

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—or start your own.

We sometimes take these rights for granted, but our nation's founders did not. Even as they signed the Constitution in 1787, some of the Framers worried that the document didn't guarantee Americans' individual freedoms. They wanted to make sure the government they'd created didn't overstep its bounds.

So James Madison, who had been the main author of the Constitution, wrote the Bill of Rights. **Ratified** in 1791, the 10 amendments that make up the Bill of Rights protect key

individual liberties, such as freedom from unreasonable searches and the right to public trials. The first one on the list, however, is arguably the most vital.

The First Amendment establishes Americans' freedom of speech, religion, and the press, as well as the right to assemble peacefully and petition the

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.

government for change. It's just 45 words—the text fits inside a single tweet! Yet the First Amendment gives Americans incredible power, says Catherine Ross, 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 what your rights are is the best way to make sure you use them.

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1. SPEECH

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

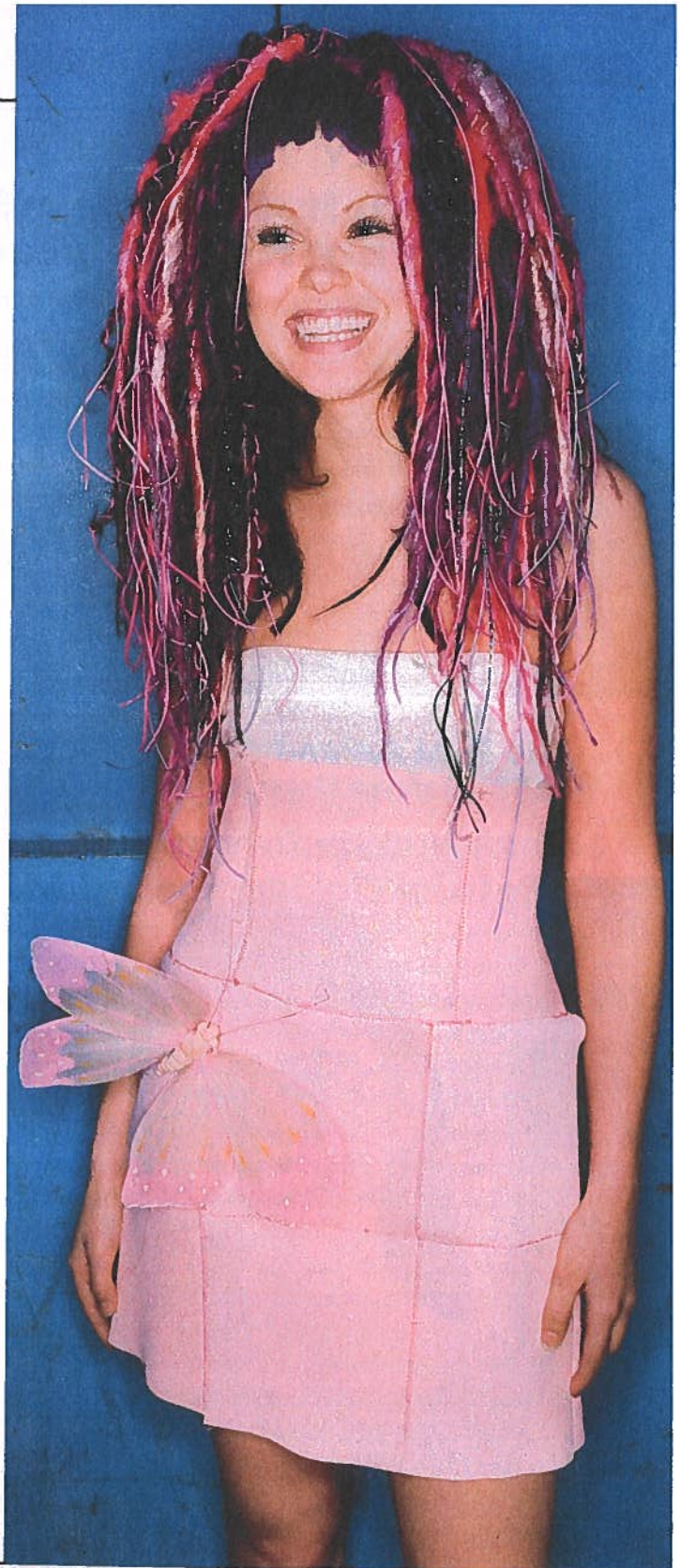
It's not *quite* that simple. School officials have the right to limit your clothing choices and speech if they think either might interfere with learning. But schools can't ban personal expression simply because it's controversial or unpopular. Case in point: In 1965, Mary Beth Tinker, 13, was suspended for wearing a black armband to school to protest the Vietnam War. She sued the district, and the case made it to the Supreme Court.

