

“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.”ⁱ The First Amendment to the US Constitution is forty-five short words. Yet, these forty-five words are some of the most crucial in a document that spans over seven thousand words, seven articles, and twenty-seven amendments. The First Amendment secures crucial freedoms for the people of the United States of America, and in doing so promotes the goals enumerated by the framers of the United States Constitution in the Preamble.

The first goal defined in the preamble is to form a “more perfect union.”ⁱⁱ The words “more perfect” imply that the United States evolves over time. As a nation, we seek to refine our laws and improve our society as we adapt to an ever-changing world. There is no better tool to identify what must be changed than a free press. Thomas Jefferson said, “No government ought to be without censors; and where the press is free no one ever will.” The various press agencies of the United States criticize the government at all three levels of federalism without fear of retaliation. They constantly drive change, root out corruption, and facilitate the formation of a more perfect union. The First Amendment gives journalists the ability to publish without repercussions protected in cases such as the *New York Times vs. Sullivan* (1964).ⁱⁱⁱ Without the protection of the First Amendment, the critical role of the press would be undermined, and the promotion of a more perfect union inhibited.

Establishing Justice is the second objective enumerated in the preamble. Here too the First Amendment shines in promoting this goal. The Establishment Clause and the Free Exercise

Clause of the First Amendment both provide a degree of justice absent in many major nations at the time the constitution was written. European governments often had state religions and ruled through divine right while persecuting minority groups. While England was considered moderate in terms of its religious laws, the Church of England still controlled ecclesiastical courts which had jurisdiction over matters such as “spiritual nonconformity” and “so-called moral offenses such as drunkenness or adultery.”^{iv} Moreover, adherence to the church of England was a requirement for public office throughout the 17th Century. The religious freedom guaranteed in the first two clauses of the First Amendment promoted Justice by separating Church and State and reducing persecution of religious minorities. This separation has been rigorously defended by the Supreme Court in cases such as *Torcaso vs. Watkins* (1961) in which the court ruled that religious beliefs cannot be a requirement for public postings^v showcasing the power contained in the pertinent clauses that promote Justice.

The First Amendment promotes domestic tranquility in an indirect but effective manner. The first grievance listed against the King in the Declaration of Independence is “He has refused his Assent to Laws, the most wholesome and necessary for the public good.”^{vi} Governments ignoring the desires of their people is a central reason for revolution and social unrest. In order to effectively transmit the will of the people to their elected representatives, the First Amendment gives the freedoms of assembly and petitioning the government. These avenues provide a peaceful method of encouraging change that reduces the chances of violence and thereby promote domestic tranquility.

It can be hard to see the relationship between the First Amendment and providing for the common defense. Wartime conditions have often restricted First Amendment rights rather than any part of the First Amendment supporting the war effort. Famously in *Schenck vs the United*

States (1919), the Supreme Court stated that Congress has more latitude in limiting free speech in times of war.^{vii} However, there is also the intangible will to fight to consider. Nations that have a greater will to fight have a greater chance of success because they are willing to pay the necessary price to secure their freedom. Thomas Paine wrote in *The American Crisis* (1777) that “Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it.” Certainly the 13 Colonies braved that fatigue when they rose up against King George III. The United States braved that fatigue when brothers fought brothers to correct one of the most grievous wrongs in the original version of the constitution and again to fight a two-front war against fascism and tyranny. That motivation holds true today as First Amendment freedoms are some of the most treasured and debated in our modern society. The contributions that a motivated population with a high will to fight bring to our nation’s readiness is the method by which the First Amendment promotes defending the nation.

In terms of promoting the general welfare, the First Amendment bolsters what Thomas Jefferson described when he said, "An educated citizenry is a vital requisite for our survival as a free people."^{viii} While the First Amendment does not guarantee a formal education, provisions for the free press allow dissemination of information to citizens. Voter guides and articles regarding politics inform the decisions of millions of Americans on issues as small as a municipal recycling program and as large as the Presidency. While these reports are entering a new error of polarization, that does not take away from the benefits society reaps from a free press. This knowledge promotes the general welfare.

In conclusion, the First Amendment promotes all the goals set forth in the preamble except for one. The goal of securing the blessing of liberty for ourselves and our posterity falls to us, the people of the United States. It is our collective responsibility to remain informed and

utilize our First Amendment rights to fulfill the final goal the framers wrote into the preamble and to ensure “that government of the people, by the people, for the people shall not perish from the earth.”^{ix}

ⁱ US Constitution Amendment I

ⁱⁱ US Constitution Preamble

ⁱⁱⁱ *New York Times v. Sullivan (1964)* (2022) *Legal Information Institute*. Cornell Law School. Available at: https://www.law.cornell.edu/wex/new_york_times_v_sullivan_%281964%29 (Accessed: November 2, 2022).

^{iv} Library of Congress. “England and Religious Freedom.” *Constitution Annotated*, constitution.congress.gov/browse/essay/amdt1-2-2-2/ALDE_00013269.

^v “Torcaso V. Watkins.” *The First Amendment Encyclopedia*, mtsu.edu/first-amendment/article/739/torcaso-v-watkins. Accessed 2 Nov. 2022.

^{vi} Jefferson, Thomas. “Declaration of Independence: A Transcription.” *National Archives*, 4 July 1776, www.archives.gov/founding-docs/declaration-transcript.

^{vii} “Schenck V. United States.” *The First Amendment Encyclopedia*, mtsu.edu/first-amendment/article/193/schenck-v-united-states. Accessed 3 Nov. 2022.

^{viii} “An Educated Citizenry Is a Vital Requisite for Our Survival as a Free People (Spurious Quotation).” *Monticello*, www.monticello.org/research-education/thomas-jefferson-encyclopedia/educated-citizenry-vital-requisite-our-survival-free-people-spurious. Accessed 3 Nov. 2022.

ix Lincoln, Abraham. “*The Gettysburg Address*.” 1863. *America’s Most Famous Speeches*, by Dale Salwak, Random House, 1984.