

Additional First Amendment Supreme Court Cases

Freedom of Religion

Case I: Freedom of Religion: More Challenging

Adele Sherbert in South Carolina in 1963 refused to work on Saturday because her church, Seventh Day Adventist, did not allow people to work on Saturday. She was fired. She asked for unemployment benefits. South Carolina refused. She took her case to the Supreme Court. The Supreme Court supported her. Adele Sherbert's employer had to hire her back or give her unemployment benefits. The Supreme Court said: "To condition the availability of benefits upon this appellant's willingness to violate a cardinal principle of her religious faith effectively penalizes the free exercise of her constitutional liberties."

Rule of Law: No one can be denied unemployment benefits because of their religious beliefs.

Case I: Freedom of Religion: Easier

Adele Sherbet's religion does not allow her to work on Saturdays. Her employer wanted her to work on Saturdays. She refused. The company fired her. The company would not give her unemployment benefits. When someone loses a job, they get unemployment benefits (money) to help them while they look for another job. The Supreme Court said her company had to respect her religion. The company had to give her the unemployment benefits.

Rule of Law: You follow your religion's rules. Your company does not agree with those rules. Your company still cannot refuse to give you unemployment benefits.

Case II: Limits on Freedom of Religion: More Challenging

An American Indian and his friend were members of a Native American Church. A drug, peyote, was smoked at the church during the service. Smoking peyote is illegal in Oregon. The two men were fired from their jobs at a drug rehabilitation center. The center would not give them unemployment benefits because it said smoking peyote was illegal. The American Indian and his friend argued that they had the right under the First Amendment Freedom of Religion to smoke peyote. They brought the case to court. When the Supreme Court heard the case in 1990, it agreed with the drug rehabilitation center. The two men did not get their unemployment benefits.

Rule of Law: Freedom of Religion does not free people from obeying the law. A company may refuse to give unemployment benefits if an employee disobeys a law.

Case II: Limits on Freedom of Religion: Easier

Two men went to a church. People at that church smoked peyote, a drug, during the service. Peyote is not legal in the state of Oregon. The men were fired from their job. Companies and the government cooperate to create a fund to give people money for a certain period of time to help them when they lose their job. This money is called “unemployment benefits.” The company did not give these men any money. The Supreme Court in 1990 agreed with their company that Freedom of Religion did not protect the men because the drug their church used was not legal. The Supreme Court decided they could not get the unemployment benefits.

Rule of Law: Freedom of Religion does not free people from obeying the law. A company may refuse to give unemployment benefits if an employee disobeys a law.

Freedom of Assembly

Case I: Freedom of Assembly: More Challenging

The National Association for the Advancement of Colored People (NAACP) is an organization that helps African-Americans and other minority people. Not everyone agrees with this organization. The state of Alabama ordered the NAACP to give them a list of everyone who worked with the group. People in the group were afraid that they could be fired from their jobs or attacked if others found out they were members. The Supreme Court supported the NAACP in 1958. The state of Alabama could not demand the membership list from the NAACP.

Rule of Law: Freedom of Assembly means that groups cannot be required to give their membership lists to anyone outside the group.

Case I: Freedom of Assembly: Easier

Many people belonged to a group called the NAACP. This group helps people with their rights. The group has meetings and shares its ideas in speeches and newspapers. Not everyone likes the NAACP. The state of Alabama wanted to know who was in the group. The group did not want to give the membership list to the state of Alabama. The Supreme Court supported the NAACP in 1958. Freedom of Assembly gives people the right to belong to a group. Members of a group do not have to tell anyone else that they belong to the group.

Rule of Law: Freedom of Assembly means that groups cannot be required to give their membership lists to anyone outside the group

Case II: Limits on Freedom of Assembly: More Challenging

Rotary International is a group of clubs for businessmen that helps people in the community and works for world peace. Women could attend meetings and give speeches but they could not belong to Rotary International. Two clubs in California invited women to join. Rotary International decided that these California clubs could not belong to Rotary International anymore. Freedom of Assembly, they said, allowed Rotary International to exclude women. The California clubs took the case to the courts. The Supreme Court ruled in 1987 that Rotary International was wrong. The First Amendment does not allow clubs to keep women out. Rotary International had to accept the California clubs back along with their women members.

