

1ST AMENDMENT FREEDOMS - PRESS, ASSEMBLY, PETITION

FREEDOM OF THE PRESS

Freedom of the press is often protected because it is closely related to freedom of speech; the press is used as a form of expression. Today the press includes newspapers, magazines, radio, television, and the Internet.

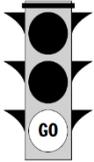
CONTROVERSIAL AREAS

- Executive Privilege
 - Right of presidents to withhold information from the courts.
 - *U.S. v. Nixon* (1974): A President generally does have executive privilege, but not in criminal cases.
- Shield laws
 - Protect reporters from having to reveal their sources.
 - The press claims that without them, their sources would "dry up," >> unable to provide information to the public.
- Courts have protected press's right to publish
 - Sunshine laws require "open meetings" of public agencies
 - The 1966 Freedom of Information Act - liberalized access to non-classified government records
 - Student Press - *Hazelwood v. Kuhlmeier* (1988)
 - High school newspaper was not a public forum and could therefore be restricted just as other high school activities could be restricted by school authorities as long as censorship is related to legitimate concerns.

FREEDOM OF ASSEMBLY AND PETITION

The First Amendment guarantees the "right of the people peacefully to assemble, and to petition the Government for a redress of grievances." Freedom of assembly and petition applies to both private and public places, allowing citizens to make their views known to government officials through petitions, letters, picketing, demonstrations, parades, and marches. The courts have protected these rights while allowing the government to set limits to protect the rights and safety of others.

GUARANTEES OF THE FREEDOM OF ASSEMBLY AND PETITION



Assembly: The Constitution protects people's right to gather together to express their views on public matters and their right to organize in political parties and other organizations to influence public policy. The government may not specify what can or cannot be said, but they can make reasonable time, place, and manner regulations.

Petition: The Constitution protects people's right to bring their views to public officials by such means as letters, advertisements, petitions, lobbying, parades, and other demonstrations.

Association: The guarantees of freedom of assembly and petition also include a guarantee of association. The Supreme Court has ruled, "it is beyond doubt that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect" of the Constitution's guarantees of free expression.

RESTRICTIONS ON ASSEMBLY AND PETITION



"Peaceable" assembly: The Constitution does not give people the right to incite violence, block roads, close schools or otherwise endanger life, property, or the public order.

Exclusion of private property: The rights of assembly and petition exclude use of private property. Privately owned shopping malls, for example, are not public areas.

Exclusion for illegal ends: People do not have the right to assemble to pursue illegal ends.

- Government may require groups wanting to parade or demonstrate to first obtain a permit
- Police must have right to order groups to disperse (public order)
- Restrictions on assembly must be worded precisely and must apply to all groups equally
- Federal crime to obstruct abortion clinic activity
- Civil disobedience is not a protected right
- The extent to which governments may limit access depends on the kind of forums involved:
 - Public forums (historically associated with free exercise such as streets, parks)
 - Limited public forums (public property such as city hall or schools after-hours)
 - Nonpublic forums (libraries, courthouses, government offices) - cannot interfere with normal activities in order to stage a public protest
 - Certain public facilities (schools, airports, jails) not generally open to the public may be restricted from demonstrations