemble, the right to petition the First Amendment protects the freedom to peacefully gather or gather together or associate with a group of people for social, economic, political or religious purposes. It also protects the right to protest against the government. The right to petition can mean signing a petition or even filing a lawsuit against the government. First Amendment Court CasesHere are the reference Supreme Court decisions related to the First Amendment.Free Speech:Schenck v. United States, 1919: In this case, the Supreme Court upheld the conviction of Socialist Party activist Charles Schenck after he distributed flyers urging young people to stay away from the project during World War I.The Schenck decision helped define the limits of freedom of expression, creating the standard of clear and present danger, explaining when the government is allowed to limit freedom of expression. In this case, the Supreme Court considered the draft resistance to be dangerous to national security. New York Times Co. v. United States, 1971: This historic Supreme Court case made it possible to publish the contents of the Pentagon Newspapers without the risk of government censorship. The Pentagon Papers was a top-secret study by the Department of Defense on U.S. political and military involvement in Vietnam from 1945 to 1967. Parts published in the Pentagon Papers have shown that the presidential administrations of Harry Truman, Dwight D. Eisenhower, John F. Kennedy and Lyndon B. Johnson have misled the public about the degree of U.S. involvement in Vietnam.Texas v. Johnson, 1990: Gregory Lee Johnson, a youth communist, burned a flag during the 1984 Republican National Convention in Dallas, Texas to protest against the administration of President Ronald Reagan.The Supreme Court annulled a Texas court's decision that Johnson had law desecrating the flag. This Supreme Court case invalidated the statutes of Texas and 47 other states that prohibited the burning of the flag. Freedom Freedom Press:New York Times Co. v. United States, 1971: This Supreme Court reference case made it possible to publish the contents of The New York Times and Washington Post without the risk of government censorship. The Pentagon Papers was a top-secret study by the Department of Defense on U.S. political and military involvement in Vietnam from 1945 to 1967. Parts published in the Pentagon Papers have shown that the presidential administrations of Harry Truman, Dwight D. Eisenhower, John F. Kennedy and Lyndon B. Johnson have misled the public about the degree of U.S. involvement in Vietnam.Religious Freedom:Reynolds v. the United States (1878): This Supreme Court case confirmed a federal law banning polygamy, testing the limits of religious freedom in America. The Supreme Court ruled that the First Amendment prohibits the government from regulating faith, but not through actions such as marriage. Braunfeld against. Brown (1961): The Supreme Court upheld a Pennsylvania law that required shops to close on Sundays, even though Orthodox Jews argued that the law was unfair to them because their religion required them to close their stores on Saturdays. Sherbert against. Verner (1963): The Supreme Court ruled that states cannot require a person to abandon their religious beliefs in order to receive benefits. In this case, Adell Sherbert, a seventh-day Adventist, worked in a textile factory. When her employer went from a five-day to-six-day workweek, she was fired for refusing to work on Saturdays. When he sought unemployment compensation, a South Carolina court denied his claim. Lemon v. Kurtzman (1971): This Supreme Court decision annulled a Pennsylvania law that allows the state to reimburse Catholic schools for the salaries of teachers who taught in these schools. This Supreme Court case has established the Lemon Test to determine when a state or federal law violates the establishment clause—that's the part of the First Amendment that prohibits the government from declaring or financially supporting a state religion. Ten Commandments Cases (2005): In 2005, the Supreme Court reached seemingly contradictory decisions in two cases involving the display of the Ten Commandments on public property. In the first case, Van Orden against. Perry, the Supreme Court ruled that presenting a 10-command 10-mile monument to the Texas State Capital was constitutional. In McCreary County v. ACLU, the U.S. Supreme Court ruled that two large children, framed by the Ten Commandments in the Kentucky Courts, violated the First Amendment.The right to assemble & the right to petition:NAACP v. Alabama (1958): When Alabama Circuit Court ordered NAACP to stop doing business in the state and summoned NAACP for registrations, their membership list, the NAACP brought the matter to the Supreme Court. The court ruled in favor of the NAACP, which Judge John Marshall Marshall II writing: This Court recognized the vital relationship between freedom to associate and privacy in one's associations. Edwards v. South Carolina (1962): On March 2, 1961, 187 black students marched from Zion Baptist Church to the South Carolina State House, where they were arrested and convicted of peace-breaking. The Supreme Court ruled in an 8-1 decision to reverse the convictions, arguing that the state violated freedom of speech, free assembly and freedom to petition students. SOURCE Rights Act; The White House. History of the First Amendment; University of Tennessee. Knoxville.Schenck v. United States; C-Span. 1. In the First Amendment, the clause that states Congress will not make any law on the establishment of religion based on the establishment clauses that is incorporated into the amendment. This clause prohibits the government from establishing a state religion and then applying it to its citizens to believe it. Without this clause, the government can force participation in this chosen religion, and then punish anyone who does not obey the chosen faith. This clause was at issue in a trial mentioned in Gaustad's reading proclaims freedom throughout the country. March v. Chambers was a court case that involved the settlement clause. Chambers was a member of the State Legislature of Nebraska who began each session with prayer by a ... show more content... As Lambert points out, the seeds of the conflict between religion and politics that flourished in American society over the past fifty years were planted in 1776. All, provided that one of the leaders of the country, is Christians, and it was an unwritten judgment that the country is ruled by the eyes of God. Because of their dissatisfaction with public policy, religious groups are becoming politically active. It seems that this argument is in a constant tug of war. The federal government is trying to steer the country away from its religious heritage and moral foundation through specific laws and court decisions. However, with the rise of social religious movements at the time, the method by which the government deals with social injustice through these laws and court decisions that stir up religious groups to political activism. Referring to the reading of Frank Lambert's Religion and American Politics, the author states that religious coalitions seek by political means what the Constitution prohibits, namely a national religious institution, or, more specifically, a Christian civil religion. Before deconstructing this idea, it is important to understand that religion informs the values, priorities and decisions of citizens and their offices. As a result, religion indirectly influences public affairs and politics. Religious groups become active

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