



**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
Joel W. Solomon United States Courthouse  
900 Georgia Avenue  
Chattanooga, Tennessee 37402

## **OUR FIRST FREEDOMS – THE FIRST AMENDMENT**

**April 2023**

Inarguably the most important responsibility of the federal judiciary is to interpret and apply the United States Constitution. And as it affects the ordinary citizen, the first ten amendments to the Constitution are the most important. These amendments—the Bill of Rights—were demanded by Framers who feared that the proposed Constitution posed a risk to the rights of ordinary citizens. These proponents were concerned about concentrated power in a central government and insisted on more explicit protections for individual liberty in the proposed Constitution.

### **The First Freedoms – The First Amendment.**

Of the Bill of Rights, the First Amendment applies most often to the ordinary citizen today. Originally proposed as the third of twelve amendments, our First Amendment was one of the ten ultimately adopted. This amendment contains five specific freedoms: freedom of speech, freedom of religion, freedom of the press, freedom of assembly, and the right to petition the government for redress of grievances. Many Americans consider these five freedoms our most important, and not just for their placement as the first freedoms in the Bill of Rights. They are sometimes described as the rights of conscience—the rights to hold and express our own ideas and convictions, regardless of their uniqueness or popularity. They are also the rights that allow us to organize and advocate for change when we believe change is needed.

### **Americans Are Unfamiliar with Rights Contained in First Amendment.**

Most Americans know that they have freedom of speech, freedom of religion, and the right to peacefully assemble. But many Americans are not aware that these critical rights have their basis in the First Amendment. The most recent Annenberg Public Policy Center Annual Civics Knowledge Survey, released on September 13, 2022, shows that a disappointing number of Americans can identify the rights specified in the First Amendment unprompted.

- **Freedom of Speech** was identified by 63 percent of the respondents, down from 74 percent in 2021 and 73 percent in 2020.
- **Freedom of Religion** was identified by 24 percent, down from 56 percent in 2021 and 47 percent in 2020.

- **Freedom of the Press** was named by 20 percent, down from 50 percent in 2021 and 42 percent in 2020.
- **Freedom of Assembly** was named by 16 percent, down from 30 percent in 2021 and 34 percent in 2020.
- **The Right to Petition** the government was named by 6 percent, down from 20 percent in 2021 and 14 percent in 2020.
- One of four respondents (26 percent) could not name any of the rights or said they did not know.

### **Federal Courts Protect Fundamental Freedoms Even When Unpopular.**

Federal courts at all levels regularly handle cases brought by individuals seeking protection or redress under the First Amendment. A case may involve a citizen alleging that a government entity is preventing her from voicing her opinions, or a religious entity alleging that a state or municipality is preventing its members from practicing their religion in the manner they desire, or a person alleging that the government is punishing him for his association with a disfavored group or organization. Or it may involve a governmental entity trying to prevent the dissemination of an embarrassing or distasteful publication.

It is often the case that popular opinion is in favor of the government action. The grievant may be a member of a minority group, a minority religion, or an adherent of a minority belief or philosophy. The role of the federal courts is not to follow popular opinion but rather to adhere to the Constitution. In this way our first freedoms, regardless of fickle public opinion or shifting political winds, are always protected.

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