



LIBERTY FIRST
UNIVERSITY

*No People Will Tameably Surrender Their Liberties...
When Knowledge is Diffused and Virtue is Preserved
- Samuel Adams*

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

First Amendment Facts:

Even the Supreme Court believes being offensive and politically incorrect is protected by the First Amendment.

- "A bedrock principle underlying the First Amendment is that Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." *Texas v. Johnson* 491 US 397 (1989)

Placement of yard signs is protected by the First Amendment.

- The Court said lawn signs were a "venerable means of communication that is both unique and important," for which "no adequate substitutes exist." *Ladue v. Gilleo* 512 US 43 (1994)

"Hate speech" is protected by the First Amendment.

- St. Paul, Minnesota passed an ordinance that banned "hate speech," any expression, such as a burning cross or swastika, that might arouse anger, alarm, or resentment in others on the basis of race, color, religion, or gender. The Supreme Court struck the ordinance down as unconstitutionally discriminating based on the content of expression. *RAV v. St. Paul* 505 US 377 (1992)

Prohibiting protests on sidewalks or curbs is a violation of the First Amendment.

- Supreme Court: It is unconstitutional to "restrict the speech of those who simply line the sidewalk or curb, chanting, shouting, or holding signs." *Schenck v. Pro-Choice Network of Western New York*, 519 U.S. 357 (1997)

Arresting peaceful protestors for disorderly conduct is unconstitutional.

- Arresting, Convicting and punishing protestors who are peacefully assembled where there was no violence or threat of violence on their part is a violation of free speech, free assembly, and freedom to petition. *Edwards v. South Carolina*, 372 U.S. 229 (1963)
- The high court ruled that peaceful demonstrators may not be prosecuted for "disorderly conduct." This case also secured streets and sidewalks as public forums. *Hague v. C.I.O.* (1939)
- "[P]eaceable assembly for lawful discussion cannot be made a crime. The holding of meetings for peaceable political action cannot be proscribed." *De Jonge v. Oregon* US (1937)

Arresting peaceful protestors for disobeying order to leave is unconstitutional and police must protect protestors over safety of public.

- "To let a policeman's command become equivalent to a criminal statute comes dangerously near making our government one of men rather than of laws. There are ample ways to protect the domestic tranquility without subjecting First Amendment freedoms to such a clumsy and unwieldy weapon. Officers must take all reasonable efforts to protect the demonstrators." *Gregory v Chicago* 394 US 111 (1969)
- Local government must "provide police in such numbers as in their professional judgment are required to afford adequate protection to [protesters]." *Dunlap v City of Chicago* 435 F. Supp. 1295 (1977)
- "A police officer has the duty not to ratify and effectuate a heckler's veto nor may he join a moiling mob intent on suppressing ideas. Instead, he must take reasonable action to protect from violence persons exercising their constitutional rights." *Glasson v City of Louisville* 518 F. 2d. 899 (1975)

Students have First Amendment rights in government schools.

- "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969)
- the Constitution protects the right of students to engage in voluntary prayer. *Santa Fe Independent School Dist. v. Doe* - 530 U.S. 290 (2000)
- Students can read their bible during school hours. U.S. Dept. of Educ., *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, available at http://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html.

Schools cannot prevent students from expressing their religious beliefs in their classwork.

- U.S. Dept. of Educ., *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, available at http://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html.
- *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819