

FIRST AMENDMENT

by Bruce T. Forbes, 2001

"Without Freedom of Thought there can be no such Thing as Wisdom;
and no such Thing as Public Liberty, without Freedom of Speech."

Benjamin Franklin

There is a lot of mystery and misunderstanding shrouding the true meaning of the First Amendment. Let's take a hard look at what the amendment actually says. Let's start out by actually reading it:

"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." Broken down into bullet statements, there are six important things I this single sentence:

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.

What continually strikes me is how these five freedoms are so tied together – one cannot be fully exercised without the other. Likewise, one cannot be abused without another also being abused.

“CONGRESS SHALL MAKE NO LAW”

If Congress cannot make a law concerning something, then there is nothing for the President to enforce, and there are no decisions for the Supreme Court or other federal courts to make – any laws and decisions to be made must be left to

the States and to the People.

Constitutionally speaking, it is illegal for Congress to pass laws, for the President to issue Executive Orders, or for the Supreme Court or other federal courts to have anything to do with the five freedoms guaranteed by the First Amendment. They are left to the States to define and enforce.

AN ESTABLISHMENT OF RELIGION

On the subject of Religion, Amendment 1 is -
-- a separation of Church and State, but not a separation of Religion and State.

-- Freedom of Religion, but not Freedom from Religion.

-- a bill empowering the People to act according to their religious beliefs without government interference; but not a bill giving the government the right to restrict the Peoples' religious beliefs, actions, or expressions.

See in this Appendix “Church and State”; everything to be said on this subject is said there and is too big to repeat here.

FREEDOM OF SPEECH

In personal writings, the Founders indirectly defined this as the freedom to publish one's sentiments. This was not a call for a “freedom of Expression” as interpreted today, but the right to publish one's opinion and views, whether it agreed or disagreed with the established government – it was editorial freedom.

What it was not was the right to express one's

self in a profane manner irregardless of the effect of one's expression in the community. Thomas Jefferson was ambassador to France at this time, and he wrote lengthy letters to those writing the Bill of Rights attempting to persuade them to include a responsibly clause similar to the one he persuaded the French to include in their 'Declaration of the Rights of Man and of the Citizen', approved by the National Assembly of France on August 26, 1789. Two of its articles show Jeffersonian influence by stating rights and responsibilities side-by-side:

"10. No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.

"11. The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law."

FREEDOM OF THE PRESS

At the Pennsylvania Convention of 1787, when that state was debating the new federal Constitution, James Wilson, who had been one of that state's delegates to the Constitutional Convention, was asked to stand and define what was meant by 'freedom of press'. This was his reply:

"...what is meant by the liberty of the press is, that there should be no antecedent restraint upon it; but every author is responsible when he attacks the security or welfare of the government, or the safety, character and property of the individual."

THE DEBATE ON THE CONSTITUTION, PART ONE (New York, New York: Literary Classics of the United States, 1993), page 826

Notice immediately that the word 'responsible' is used in that definition. The Founders of our country firmly believed in the responsibilities

attached to each and every freedom we enjoy "For of him unto much is given much is required; and he who sins against the greater light shall receive the greater condemnation." D&C 82:3.

RIGHT TO PEACEABLY ASSEMBLE

The key word to this freedom is the word 'peaceably'. The first Amendment does not give us the freedom to assemble as an unruly crowd. We do not have the freedom to assemble with the purpose of disturbing the peace. We do not have the freedom to assemble with the intent of rousing anger and violence among those assembled or among those who might be the target of our hatred and anger. We do not have the freedom to assemble with the intent to anything but have a peaceable, law-abiding time.

RIGHT TO PETITION THE GOVERNMENT

There are several definitions to the word 'petition', several of which apply:

- formally drawn request bearing the names of the petitioners
- request made for something desired; esp. a respectful or humble request
- that which is sought by request or entreaty
- an application for an order of court or for some judicial action
- to address a formal request to a sovereign or legislative body

The First Amendment gives us the right to petition our federal leaders. It gives us the freedom of being heard by those whom we elect to represent us. It denies them the opportunity to silence us.

But, as with the other freedoms in the First Amendment, this carries unsaid responsibilities. The responsibility to speak civilly and respectfully; the responsibility to state facts and not fiction. The responsibility to not slander.

In view of the fact that the Founders of our

country considered the Ten Commandments, the law of Moses, the Gospel of Christ, and the Sermon on the Mount the basis of all free societies, I feel it safe to say that our responsibilities in regards to the freedoms contained in the First

Amendment can be summed up in one passage:
“...Whatsoever ye would that men should do to you, do ye unto them...” Matthew 7:12

Enemies of Tyranny: Faith, Reason, and the First Amendment

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One of the great changes in thinking spawned by the American Revolution was that reason and revelation could and should work together to produce men and women of strong enough moral character that an experiment in self-government could succeed.

