

FIRST AMENDMENT 101

More than 200 years ago, the nation's founders drafted the First Amendment to safeguard Americans' most important individual freedoms. What do these protections mean for you?

BY LAURA ANASTASIA

DISAGREE WITH A NEW LAW in your town? You can speak up about it. Worship differently than your friends do? You have the right to follow any faith you choose or none at all. Want the latest scoop? Read as many news outlets as you like. You can even start your own.

We sometimes take these rights for granted. However, our nation's founders did not. They signed the Constitution in 1787. But some of them worried the document did not guarantee Americans' individual freedoms. They wanted to make sure the new government wouldn't overstep its bounds.

So James Madison, the main author of the Constitution, wrote the Bill of Rights. It was **ratified** in 1791. The Bill of Rights is 10 amendments that protect key individual liberties.

For example, they guarantee freedom from unreasonable searches and the right to public trials. But the first one may be the most important.

The First Amendment establishes Americans' freedom of speech, religion, and the press. It also gives us the right to assemble peacefully and petition the government for

change. It is just 45 words. That is short enough to fit inside a tweet! Yet the First Amendment gives Americans incredible power, says Catherine Ross. She is a law professor at George Washington University.

"It gives us the right to criticize the powerful, to demand change, and to learn what is going on in our society so we can organize for political action and be informed voters," she says.

Read on to learn more. After all, knowing your rights is the best way to make sure you use them.

1st 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.

1. SPEECH

Does the First Amendment allow me to say and wear whatever I want at school?

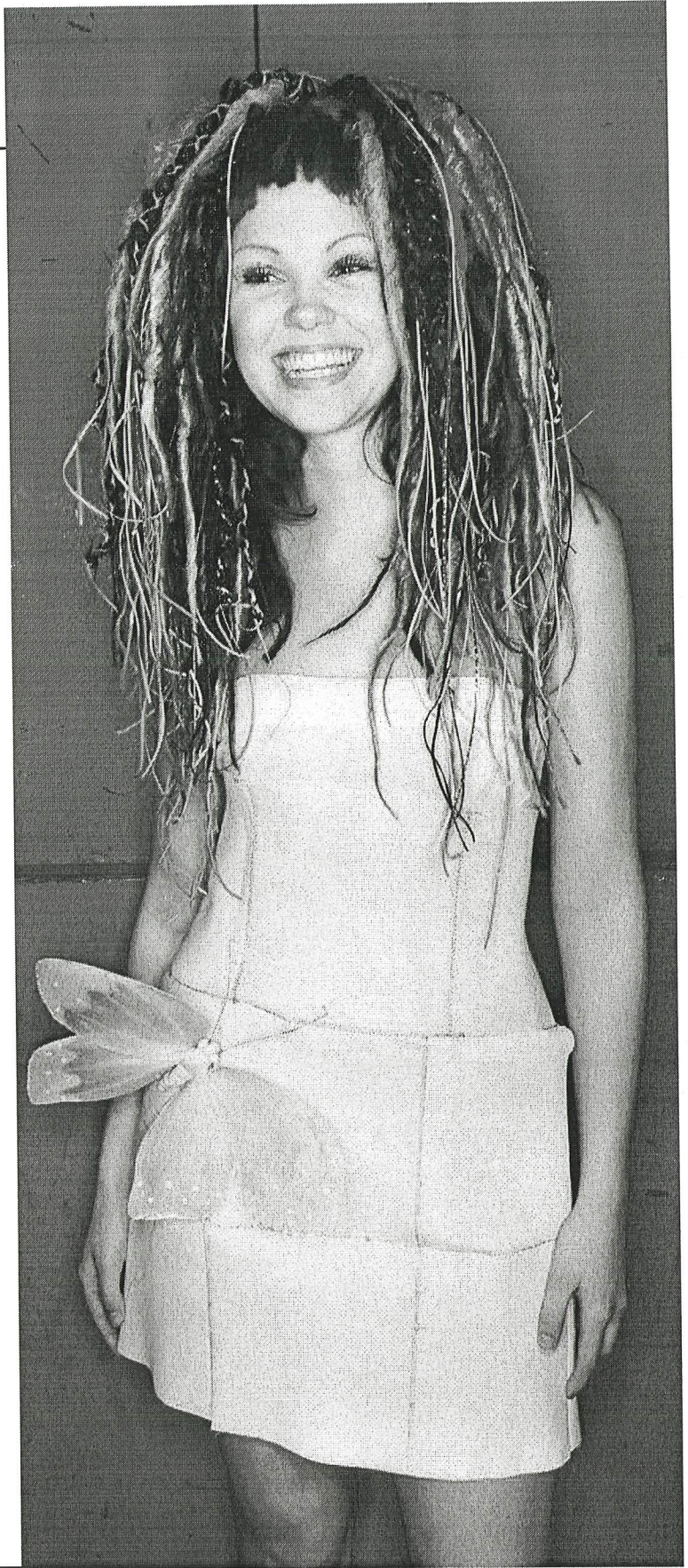
It is not *quite* that simple. School officials can limit your clothing choices and speech if they think either might interfere with learning. But schools cannot ban personal expression simply because it is controversial or unpopular. Take the case of Mary Beth Tinker. In 1965, Mary Beth, 13, wore a black armband to school to protest the Vietnam War. She was suspended for that, so she sued the district. Her case went up to the Supreme Court.

