

# [Our newspaper editor james g. birney had been](https://assignbuster.com/our-newspaper-editor-james-g-birney-had-been/)

Our Living Shield: The First AmendmentThe authors of the Constitution of the United States created a magnificent listof liberties which were, at the time ascribed, to most people belonging to theUnited States. The main author, James Madison, transported the previous ideas off undamental liberties from the great libertarians around the world, such asJohn Lilburne, John Locke, William Walwyn and John Milton. Madison and otherprevious libertarians of his time were transposed into seventeen differentrights which were to be secured to all those in the United States. Theseseventeen civil liberties were compressed into ten different groupings whichwere designated as the “ Bill of Rights.” In this document lay the FirstAmendment which stated that the people of the Uni ted States had the “ freedom ofspeech, or of the press; or the right of the people peaceably to assemble, andto petition the Government…

” The First Amendment was drafted by federalistMadison mainly as a political tactic to abolish anti-federalist resistance tothe Constitution. After its passage in December of 1791, the First Amendmentremained more idealistic than realistic. The First Amendment remained a set ofideals which were not to be carried out during its first century, thenprogressed to more realistic terms during its latter half of utilization. During the first century of the First Amendment, the First Amendment was paid aglance by all when it came to actually carrying out the freedoms guaranteed bythis amendment. For example, in 1794, Pennsylvanian backcountry farmersprotested a whiskey tax. The protesters were not violent such as those of theprevious Shay’s Rebellion. George Washington sent in a militia to crush therebellion denying them of their First Amendment right to “ peaceably assemble.” Later, in 1836, anti sl avery newspaper editor James G.

Birney had been warnedthat his newspaper “ The Philanthropist” was not desirable in the city ofCincinatti. When Birney refused to cooperate, mob action took rule and,” scattered the type into the streets, tore down t he presses and completelydismantled the office.” This contradicted the First Amendment which stated that,” freedom..

. of the press,” is a constitutional right. The Supreme Court could donothing about these situations when in Barron v. Baltimore, t he Court ruledthat, “ These amendments contain no expression indicating an intention to applythem to state governments.

This court cannot so apply them.” Thus, the SupremeCourt could not interfere when First Amendments are being violated within astate. These acts were representative of the lack of recognition for our FirstAmendment rights during the first half of the Bill of Right’s acceptance.

The second half of the Bill of Rights was marked by a rebirth in which the Billof Rights was no longer a set of ideals. The second half began when in 1925, thecourt ruled in Gitlow v. New York that the First Amendment supersedes state laws. This nullified the Court’s ruling in Barron v. Baltimore, which took place 92years earlier. Also, in 1931, the Court overturned Minnesota’s conviction of JayM. Near, whose anti Semitic “ Saturday Press” violated Minnesota law whichprohibited ” malicious, scandalous and defamatory” remarks towards politiciansand other public officials. The Court stamped Minnesota’s law in violation ofthe First amendment.

In 1937, Chief Justice Charles Evans Hughes overturned theconviction of Oregon Com munist Dirk De Jonge. De Jonge had been detained forattending a meeting to protest the police shooting of striking longshoremen. TheCourt ruled that “ Peaceable assembly for lawful discussion cannot be made acrime.” More recently, in 1985, the S upreme Court ruled that burning theAmerican flag is protected by the First Amendment when the Court reversed theconviction of Gregory Lee Johnson, who was arrested for violation of the FlagProtection Act of 1989. The Court then ruled the Flag Protection Act of 1989unconstitutional. These instances clearly portray the rebounding of libertarianbeliefs. The First Amendment of the Constitution started off as a set of beliefs meant tosupply reason for one being patriotic rather than supply those inalienablerights discussed in the Declaration of Independence.

It then developed into apowerfu l document which is the only living manuscript which specificly listsout the peoples rights. One cannot look back without looking ahead. The supremecourt currently is overwhelmingly conservative. Without the balance ofconservatism and liberalism, a deficiency evolves. And this deficiency is humanrights. The Supreme Court ruled in 1990 that two American Indians were notprotected by the First Amendment when they religiously smoked peyote. This isonly a sample of the conservatism which wi ll eventually plague America. TheCourt’s decisions are close to eternal and decisions made now will affectAmerica’s future.

And whether or not we should put America’s future in onegroup’s hands is out of the question. The court is currently dan gerouslyconservative.