Founder and second U.S. president John Adams wrote: "Statesmen may plan and speculate about liberty but it is religion and morality alone which can establish the principles upon which liberty can stand." [Gustad, Edwin Scott. "A Religious History of America." New York, Hagerstown, San Francisco, London: Harper & Row Publishers, 1966, 1974, p. 127.]

Religion gives strength and purpose to individuals and nations. Without it, John Adams said, the Adamses "would have been rakes, fops, sots, [and] gamblers." [Ibid]

Yet Adams was of the belief that those religious and moral principles should be obeyed due to the involvement of one's intelligence, not simply one's reliance upon mystical experience. [Ibid] Adams reflected on this subject in a letter to Thomas Jefferson:

"The human understanding is a divine faculty from its Maker which can never be disputed nor doubted. There can be no skepticism... or incredulity, or infidelity here. No prophecies, no miracles are necessary to prove the celestial communication.

"This revelation has made it certain that two and one makes three, and that one is not three nor can three be one. We can never be so certain of any prophecy, or of any miracle, or the design of any miracle, as we are from the revelation of nature,

i.e., Nature's God, that two and two are equal to four. Miracles or prophecies might frighten us out of our wits; might scare us to death; might induce us to lie, to say that we believe that two and two make five. But we should not believe it. We should know the contrary." [Ibid]

This is not to say that Adams discounted the reality and importance of miracles and prophecies. He believed in both, but he also was wise enough to understand that some were from heaven, some from men's emotions, and some were the product of political ambition or priestcraft. [Cousins, Norman. "In God We Trust: The Religious Beliefs and Ideas of the American Founding Fathers." New York: Harper and Brothers Publishers, 1958, pp. 253-256.]

He did, for instance, believe in the existence of a conscience that "simple intelligence has no association with." [Ibid., 110.] Through the utilization of reason and conscience, Adams taught, "the Supreme Mind bestow[s], on important occasions, by a special superintending Providence, ...revelations or inspirations." [Ibid., 243.] Yet in all cases, Adams' driving conviction was that divine manifestations should conform to nature and reason, or true science and right reason.

Religion should not be filled with irrational nonsense, and those who turn religion into such only serve to discredit it and thus serve the cause of Satan and tyranny, not Christ and liberty. [Ibid., 139. Typical of the statements by both Jefferson and Adams on this subject is Jefferson's in a letter to Samuel Kercheval, January 19, 1810: "Nothing can be more exactly and seriously true than . . . that the purest system of morals ever before

preached to man has been adulterated and sophisticated by artificial constructions, into a mere contrivance to filch wealth and power to themselves [to enslave mankind]; that rational men, not being able to swallow their impious heresies, in order to force them down their throats, they raise the hue and cry of infidelity, while themselves are the greatest obstacles to the advancement of the real doctrine of Jesus, and do, in fact, constitute the real Anti-Christ."]

"The Christian religion," on the other hand, said Adams, "in its primitive purity and simplicity," met such a liberating standard, for true Christianity is "the religion of the head and of the heart." [Ibid., 104.]

Reason would testify, then, that religion should have a practical purpose. Adams, like so many of his fellow Founders, grew impatient over creedal niceties, ecclesiastical decrees, and all the "other trumpery that we find religion encumbered with in these days."

Religion is not intended, he wrote, to make us "good riddle solvers or good mystery-mongers, but good men, good magistrates and good subjects, good husbands and good wives, good parents and good children, good masters and good servants." Thus, the proper companion of religion was not mystery but morality. [Gaustad, 127.]

This companionship was critical to self-government. "We have no government armed with power capable of contending with human passions unbridled by morality and religion. [Without these checks] avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net."

Thus John Adams concluded: "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other." [Adams, Charles Francis, ed. "The Works of John Adams, Second President of the United States: Volume IX." Boston: Little, Brown, 1854, p. 229. Interestingly, in the same volume, Adams predicted in a letter to

Dr. Prince dated April 19, 1790, that the republican form of government would not succeed in France, "a republic of thirty million atheists." And he was right. France has suffered through multiple revolutions and multiple changes in constitutions, and is to this day a highly centrist version of parliamentary government, one of the noisiest proponents of the socialist European Union, and the European prince of state-sanctioned secularism.]

This sound principle should resound in our ears, sink down into our hearts, and be reinforced by our reason. It is, as Thomas Paine said it was, "Common Sense."