The Court decided in Mary Beth's favor. It ruled that she had a right to peacefully express her views. This 1969 decision is known as *Tinker v. Des Moines*. The justices declared that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The ruling is still considered the most important of all school-related First Amendment cases.

Facebook banned me! Isn't that a violation of free speech?

Nope. The First Amendment prevents the government from punishing or censoring speech. The same goes for government institutions like public schools. But the rules do not apply to private companies or private schools. They also do not apply to private people, like your parents. ("You don't have First Amendment rights at home," notes Ross.)

These days, social media platforms might feel like public spaces. Still, it is legal for private companies such as Snapchat, Facebook, and Twitter to block you as they see fit. →

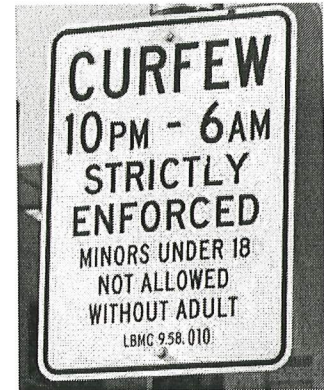


Some states, such as New York and Virginia, agreed to ratify the Constitution only if a list of our individual rights was added.

2. ASSEMBLY**My town has a curfew for teens. Doesn't that violate my right to peacefully assemble?**

No. Hundreds of U.S. cities have nightly curfews for teens to help reduce crime. Millions of teens have been arrested for violating those curfews. The government cannot dictate who can gather based on a group's viewpoint. But it *can* lay out the place, time, and manner in which people assemble.

Curfews have been challenged on various grounds. For example, some people say that they violate teens' right to gather. But most courts have upheld them. "The reasoning is that minors have lesser rights than adults, need to be safe, and . . . that the community also needs to be safe from disorderly young people," Ross says. Still, courts have blocked curfews that are too broad. They have also blocked curfews that do not make enough exceptions. For example, teens with night jobs might need to be out late.



The First Amendment didn't apply to state governments until 1868. Before then, only the federal government was bound by it.

3. RELIGION**Is prayer allowed in public schools?**

The founders wanted to keep the government out of religion. They wrote the **establishment clause** of the First Amendment to try to avoid a national religion. The clause reads, "Congress shall make no law respecting an establishment of religion." What does this mean in school? Generally, you can pray. But you have to be the one who initiates it. And school officials cannot be involved.

Do I have to say the Pledge of Allegiance? It includes the words "under God."

Schools are allowed to lead students in the Pledge. But it has to be a patriotic exercise, not a prayer. And whether you actually say the Pledge is up to you. The Supreme Court ruled that students have the right not to salute the flag or recite the Pledge. This 1943 ruling is known as *West Virginia State Board of Education v. Barnette*.



4. PRESS

We have to show the principal our school newspaper articles before we print them. Is that legal?