The Court ruled in her favor, saying that she had a right to peacefully express her views. In the 1969 decision, *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 and government institutions—like public schools—from punishing or censoring speech. But the rules don't apply to private companies, private schools, or private people like, say, your parents. ("You don't have First Amendment rights at home," notes Ross.)

These days, social media platforms increasingly feel like public spaces. Still, it's perfectly 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.

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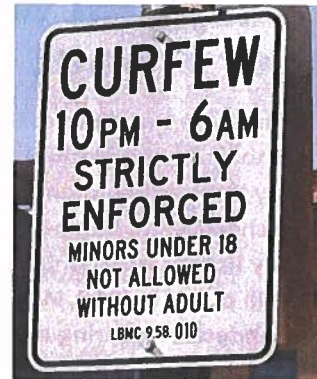
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2. ASSEMBLY

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

No. In fact, hundreds of U.S. cities have instituted nightly curfews for teens to help reduce crime. Millions of teens have been arrested for violating them. While the government can't decide who can gather based on a group's viewpoint, it *can* dictate the place, time, and manner in which people assemble.

Curfews have been challenged on various grounds, including 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 or don't have enough exclusions—such as for teens who work night jobs.



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

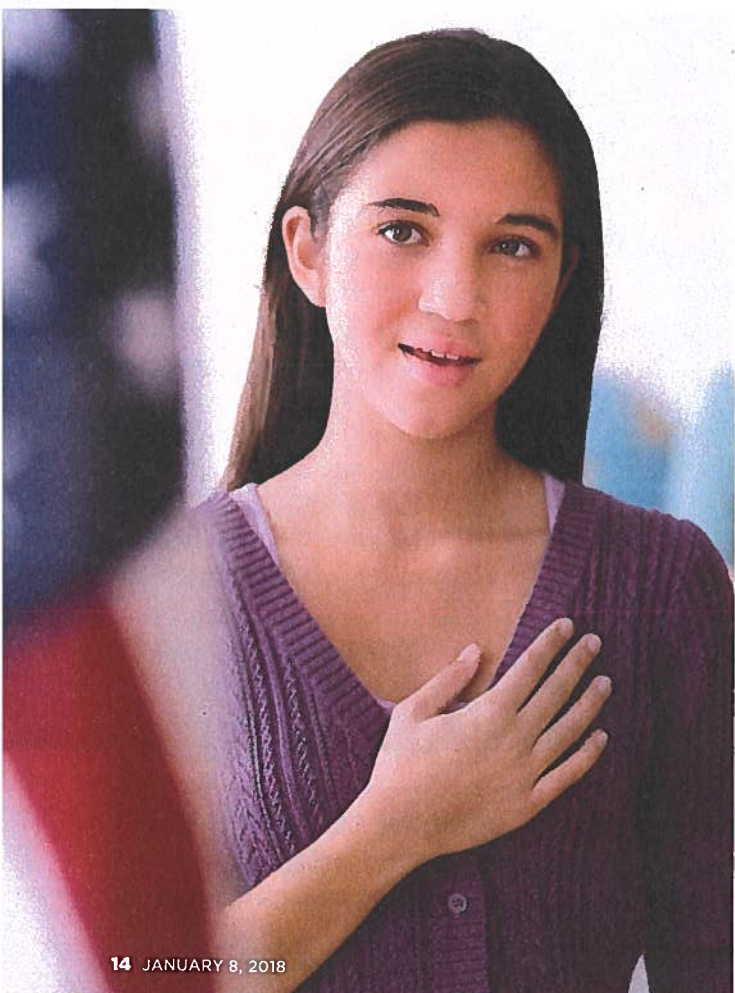
3. RELIGION

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—"Congress shall make no law respecting an establishment of religion"—to prohibit the government from designating a national religion. What does this mean in school? Generally, you can pray, as long as you're the one who initiates it and school officials aren't 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 as a patriotic exercise, not as a prayer. But whether you actually say the Pledge is up to you. In 1943, the Supreme Court ruled in *West Virginia State Board of Education v. Barnette* that students have the right not to salute the flag or recite the Pledge.