Blood-drenched France was proof in Adams' day. Mexico is today. This neighbor to the south, though possessing a constitution modeled after ours, has known little of liberty, very much of avarice, ambition and revenge, and has long been known as having one of the most corrupt governments on earth. Minus moral restraint, a good constitution becomes a meaningless scrap of paper. [Thought attributed to Dr. Cleon Skousen while lecturing on "The Making of America," Salt Lake City, Utah, 1985/86, attended by this author.]

That is why George Washington in his Farewell Address asked: "Where is the security for property, for reputation, for life, if the sense of religious obligation desert our oaths, which are the instruments of investigation in the Courts of Justice?"

Washington cautioned, "[National] morality [cannot] be maintained without religion. ... Reason and experience... forbid us" to expect anything else. [Washington, George. "Farewell Address."]

Think about it. The eternal nature of religious principle means that some rights and some general laws are fixed and unalterable, that men and nations are accountable to the same, that no government has the right to revoke such rights and laws - and that a nation of individuals converted to such principles creates the greatest natural check upon tyranny and corruption in government that is

available to man, one which prompts a man to check both himself and his neighbor from abusing political power.

This is reason looking at religion and saying, yes, it is useful, yes, it is critical to the permanence of free government. Yet, while reason and revelation are vital - they are not enough. This duo needs to be part of a trio. The First Amendment is the missing member, with its prohibition against government abridgment of freedom of religion, speech, press and assembly.

In 1786, Thomas Jefferson, outlining the background of the Act for Religious Freedom that he fathered, explained: "Reason and free inquiry are the only effectual agents against terror. Give a loose to them, they will support true religion, by bringing every false one to their tribunal, to the test of their investigation. They are the natural enemies of error, and of error only. Had not the Roman government permitted free inquiry, Christianity could never have been introduced. Had not free inquiry been indulged at the era of reformation, the corruptions of Christianity could not have been purged away. If it be restrained now, the present corruptions will be protected and new ones encouraged." [Cousins, 123.]

And so, "difference of opinion is advantageous in religion," he noted, while coercion, on the other hand, "make[s] one half of the world fools and the other half hypocrites." [Ibid., 124.]

What is true of religion is equally true of government. Political truth can only triumph in an atmosphere of free debate - and freedom of speech strengthens the arguments of political truth, in the process. That is good.

Adams contended: "[We] must allow that honesty has a hard struggle, and must prevail by many a well-fought and fortunate battle...." This must be so, even if truth's victory "must look to another world for justice, if not for pardon." [Ibid., 109-110.]

On that last point, once again religion plays a critical role in preserving liberty - for the hope of

an afterlife, and a just one at that, was the crowning jewel, the genuine article, the higher purpose that made "give me liberty or give me death" seem reasonable. If not liberty in this life, then in the next, but never slavery in either! Void of that hope, men prefer "chains and slavery," as Patrick Henry [Henry, Patrick. From his famous "Give Me Liberty or Give Me Death" speech.] said, or "opium," [Cousins, 105. Said Adams: "Let it once be revealed or demonstrated that there is no future state, and my advice to every man, woman, and child, would be, as our existence would be in our own power, to take opium. For, I am certain, there is nothing in this world worth living for but hope, and every hope will fail us, if that last hope, that of a future state, is extinguished."] as said Adams.

Religion, reason, and the first amendment are indissolubly linked as the key players conducive to the perpetuation of free government and true religion, and in the Founders view, the perpetuation of every useful science as well.

Missing the Mark - Religion Goes First

If one were to miss the mark with religion in public life in regard to the above, the simple scheme would be a two-step plan.

First, scrap the American model of the Enlightenment, which combined faith with reason, for the European model, which divorced faith from reason.

Second, divorce reason from science by way of politicizing science, legitimizing emotional debates and re-introducing religion into public life, but not the religion of old - but rather, a new religion, void of reason and full of mysticism, emotion, fierce intolerance and revolutionary politics.

Critical to both steps, engage in an ongoing campaign to re-invent the First Amendment, as necessary.

We have all witnessed Act I. Freedom's

enemies have rid science, government, public life and the classroom of religion - through the exaltation of the scientific method, the re-invention of the First Amendment (to now mean "freedom from religion"), the extending of federal educational and scientific grants to the states, followed by anti-God Supreme Court rulings and the rewriting of American history (eliminating the positive and critical role of religion in that history), and much, much more, to include the replacement of religious morality with psychology, drugs, sex, money worship, hero worship, self-worship, socialism and national "service."