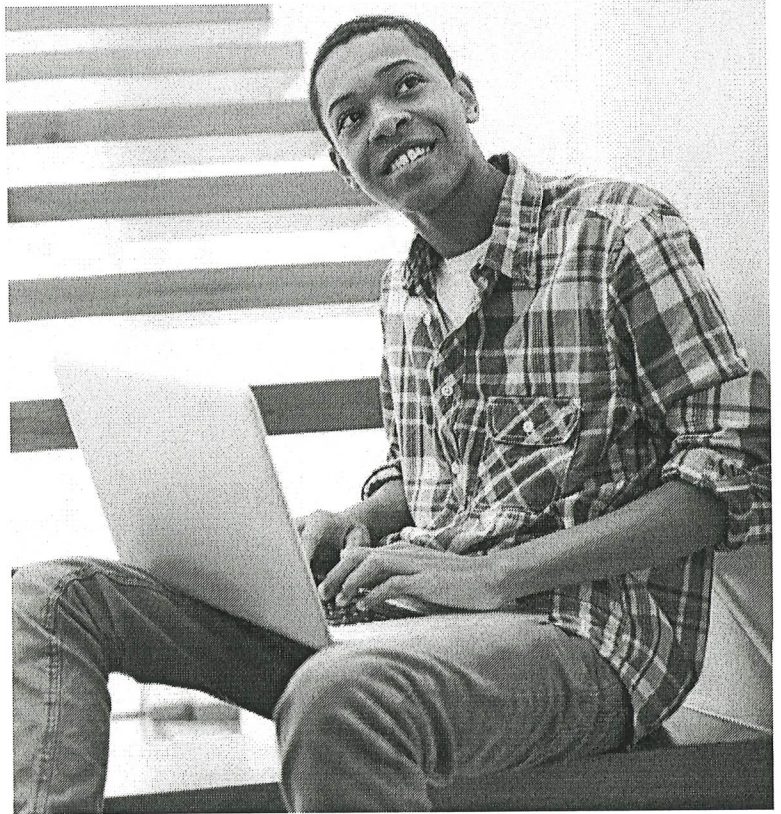
It sure is. The Supreme Court ruled on this in 1988's *Hazelwood School District v. Kuhlmeier* case. The Court said administrators have the right to preview and censor school-sponsored publications. School newspapers and yearbooks "are considered to be the school's speech, so the school does have a say in what's going to go in there," says expert Lata Nott. Nott works for the First Amendment Center at the Newseum Institute.

But administrators need to have real cause to remove articles. In the Kuhlmeier case, the principal pulled certain articles that he thought invaded some students' privacy.

Does freedom of the press allow the media to write or air whatever it wants?

Mostly. Journalists can cover anything they choose and can take on any viewpoint. They can be impartial or intentionally biased. However, there are two key limits. First, journalists are not allowed to knowingly print false information about someone. Second, they cannot print someone's private information, such as medical or financial details. The only exception is if the information is important for the public to know.

The threat of a lawsuit is enough to keep most journalists from crossing the line, Nott says. The profession also has a history of self-policing. This helps maintain fair and accurate reporting standards, such as verifying sources and facts before publication. In addition, most respected newspapers keep opinions separate from the news.



5. PETITION

Can I use social media to ask my classmates to lobby school officials?

In general, the right to complain to the authorities is not up for debate. After all, the Declaration of Independence was mostly a list of complaints about British rule! We do have the right to complain to lawmakers. And students have the right to lobby school officials for changes. But you cannot encourage actions that would disrupt learning.

How you make demands also matters. For example, consider the case of Connecticut teen Avery Doninger. In 2007, she was upset when school officials canceled a concert. She wrote a blog post asking fellow students to complain about it. But she insulted administrators in her post. So the school blocked Avery from serving on the student council. She then sued. However, the courts sided with the school. The justices said that Avery's post had disrupted other students.

Learn from that, Nott suggests. "If your goal is to actually lobby the administration, leave out the insults," she says. Otherwise, "you're risking that your message will get lost."

CORE QUESTION Which of the First Amendment freedoms is most important to you? Why? Cite the text in your answer.