Rule of Law: Clubs can set rules for membership but those rules cannot be based on gender.

Case II: Limits on Freedom of Assembly: Easier

Rotary International has clubs in many states. Rotary International did not allow women to be members in those clubs. Two California clubs allowed women to join. Rotary International said clubs can make rules to keep women out. (Freedom of Assembly). Rotary International said the California clubs could not be part of their organization. In 1987, the Supreme Court said Rotary International was wrong. Freedom of Assembly does not say clubs can make rules to keep women out.

Rule of Law: Clubs can set rules for membership but those rules cannot be based on gender.

Freedom of the Press

Case I: Freedom of the Press: More Challenging

In 1971, the Secretary of Defense of the United States, Robert McNamara, instructed his department to research and write about actions that the United States had taken in Indochina. At that time, the United States was in a war with Vietnam, a country in Indochina. The *New York Times* newspaper saw these research papers and published parts of them. The U.S. President, Richard Nixon, went to the Supreme Court to stop the newspaper from publishing anything else from the documents. The Supreme Court held that Freedom of the Press permitted the newspaper to publish information even if the U.S. President and his administration did not want them to do so.

Rule of law: Unless the government establishes a clear case for national security, newspapers may print government documents.

Case I: Freedom of the Press: Easier

In 1971, the New York Times, a newspaper, published information from the U.S. government. The U. S. President, Richard Nixon, did not want this information published. The Supreme Court said that the newspaper, under Freedom of the Press, could continue to publish the information.

Rule of law: Unless the government establishes a clear case for national security, newspapers may print government documents.

Case II: Limits on Freedom of the Press: More Challenging

A man was running for lieutenant governor in the state of Minnesota. The newspaper got information that he had once been arrested. The reporters promised not to publish the name of the person who gave them the information. The newspaper broke its promise and published the name. As a result, that person was fired from his job. The newspaper said that Freedom of the Press protected them and allowed them to publish the name even when they had promised not to do so. The lower courts and the Supreme Court in 1991 held that the newspaper was wrong. Freedom of the Press does not mean that the newspaper can ignore its promises.

Rule of Law: Freedom of the Press does not free newspapers from following laws including laws guaranteeing confidentiality.

Case II: Limits on Freedom of the Press: Easier

A newspaper got secret information. The newspaper promised not to publish the name of the person who gave them this information. They did publish the name. The person was fired. The newspaper said that Freedom of the Press allowed them to publish the name. The Supreme Court in 1991, said that Freedom of the Press did not allow the newspaper to publish the name. A newspaper has to keep its promises.

Rule of Law: Freedom of the Press does not free newspapers from following laws including laws guaranteeing confidentiality.

Freedom to Petition

There is only one case here under Freedom to Petition since most First Amendment cases are filed referring to other sections of the First Amendment.

Case I: Freedom to Petition: More Challenging

A group of people in Colorado got together to circulate a petition to add a question to the ballot in the general election. The state of Colorado required that all the people in the group who were working to get people to sign the petition had to be registered voters themselves. They also required that these people wear an identification badge and disclose their names and addresses. The Supreme Court held in 1999 that these requirements interfered with the Freedom to Petition.

Rule of Law: The government cannot pass laws which unreasonably restrict the Freedom to Petition.

Case I: Freedom to Petition: Easier

A group of people wanted voters to vote on a question. They tried to get people to sign a paper. The paper said that the question should be on the ballot in the general election. The state of Colorado told this group that the people had to:

- Be registered voters
- Wear identification
- Give their names and addresses

In 1999, the Supreme Court said the state of Colorado could not require these things because of the Freedom to Petition.

Rule of Law: The government cannot pass laws which unreasonably restrict the Freedom to Petition.