

First amendment

Law



The First Amendment is part of the Bill of Rights. The Bill of Rights is our rights as citizens living in the United States of America. In this paper I will look at three provisions to the First Amendment, highlighting one case for each provision. Included are one case to discuss freedom of speech, one case to discuss separation of church and state and one case to discuss freedom of association.

1.) Discuss at least one Supreme Court case of significance related to three of the provisions of the First Amendment. Case number 1: Cohen v. California, 403 U. S. 15 (1971), this was a United States Supreme Court case dealing with freedom of speech. The United States Supreme Court overturned a disturbing the peace conviction by a man who exited a courthouse wearing a jacket decorated with profanity. On April 26, 1968, Paul Robert Cohen was 19 at the time of his arrest outside a Los Angeles courthouse wearing a jacket decorated with profanity. His jacket had the words “%k the Draft.” Cohen was arrested for maliciously and willfully disturbing the peace or quiet by any person or a neighborhood.

a.) Why did this case have to be heard and interpreted by the Supreme Court? Paul Robert Cohen was found guilty of disturbing the peace at a Los Angeles Courthouse. Cohen’s lawyers appealed and the conviction stood its ground in the California Court of Appeal. The California Supreme Court denied review, the United States Supreme Court granted to review and argue the case. The Court’s decision was in favor of Paul Robert Cohen by a vote of 5-4 and overturned the appellate court’s ruling. According to Justice John Marshall Harlan II “ the state may not, consistently with the First and

Fourteenth Amendments, make the simple public of this single four-letter expletive a criminal offense.” (Cohen v. California, docket #: 299, 1971).

b.)How do the Supreme Court decisions in each case continue to affect the rights of American Citizens today? Cohen v. California is a landmark case because this case removes from our government the right to censor speech and determine what actions of speech are appropriate for a civil society (Balter-Reitz, 2003). This case affects all of us today because it prevents local and federal government determine what is appropriate or over the line when we are expressing ourselves.

2.)Discuss at least one Supreme Court case of significance related to three of the provisions of the First Amendment. Case number 2: McCollum v. Board of Education, 333 U. S. 203 (1948), this was a United States Supreme Court case dealing with separation of church and state. This case was argued at the United States Supreme Court to the power of a state to use tax money to support public schools to provide religious instruction. Vashti McCollum an atheist objected to the religious classes being provided by the Champaign public school district. McCollum argued that the school district violated the First Amendment, the principle of separation of church and state.

a.)Why did this case have to be heard and interpreted by the Supreme Court? McCollum v. Board of Education, 333 U. S. 203 (1948) was first decided in the circuit court of Champaign County in favor of the school district. McCollum then appealed to the Illinois Supreme Court that held the lower court’s ruling. McCollum finally appealed to the United States Supreme Court that agreed to hear her case. The Courts decision was in favor or

Vashti McCollum by a vote of 8-1 ruling that the religious classes was unconstitutional. Justice Hugo Black stated that “ To hold that a state cannot consistently with the First and Fourteenth Amendments utilize its public school system to aid any or all religious faiths or sects in the dissemination of their doctrines” (McCollum v. Board of Education, 333 U. S. 203, 1948).

b.) How do the Supreme Court decisions in each case continue to affect the rights of American Citizens today? This was a landmark case because it separated church from state. This case also provided a level platform for those who are attending a public school. In the McCollum case her son was being singled and made fun of by other students because he did not attend the religious classes. This case was beneficial for all of us today to attend a public school government funded and not have to attend religious classes against our will. As a result of this case school officials in Champaign Ill, decided to release the students one hour earlier known as “ release time” to attend religious classes without supervision from teachers or school officials (Time Magazine, 1948)

3.) Discuss at least one Supreme Court case of significance related to three of the provisions of the First Amendment. Case number 3: Boy Scouts of America et al. v. Dale, 530 U. S. 640 (2000), this was a United States Supreme Court case dealing with freedom of association. James Dale an assistant scoutmaster for the Boy Scouts of America was expelled from scouting after the Boy Scouts of America read an article at a local newspaper that Dale indicated and quoted that he was gay.

a.) Why did this case have to be heard and interpreted by the Supreme Court? *Boy Scouts of America et al. v. Dale*, 530 U. S. 640 (2000), was first decided at a New Jersey Supreme Court which forced the Boy Scouts of America to readmit assistant Scoutmaster James Dale after learning that he is gay. The United States Supreme Court overturned the New Jersey Supreme Court decision and decided that forcing the Boy Scouts of America to readmit James Dale violated the rights of the Boy Scouts of America, specifically the freedom of association. The Freedom of Association allows a private organization to determine which person can be included into the organization (*Boy Scouts of America et al. v. Dale*, 530 U. S. 640, 2000.)

b.) How do the Supreme Court decisions in each case continue to affect the rights of American Citizens today? Affects of the U. S. Supreme Court's decision on the case of *Boy Scouts of America et al. v. Dale*, 530 U. S. 640, (2000) is difficult to measure. It only has been 10 years since the decision but today we are experiencing other cases similar to one above. Cases of the military's "don't ask don't tell" policy has recently been on the news as well states allowing or opposing gay marriages. I predict that the above case will be serving as a foundation for future decisions regarding Americans rights to freedom of association especially if they are gay.

4.) Evaluate the rights and responsibilities that the constitution provides you as an American Citizen. In the examination of the cases above, the Constitution provides me as an American Citizen a safety net to argue situations when I felt that my constitution is being violated. I can believe that I can appeal to a higher court and all the way to the United States Supreme Court to make a final decision. In conclusion, this was a great paper to write <https://assignbuster.com/first-amendment-research-paper-samples/>

because as an American Citizen I have neglected to fully understand the right given to me as a citizen. This paper made me realize how much protection I have as a citizen. After examining the three United States Supreme Court cases I am glad that there is a higher court and whether the decision is pro or con, I can rest assure that a fair and just decision will be made.

References

http://www.firstamendmentcenter.org/faclibrary/case.aspx?case=Cohen_v_CA

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