

Law Day Essay

April 2, 2019

"We are here today because of our current First Amendment"

The first amendment was adopted on December 15, 1791 as one of the amendments that constitutes the Bill of Rights. Since that day, the first amendment has guaranteed our freedom of religion, speech, press and right to peaceful assembly. Over those 200 some years, our needs as citizens have not change. We still require those same rights to keep us the same free citizens of the nation as over 200 years ago. One might argue that things are changing, especially with technology. It is also true that we did not have the internet or even the telephone in 1791, but I argue that it is not the amendment that needs to change.

Going back into history, in the year 1848, less than 100 years after the first amendment was adopted. At the Seneca Falls Convention, women's rights movement launched on the national level. At the convention and many rallies leading to the convention and many rallies after, it was the rights guaranteed by the first amendment that made the ratification of the 19th amendment possible. The rights of freedom of speech, press and assembly from the first amendment allowed women to express their opinion, allowed the women to be heard, and finally laws changed to include women's opinions at the voting booths. The rights of the first amendment led to the ratification and adoption of the 19th amendment. The rights guaranteed by the first amendment are the reason I am here today where my opinions counts as much as that of a men. It

is the rights of the first amendment that my words counts as much as those written by a men.

The first amendment has brought us, a free nation, where we are today. With emerging new technologies, our responsibilities as citizens of a free nation are challenged even more. I take the example of the telephone. The telephone was not in existence when the first amendment was adopted but I do not believe it is necessary to revise the first amendment to accommodate the fast pace of technology and social media. I take you to my dinner table where no phones are allowed. Dinner time is family time, whatever it is can wait. It is done with a courtesy and politeness for the person who prepared the meal and the people at the table with you. We make that part of our routine and habit to put away our phones before sitting down for dinner. So I ask: Can we as people of the free world not put our telephone when it becomes a question of national security? Can we refrain from posting on social media because the safety of the president of the United States at stake?

Today is the first time the amendment was challenged for change. In 1919, Charles Schenck, one of the organizers for the anti-draft movement for World War I, oversaw printing of the fliers and urged men not to submit to the draft. Schenck was convicted of the Espionage Act and later appealed to the Supreme Court arguing that his conviction was contrary to the first amendment. In the decision Justice Oliver Wendell Holmes, Jr wrote “[the] question in every case is whether the words are used in such circumstances and are of such a nature as to create a clear and present danger [to security]....” In this case, Schenck v. United States, the Supreme Court ruled that Schenck’s conviction was constitutional. The Supreme Court decided that the words

that were used “will bring about the substantive evils that Congress has a right to prevent.”

Americas is here today because of the first amendment. We have a responsibility to ourselves and our country to be diligent when exercising our first amendment rights so we can continue to be a free nation. Every situation has its own set of circumstance, so it is better to leave the current first amendment unaltered and have the judicial branch asset the individual situations as it has in the past