

The First Amendment



Constitution Day 2026

Key Historical Dates

- **July 2, 1776:** Congress voted to approve the legal resolution for independence.
- **July 4, 1776:** Congress officially adopted the final text of the Declaration of Independence.
- **August 2, 1776:** Delegates began the official signing of the engrossed parchment document.
- Only six men signed both the Declaration of Independence and the United States Constitution
 - **George Clymer** (Pennsylvania)
 - **Benjamin Franklin** (Pennsylvania)
 - **Robert Morris** (Pennsylvania)
 - **George Read** (Delaware)
 - **Roger Sherman** (Connecticut)
 - **James Wilson** (Pennsylvania)
- Of these six, **Roger Sherman** and **Robert Morris** also signed the **Articles of Confederation**, making them the only individuals to sign all three major founding documents of the era.

Before The Constitution

- Declaration WAS NOT a governing document.
 - It merely asserted independence from Britain,
 - The Brits were so impressed by this assertion of independence, that they chased Washington's army out of NY and across NJ for the next 6 months.
- Articles of Confederation – 1st US Governing Document
 - 1777 (Nov) Articles of Confederation completed by Congress & sent to states
 - 1781 (Mar) Articles of Confederation officially ratified by all 13 states – 3 ½ years.
- Similar to EU today. Each state gets one vote.
 - NO executive,
 - NO central taxes, relied on states to support government financially.
 - BUT at least EU has one currency (mostly). Under Articles, each state had its own money....
- Meanwhile Yorktown surrender; October. 1781 and Treaty of Paris 1783 bring an end to the War.

The Constitution

- **Important to understand the unique history of the people who formed this government:**
 - All had rebelled against what they saw as a tyrannical monarchy, and understood how a government could threaten those who criticized it.
 - One reason George Mason, Sam Adams and Patrick Henry, among others, claimed a Bill of Rights was a necessity.
 - In creating a new form of government, the goal was to prevent that sort of abuse of power. The **Articles of Confederation** went too far in limiting the national government's power.
 - Stated goal of 2nd attempt was “to form a more perfect Union.”
- **Constitutional Convention**
 - **First Constitutional Convention** -September 11–14, 1786- Annapolis. Only 5 states showed up.
- **Constitutional Convention**
 - May-Sept 1787. Adopted Sept. 17, 1787.
 - That's why we're here today, September 17th.

Ratification - Compromise

- **BUT – Needed to be ratified**
 - Needed 9 of 13 states.
 - Ratified on June 21, 1788, after New Hampshire became the required ninth state.
 - Just in time for 1st election in November 1788.
- **Massachusetts Compromise (February 1788)**
 - Lack Bill of Rights stalled ratification.
 - Faced with heavy Anti-Federalist opposition regarding a missing bill of rights, Federalists won a tight vote by promising to recommend subsequent amendments.
 - VA and NY ratified with promise. NC and RI not until Bill of Rights actually drafted 1789 and 1790.
- Which brings us to today, the “Bill of Rights AND, specifically, the First Amendment,

First Amendment?

- But even that is a little more complicated, because the first amendment was actually the 3rd of the 12 proposed Articles in the bill of rights..
- **The 1st Article**, which was never ratified, would have set the number of people represented by each member of congress at 50,000.
 - That would mean a House of Reps with over 6800 members today.
 - Would probably make it even harder to organize the House, but it might reduce gerrymandering.
- **The 2nd Article** would have prevented congress from giving itself a raise, delaying any raises until after the next elections.
 - It was not passed initially, but congress never put an expiration date on it, as usually happens with Constitutional Amendments.
 - 1982, a 19-year-old sophomore named Gregory Watson, attending the University of Texas, wrote a paper for his government class arguing that it could still be passed.
 - He got a C. The professor thought it was unrealistic
 - He wrote to state legislatures around the country and in 1992, it became the 27th, and last, Amendment, 202 years after it was proposed by Madison.

