

The first amendment and its conflict

[Law](#), [Constitution](#)



The First Amendment and Its Conflict Freedom of speech, of religion, of the press, to assemble peacefully, and petition; this set of guarantees, protected by the First Amendment, comprises what we refer to as freedom of expression. However, many people will say that the law has stopped people from being able to exercise their rights. Personally I believe that people have lost their freedom to exercise their rights mentioned in the first amendment. Inhibiting a person's right to exercise the parts of the first amendment is just cruel and unusual and something no American citizen should have to go through or worry about. The problem does not just stand for other races that come into the country like a middle easterner or another race that may be suspicious but also to everyday American citizens. Having the first amendment in our bill of rights is supposed to allow us to exercise these rights, not only parts of them which is what the law is doing to the American citizens. Freedom of speech is one of the portions of the first amendment that I am sure every American citizen exercises their right to every day. Though most citizens are not capable of exercising that right due to the legal system and how ridiculous they have become with the enforcement of law. A student of Juneau High School in Alaska by the name of Joseph Frederick was suspended for ten days for having a sign that stated " Bong Hits 4 Jesus, " now after he was suspended he paraphrased Thomas Jefferson and stated " speech limited is speech lost" (Barnes 1). Now this student was clearly just expressing the way he felt about his religion, and was exercising his freedom of speech. Was it morally correct for the principal to suspend the student and punish him for something that the amendment says every citizen has the right to? The principal had no right to punish the student for exercising his

first amendment right to speak freely. Now freedom of religion is definitely something that a lot of people exercise daily but some different religions are monitored improperly because they are suspicious. Even though some religions may be suspicious and have harmed American citizens in the past it does not mean that every person that follows the religion has to be monitored. Usually the monitoring is of the Middle Eastern religions because of 9/11 and Al-Qaeda but just because a select few people harmed innocent Americans we should not punish all the people that follow it. It is not just Middle Easterners however, this quote states that other religions have been violated, " Japanese Americans' religious freedoms were violated with respect to the practice of Eastern religious beliefs" (Hosoya 2). Even a religion that does not have much to do with the religion that is considered harmful is monitored. Clearly that is an invasion of privacy and a failure to allow citizens to exercise their first amendment rights. Even though citizens have the right to press and it may not be violated as much as speech and religion it is definitely a problem for some citizens. Majority of the time freedom of press becomes a problem for newspapers and other journals and journalists that want to publish something that may be too risky or an invasion of privacy. However the first amendment does clearly state that citizens have the right to do so if they desire. There was a case that was taken to the Supreme Court in 2009 about a list of students at the University of Chicago to be found on a " clout list" which gave them an edge on tuition. James Klenk, a lawyer in the trials stated, " This information is not something that should be allowed the public to see" (Lewin). Now even though it may be a little bit of personal information that people should not see, the paper

that published the information should and cannot be punished. The first amendment clearly states that they have to right to publish what they want in the press, this being included. Personally I have seen multiple occurrences where people have been assembling peacefully and then harassed by the police. If the first amendment states that citizens have the right to assemble peacefully, than why does the law still arrest and harass people that are just exercising their rights as an American citizen? There was a case in 1962 where 187 students had a sit in at their high school and were arrested and taken to trial for being " violent. " After many trials that lasted one year the court stated, " They were convicted of an offense which the South Carolina Supreme Court, in upholding the convictions, described as " not susceptible of exact definition" (Greenberg). Clearly the police officers that arrested these students were in the wrong and just wanted the students off the premises because the court held that the arrests and convictions violated the rights of the marchers. If the students are being falsely punished for something they have the right to do stated by the first amendment, why aren't the police officers being punished for the trouble they put these students through? Lastly, the right to petition is intertwined with the freedom of assembly but there are a couple different cases that I have seen where there is a difference. However, there have been multiple cases and issues that have prohibited groups of people to petition and speak freely, which the first amendment states we have the right to do both. A case in Oklahoma broke out recently about a group of people that are going to have a second attempt at an initiative petition to bring the pro-life issue to a vote of the people. Stated by Personhood resident Keith Mason, " The Supreme Court of

the United States has declined to hear Personhood Oklahoma's case for free petition" (Greenberg). Why is this group of people not allowed to create a petition for something that they believe in when it states in the bill of rights that they are allowed to without question? Even if the Supreme Court does not believe in pro-life they still have to grant them right to create a petition because the first amendment says that they have to as their right as an American citizen. In conclusion, the first amendment is constantly being violated on a daily basis by the legal system because they refuse to allow American citizens to exercise their rights. Even though some things people do are wrong, they still have the right to do it whether or not the police officers agree with it. Some police officers are even taking advantage of their power by stopping people and making false arrests even though people have the right to assemble or petition in public places. Stated by Al Goldstein, "I'm a crusader. I really believe in the First Amendment, and I use it fully, and I pay a price for that. " I personally agree very much so with this quote because most people that do stand up for what they believe in do get punished whether or not it is protected by the first amendment. As long as these people do not harm anybody directly, what they are doing is covered by the first amendment whether they express themselves in freedom of speech, religion, press, assembly, or petition. Works Cited Barnes, Robert. "Justices to Hear Landmark Free-Speech Case; Defiant Message Spurs Most Significant Student 1st Amendment Test in Decades." The Washington Post [Juneau] 13 Mar. 2007: 2. Print. Barnes, Robert. "Supreme Court rules First Amendment protects church's right to picket funerals." The Washington Post [Topeka] 3 Mar. 2011: n. pag. Supreme Courts. Web. 17 Nov. 2012. Gnoth,

Christian. " Personhood backers will not stop." Tulsa Beacon [Personhood] 8 Nov. 2012: n. pag. Supreme Court Won't Hear Case. Web. 17 Nov. 2012.

Greenberg, Jack. " Edwards v. South Carolina." U. S Supreme Court Media [Chicago] 13 Dec. 1962: n. pag. Oyez. Web. 17 Nov. 2012. Hosoya, Mariel. " Summary of Constitutional Rights Violated." A Lesson in American History: The Japanese American Experience, Curriculum and Resource Guide 14. 2 (1989): 5. American History. Web. 17 Nov. 2012. Lewin, Tamar. " Privacy and Press Freedom Collide in University Case." The New York Times [Chicago] 20 Oct. 2011: 2. Education. Web. 17 Nov. 2012.