

Maxine Vaitses Memorial Scholarship Essay

By Jacob Davis

“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.”

Arguably the most important aspect of America’s inception and establishment, the First Amendment of the United States Constitution guarantees its country’s citizens the right to speak and express themselves as they wish, severely limiting government censorship or counteraction. The United States is one of very few countries to contain government-mandated laws concerning absolute freedom of speech and expression, even during modern times: many sovereign nations are non-secular, and many more are very restrictive when involving human rights to freedoms via word-of-mouth or even the Internet. Because of this, as we are one of the few nations to have protected this law for years, perfecting it and analyzing it through time, I truly believe that the First Amendment is the most important and most sacred Amendment in both the Bill of Rights and the United States Constitution.

Adopted on December 15th, 1791, the First Amendment applies today as it did during the 18th century. Practices of everyday life and society are solely relied upon the success of the First Amendment, ensuring American citizens that what they say and do is protected under the government. Where nations such as China, North Korea or Libya severely limit free speech and press coverage, the United States’s foundation on these freedoms acts as an international example of liberty and success; we have prospered as a nation through these ideals for decades.

However, life in the 21st century has introduced a new era of information and communication never seen before in history: the Internet. The Internet allows a much more broad, extensive platform to express one's opinions and to build connections with people internationally, as well as receiving information and data that had been lost or kept secret prior. The current rise of social media outlets such as Facebook, Twitter, and Instagram have also been forefront leaders in allowing and encouraging online freedom of speech. In more recent years, however, some of these freedoms have been put into question; Twitter, despite being infamous for its passionate stance on keeping the Internet free, has been known to silently remove users who speak out with unpopular views or who seem to be causing a "negative momentum", which includes the case of banning user Milo Yiannopoulos for making crude comments on the platform in 2016. Despite these unpopular, sometimes unhealthy views, should they be banned? Is this infringing upon online freedom of speech? In another case, after removing an iPhone app from a comic artist in 2010, Apple eventually reversed this decision and allowed it to be re-added once he had won the Pulitzer Prize and the company had received severe backlash. In short, the cases of the First Amendment and the Internet are blurred, yet difficult to assess, due to the Internet being an ungoverned entity with international prevalence, especially in nations where it is blatantly restricted. I believe that the Age of the Internet is one of America's most challenging periods to deal with when involving the First Amendment, but much has been done to preserve these freedoms for Internet users.

One of the most famous and related cases was *Reno v. American Civil Liberties Union* (521 U.S. 844). On March 19th, 1997, during the early days of the Internet, this became the first Supreme Court case regarding online freedoms. The Communications Decency Act of 1996 was

established by Congress to limit and monitor adult content online to protect minors from viewing it. An act against obscenity and indecency on the Internet, it was viewed as a violation of the First Amendment; however, as this was during the early days of the public Internet and most Americans had little idea of its capability, it was a debatable whether or not the Internet should be regulated and if the First Amendment applied to it. The ACLU, or the American Civil Liberties Union, argued that the CDA was unconstitutional and that American citizens should have the same freedom of speech and expression both online and off, and accused the CDA of “cyberzoning”. Eventually, the Supreme Court ruled that the CDA’s anti-indecency actions were unconstitutional and violated online freedoms, and any adult content on the Internet should not be censored, as with any other content. This was the first court case of the Internet Age and arguably one of the most important regarding online liberties.

Aside from the web, the First Amendment has had its roots in American culture for decades, being brought into question during various points of the country’s existence. The Vietnam War was a period of our history that saw many domestic protests and civil unrests, and many of these challenged the First Amendment directly. *Tinker v. Des Moines Independent Community School District* (393 U.S. 503) was a famous case in 1969, during the height of the Vietnam War. In protest of the war, a handful of Des Moines, Iowa students wore black armbands to school; the school later set up a policy countering this protest and suspended the students. When brought to the court, the Supreme Court ruled that the First Amendment protected students in public schools and that these students had the constitutional right to protest the war using black armbands, and that the school had violated the constitution by asking them to remove it. This was a landmark court case that furthered established the rights of students in

public schools and further strengthened the right to freedom of expression, even during wartime. This case has been frequently cited in many other later cases involving students and the First Amendment; students, as long as they are not directly affecting the lesson plans in school, are allowed to speak or express themselves as they so desire, and this constitutional protection includes protesting.

Yet another landmark Supreme Court case regarding Freedom of Speech is the infamous *West Virginia State Board of Education v. Barnette* (319 U.S. 624), a 1943 case involving the Pledge of Allegiance and its use in schools. This case was brought to the court when students, particularly Jehovah's Witnesses, were being expelled and even tried as criminal juveniles for refusing to salute the American flag during the Pledge of Allegiance in school. This was during World War II, a period of extreme patriotism, and a time where the Nazi Regime in Europe was removing Jehovah's Witnesses from everyday life due to their neglect of acknowledging state. In solidarity, these Jehovah's Witness students refused to salute in America, and were forcefully removed from schools due to this decision. When brought to court, the Supreme Court ruled that the First Amendment protects the rights of these students and that it is unconstitutional for the school to force students to partake in the Pledge of Allegiance. This ruling directly applies to the freedom of expression and freedom of practicing religion, becoming a landmark court case and furthering student rights. As the First Amendment clearly states, Americans have the right to freedom of expression and the right to practice their religious virtues, and this court case was influential in strengthening this idea and enforcing the Amendment.

Written in 1789 and adopted in 1791, the First Amendment of the Bill of Rights is still the most important Amendment today as it was during the foundational beginnings of our

country; it differentiates us from other nations, establishing the U.S. as a leader in personal freedoms, as it has been for years. The First Amendment guarantees citizens the right to be themselves, without worry of prosecution for doing so. However, the Amendment's status was no simple right upheld with absolute respect overnight: it took many years to establish it and to shape it as it is today. Through these court cases, and many more, which have paved the way for modern American interpretation of the right, it is clear that our understanding of the First Amendment only grows stronger with each day. I personally believe that this is the single most important Amendment in the Bill of Rights; without it, we cease to be Americans. America was founded on freedom and liberty; the absence of the First Amendment would eliminate these two virtues which we hold dear. I am proud to be an American, and I am proud to be able to voice my opinions and to be myself, as I realize that many people throughout the world do not get the same opportunity as I do. Because of this realization, I hold the First Amendment with the utmost respect, and I truly acknowledge its power and meaning. Freedom of speech and expression, freedom of religious practice, freedom of the press, freedom of individuality: this is what makes us Americans.

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List those activities (school, church, community, etc.) you've participated in that support traditional Republican principles and what principles they promote. Use additional pages as necessary.

- Boy Scouts of America - The Boy Scouts of America has been around for over a hundred years now, having been created in 1910. Thus, the BSA is a true American program that promotes service to the community and the country, instilling in me a sense of respect and obedience. My recent awarding as an Eagle Scout also helped me realize this, and I have come to see, through Scouting, the strength of community and the nation and what truly makes them great.
- Chelmsford Youth Basketball League - CYBL has taught me to respect all people, and to work together as a team so as to overcome obstacles. Regardless of their physical or personal identities, everyone is vital in the team, and thus it is important that we work together and show respect for one another, even if it the goal is to simply win a basketball game.
- DECA - My involvement in DECA has strengthened my existing support for a country with a free enterprise and capitalist ideals; I believe in a free business market and DECA has helped to show me just how important these business practices are to strengthen the American economy.