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4. PRESS

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

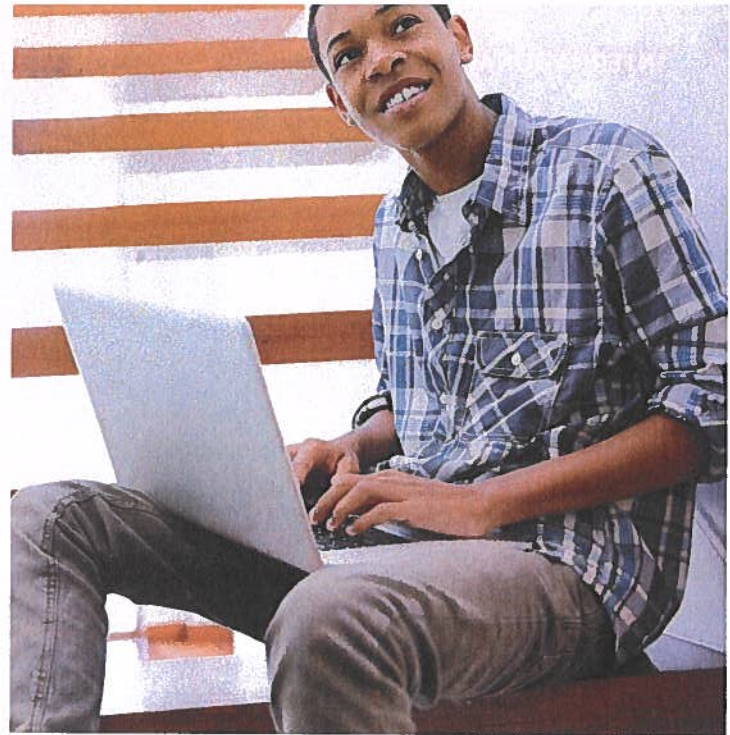
It sure is. The Supreme Court ruled in 1988's *Hazelwood School District v. Kuhlmeier* that administrators have the right to preview and censor school-sponsored publications. School newspapers and yearbooks "are considered to be the school's speech, so the school does have a say in what's going to go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

Administrators need to have real cause to yank articles, however. 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 from any viewpoint, whether 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 private information, such as medical or financial details, about someone unless 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 to 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 isn't up for debate. After all, the Declaration of Independence was mostly a list of complaints about British rule! Just as we all have the right to complain to lawmakers, students have the right to lobby school officials for changes. But you can't encourage actions that would disrupt learning.

How you make demands also matters, as Connecticut teen Avery Doninger found out. In 2007, she wrote a blog post urging fellow students to complain to school officials after they canceled a concert. But she insulted administrators in her post—and the school blocked Avery from serving on the student council as a result. She sued, but the courts eventually sided with the school, saying 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.