First Amendment

- “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.”
- This amendment safeguards five core civil liberties.
 - **Freedom of Religion:** Prevents the government from establishing a national religion (Establishment Clause) or stopping individuals from practicing their faith (Free Exercise Clause).
 - **Freedom of Speech:** Protects the right to express ideas, opinions, and beliefs without government censorship or fear of retaliation.
 - **Freedom of the Press:** Allows journalists, news agencies, and individuals to circulate information and opinions publicly without government interference.
 - **Freedom of Assembly:** Guarantees the right of people to gather peacefully in groups, marches, or rallies for any lawful purpose.
 - **Freedom to Petition:** Gives citizens the right to ask the government to change laws, correct wrongs, or take action on grievances

First Amendment

- **Why?**

- **Religion**: The founders wanted to ensure the U.S. government could never force a single religion on its citizens or punish people for their personal faith.
 - That will be the subject of the next 250 event in October.
- **Speech**: Under British rule, criticizing the King or parliament was a crime called "seditious libel."
 - The founders knew a democracy could only work if citizens could freely debate, criticize leaders, and expose government wrongdoing without fear of punishment.
- By protecting the rights to **Assemble** and **Petition**, the amendment gave citizens a peaceful way to protest and demand changes from their government.
 - This acted as a safety valve to prevent future revolutions.
- Today, we focus on Freedom of the **Press**

First Amendment

- Why a Free Press Was Needed
 - Holding power accountable:
 - The founders wanted journalists to expose corruption, government abuse, and the misuse of taxpayer money without fear of being shut down by politicians.
 - Informing the voters:
 - For a democracy to work, citizens need accurate information to make decisions at the ballot box.
 - The press provides the facts needed to judge elected leaders.
 - Protecting the "marketplace of ideas":
 - It ensures that many different viewpoints, investigations, and opinions can be published, preventing the government from controlling what people see and believe.
 - What if the “marketplace” becomes saturated with one viewpoint?

Freedom of the Press

- The Constitution is not self-enforcing. It sets the rules, but requires Congress to set up the process and mechanisms through legislation.
 - One way congress sought to preserve the protections of the 1st amendment with the advent of new technology, was by creating the FCC in 1934 (replacing the Federal Radio Comm. of 1927).
- Primary mission: Protect the Public from Media Monoply.
 - Congress wanted to make sure communication tools worked well, cost fair prices, and served the needs of the whole country.
 - PRIMARILY BY ENSURING DIVERSIFIED CONTROL OF MEDIA OVER LIMITED AIRWAVE FREQUENCIES.
- FCC Media Cross-Ownership Rules.
 - For decades, these regulations strictly prevented a single corporate entity from owning different types of media outlets—like a daily newspaper, a radio station, and a television station—within the same local market.

Freedom of the Press

- **The Core "Old Rules"**
 - **Newspaper/Broadcast Cross-Ownership Rule (1975):** This rule banned a company from owning a daily print newspaper and a full-power broadcast TV or radio station in the same local market. [1]
 - **Radio/Television Cross-Ownership Rule (1970):** This rule restricted how many radio and TV stations a single entity could own in one market, heavily capping combinations depending on the market's size. [1]
- The (FCC) created these rules to protect viewpoint diversity, localism, and competition.
 - Because the public airwaves were considered a scarce resource, the government wanted to prevent any single corporate entity from becoming too powerful a voice within a community
- Over the last 50 or so years, the FCC has lean more heavily into content regulation, while all but abandoning its mission to maintain diversity in media ownership.

Freedom of the Press

- What Happened to Them?
- These rules no longer exist. They were completely overhauled and eliminated due to the rise of the internet and modern digital media:
 - 1996 The Telecommunications Act of 1996 lifted caps on radio and cable ownership, sparking massive local station buyouts, homogenizing news, and shrinking minority/women-owned outlets
 - The 2017 FCC Repeal: Under Chairman Ajit Pai, the FCC voted to eliminate the cross-ownership bans, arguing they were completely obsolete in a digital age where consumers get news from endless online sources.
 - Supreme Court Upholds the Repeal (2021): After years of legal challenges from public interest groups. The Court officially reinstated the FCC's deregulation, allowing joint ownership of newspapers, radio, and TV stations in the same market.
- And THAT is why Trinity's Journalism program, and its mission to provide media frames from underrepresented communities is so important.
- That's one take on lack of diversity of viewpoint in media, for another, Let me introduce Hilary Shelton.