Reason Next

Mission accomplished. Act II now follows. For those scientists and scholars who tra-la-la'd along as religion took a beating, who took their grants and shut up, who were too weak in their faith to balance out their presentations in public classrooms for fear of peer ridicule or employment loss, the tables have turned. The big gun of government now points at them, for a government that was powerful enough to intimidate them to hide the truth about one "insignificant" thing is now powerful enough to demand that they hide the truth about many more things - or else.

The problem with reason is that, although it is incomplete in its approach, if honestly pursued it still tends to lead to various truths, in science, in government, in sociology, and in religion. As one ancient prophet testified, "All things denote there is a God; yea, even the earth, and all things that are upon the face of it, yea, and its motion, yea, and also all the planets which move in their regular form do witness that there is a Supreme Creator." [Alma 30:44]

Or as even a non-Christian Cicero confirmed: "[Correct reason leads all men to believe in] one eternal and unchangeable [set of laws]... valid for all nations and all times, and . . . one master and ruler, that is God, over us all, . . . [who] is the author

of this law." [Ebenstein, William. "Great Political Thinkers." New York: Holt, Rinehart and Winston, 1963, p. 133.]

That is a problem. For a revolution built on false premises, false methods, false analysis, false conclusions, false solutions, false promises - all of them operating upon a plan which admittedly "contradicts all past historical experience" [Marx, Karl. "Communist Manifesto."] - must treat right reason, as it does religion, as the enemy.

To convince educated, thinking people that something which has never worked, does not now work, will somehow - poof! - work tomorrow requires a Herculean effort to undermine reason.

Hence, a new sort of "scholar" has arrived on the national scene, one who would have been laughed off the campus only a half century ago as a babbling, bumbling buffoon, but who is hailed today as progressive, brave and visionary - not because his or her arguments are reasonable, for they are not, but only because they boldly confront every existing notion that defends American principles of government and law, the truthfulness and usefulness of Judeo-Christian dogma and morality, the prosperity economics of true laissez-faire, and any study refuting the science and statistics that favor sins against nature, drug usage, the superiority of single and now homosexual parenthood, and the doomsday, pro-Globalist conclusions of eco-scientists and their earth-worshipping prophets.

This new kind of "scholar" confronts his opponents not with "the allegedly universal disciplines of logic, mathematics, and science, and the intellectual values of objectivity, clarity, and precision on which the former depend" [Patai, Daphne; Koertge, Noretta. "Professing Feminism: Cautionary Tales from the Strange World of Women's Studies." New York: Basic Books, 1994, p. 116.] but with fiery rage, political nonsense, false history, personal harangues, and with the "all viewpoints are equally valid" [Bork, Robert H. "Slouching Towards Gomorra." New York: Regan

Book/HarperCollins Publishers Inc., 1996, p. 244.] argument, and with warped appeals to religious principles they reject anyway, and with their newfound trust in the politically convenient "we are all one" mystic conclusions of Eastern religion. And then he or she brags about his or her liberating departure from the old educational pedagogy - for it is all based, after all, on "patriarchal constructions of knowledge," [Ibid., 201, 202.] "masculinist," [Ibid., 202.] "cruel discrimination," [Ibid., 204.] "religious tradition," [Ibid., 205.] "linear thinking," [Ibid., 209.] "racism," [Ibid., 248.] exploitation, protectionism and narrow nationalism.

None of it makes sense, nor does it have to, and that's the point. For as Jefferson says of attempts to replace reason with Plato-like "sophisms, futilities... incomprehensibilities... [and] whimsies" - the product of "foggy minds" - they are but tools for opportunists to "build up an artificial system, which might, from its indistinctness, admit everlasting controversy, give employment for their order, and introduce it to profit, power and pre-eminence... [so that they might herd] all living, men, women and children,

pell mell together, like beasts of the field or forest." [Cousins, 263.]

Foggy minds, however, need a cover to free their forgery from being found out. Terminating free speech places the final nail in the finished coffin.

Adams concludes: "Aristotle wrote the history of eighteen hundred republics which existed before his time. Cicero wrote two volumes of discourses on government, which, perhaps, were worth all the rest of his works. The works of Livy and Ticitus, &c., that are lost, would be more interesting than all that remain. Fifty gospels have been destroyed, and where are St. Luke's world of books that have been written? If you ask my opinion who has committed all the havoc, I will answer you candidly - Ecclesiastical and Imperial despotism has done it, to conceal their frauds." [Ibid., 232.]

Yes, truth has always been suppressed, stomped on, strangled, scalded, scorched and scattered by those who will always make war on such things - because true religion, right reason and free speech are the natural enemies of the tyranny they seek to impose.