

Understanding united states rights and how they reflect on the individual

[History](#)



Running Head: US RIGHTS Understanding United s rights and how they reflect on the individual Understanding United s rights and how they reflect on the individual The first amendment has been used as a resource for asserting the right to speak and criticize anything and everything. This right has become a cultural foundation for the assertion of rights within the United States. The freedom to assert these rights has provided for the criticism of the press to influence and sway the course of political development within the United States. This also has allowed for private citizens to assert their beliefs and implement change, most often to the betterment and development of society. As an example, a young man named Bretton Barber wore a t-shirt to school as part of a presentation for a class on which President Bush's face was printed with the words " international terrorist". The principle demanded that Barber either remove it or turn it inside out, but he refused and was sent home. Barber sued and won on the grounds that he had a right to make a political statement and that to be told to remove the shirt was in violation of his first amendment right (Jones, 2011). Without these rights, diversity of opinions are not allowed to exist and will prevent the growth of the nation and the advancement of social and political ideologies. This right has not always been in place. In 1917 an act was passed called the Espionage Act of 1917 in which the voicing of subversive opinions was considered a treasonable act and created penalties of up to 20 years in prison for any type of communication that might subordinate the loyalty or service of individuals within the military services. The Sedition act of 1918 was then passed in which penalized anyone who would speak out against the government, the flag, or the armed forces. While this act was

repealed in 1920, the effect of trying to control information did not end at that time (Michaels, 2005). After the events of September, 9, 2001 when terrorist took out the World Trade Towers and impacted on other important institutions through attacks, the climate of the nation suddenly was in fear and that fear was used as a way to control free speech. President George W. Bush declared " Either you are with us, or you are against us", quieting those voices who might have otherwise tried to stop the impending war with Iraq or any of the other decisions that followed (Power, 2010, p. xxii). The freedom to speak one's mind came back slowly as people were suddenly afraid to be associated with less than ' American' loyalties and did not want to lose their position because of ' subversive' speech. Comedian Bill Maher lost his job after remarks on his ABC television program Politically Incorrect in which he criticized the United States. According to Tapper, " he infamously compared the bravery of American politicians with that of al-Qaida terrorists. " We have been the cowards, lobbing cruise missiles from 2, 000 miles away. That's cowardly," Maher said on the Sept. 17 episode. " Staying in the airplane when it hits the building, say what you want about it, it's not cowardly" (2002). Due to these comments ABC and advertisers reacted in such a way as to end his program. The time period, while fraught with heroism and the newly revived indulgence in Americanism, was also reminiscent of McCarthyism where having a different opinion could ruin a career and place one on a ' list' from which an assumption of the evil of communism became a taint over the whole of one's public life. McCarthyism is named for Senator Joe McCarthy who spear-headed a reign of terror over the United States in which he demonized and used Communism in order to

create an internal enemy which represented an external threat. The use of opinion as a way to violate a person's reputation is an assault on the rights that have been given within the United States and therefore is the defining right for its citizens. Without it, other freedoms are meaningless as they are subverted by an inability to speak about them. Without the right to speak an opinion, religious freedom is without value, jury trials have no meaning, and the right to bear arms suddenly takes on a violent form of communication that might be substituted for speech if it is oppressed. The Bill of Rights is comprised of the first ten amendments of the Constitution, with the first amendment framing the initial and most important rights, including the right to speak freely. The Bill of Rights addresses personal rights, including the second amendment which is the right to bear arms, the third which is the right from having to house soldiers, the fourth which is the right from unreasonable search and seizure, the fifth the right to due process and from double jeopardy as well as self-incrimination, and the sixth which gives the right to trial by jury and the associated rights concerning that trial. The seventh amendment give the rights concerning a civil trial, the eighth gives the right against cruel and unusual punishment and exorbitant bail, the ninth disallowed others from rights being subverted, with the tenth right addressing states' rights. Notable subsequent amendments include the Thirteenth Amendment in which abolished slavery and the Nineteenth Amendment which gave women the right to vote. (Patterson, 2009). In order to amend the constitution, Article V of the Constitution must be followed. This Article provides for a proposal of an Amendment by two-thirds of the Congress, or through national convention. An amendment then requires

ratification through a three-quarters approval by the legislature (Patterson, 2009). This is a fair process as it takes the approval of a majority and means that it reflects the needs and wants of a majority of the nation. Although, the amendment prohibiting alcohol is an example of how this can fail, but its repeal shows that the process allows for errors to be amended. While not perfect, it is a good system. With the importance of the First Amendment proven through history, the methods of approving rights within the United States is defined by the strength of the system to self-correct and develop through social change.

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