

# The First Amendment

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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.



# Roots of the First Amendment



Source



# FA and the Supreme Court



Source



# Protections for Political Expression

- Political expression receives greater legal protection than commercial expression
  - Courts recognize the importance of a ‘marketplace of ideas,’ especially when it comes to public affairs
  - Courts have also recognized the importance of watchdog journalism that serves as a ‘fourth branch’ of government
- Courts will often weigh the **public benefit** of a story against the **potential harms** it may cause individuals or the government
  - These calculations change over time

# Key Takeaways

- First Amendment ideals are at the core of the nation's founding documents
- The First Amendment is the cornerstone for most legal defenses of journalism
- The Supreme Court is often the final arbiter of disputes between the freedom of expression and other national interests
- Courts have repeatedly privileged expression about political and public affairs over commercial expression