

Application of the First Amendment: “Congress shall make no law respecting an establishment of religion”: Framers Forbade Any Legislation by Congress on Religion but Supported Its Influence on Government; “or abridging the free exercise thereof”: All Faiths My Worship Freely; “or abridging the freedom of speech, or of the press”: Protests Communication of Doctrine

Therefore, true freedom is a status in which the believer is free to serve Jesus Christ as royal priests by taking advantage of the opportunity to freely exercise their faith through provisions incorporated in our Constitution’s First Amendment:

Congress shall make no law respecting an establishment of religion,

In recent years the Supreme Court has placed the Establishment and Free Exercise of Religion Clauses in mutual tension, but it was not so for the Framers. None of the Framers believed that a governmental connection to religion was an evil in itself. Rather, many (though not all) opposed an established church because they believed that it was a threat to the free exercise of religion. Their primary goal was to protect free exercise. Nor did most of the Founding generation believe that government ought to be “untainted” by religion, or ought not to take an interest in furthering the people’s connection to religion. The Northwest Ordinance (1787), which the First Congress reenacted, stated: “Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.” (p. 302)

The word “respecting” is significant. It prohibits Congress from legislating either to establish a national religion or to disestablish a state religion.

Contemporaneous history strongly indicates that most Framers supported religion because it increased virtue among the people, a necessary element for the maintenance of a free republic. (p. 303)

The Establishment of Religion Clause was designed as a protection of the states against the federal government.¹ (p. 304)

Grace Doctrine Church is free to function because this clause prohibits it from being disestablished by the government. Free to function as a religious institution, those who attend its services and Bible studies are guaranteed the right to freely exercise their beliefs which is the subject of the next clause:

... or prohibiting the free exercise thereof;

The history of the Free Exercise Clause, in both its original understanding and modern interpretations, reveals two recurring impulses, one giving free exercise a broad scope, the other a narrow scope. The narrower view sometimes collapses free exercise into other constitutional rights—for example, treating religious activity as no more than a variety of speech or expression—whereas the broader view sees the right of choice in religious practice as independently valuable.

¹ *The Heritage Guide to the Constitution*, eds. David F. Forte and Matthew Spalding (Washington, DC: Regnery Publishing, 2005), 302–304.

The weight of the original understanding controverts the narrowest interpretation of the right, that belief alone is protected. At the Founding, as today, “exercise” connoted action, not just internal belief. ... a number of statements from ... leading figures support the broader view—from James Madison’s statement that religion includes “the manner of discharging” duties to God, to William Penn’s statement that “liberty of conscience [means] not only a meer (*sic*) liberty of the mind, in believing or disbelieving ... but the exercise of ourselves in a visible way of worship.”²

“Discharging our duties to God,” and the “exercise of ourselves in a visible way of worship” have to do with production as royal ambassadors. You are free to discuss, outside the confines of the local church, the gospel of Jesus Christ and to engage in theological discussions—from proclaiming “Merry Christmas” to the deep mysteries of New Testament doctrines.

... or abridging the freedom of speech, or of the press;

The Founding generation undoubtedly believed deeply in the freedom of speech and of the press, but then, as now, these general terms were understood quite differently by different people. Many people did not think about their precise meanings until a concrete controversy arose; and when a controversy did arise, the analysis was often influenced by people’s political interests as much as by their honest constitutional understanding.

Today’s free speech and free press law is not much influenced by original meaning. It is mostly the creature of the experience and thinking of the twentieth century, as the Court first began to hear a wide range of free speech cases only in the late 1910s. This approach has produced the following free speech rules:

1. As with all the Bill of Rights, the free speech/press guarantee restricts only *government* action, not action by private employers, property owners, householders, churches, universities, and the like.
2. The free speech/press guarantee applies equally to *federal and state governments*, which includes local governments. (p.313)
3. The free speech and the free press clauses have been read as providing essentially equal protection to *speakers and writers* ... regardless of the medium—books, newspapers, movies, the Internet—in which they communicate. (pp. 313–314)
4. The free speech/press guarantee also extends to any conduct that is *conventionally understood as expressive*
5. The free speech/press guarantee extends not just to political speech but also to speech about *religion, science, morality, social conditions, and daily life*, as well as to *art and entertainment*.
6. The free speech/press guarantee extends to all viewpoints, good or evil. There is no exception, for instance, for Communism, Nazism, Islamic radicalism, sexist speech, or “hate speech.” (p. 314)

² Ibid., 307–308.

7. There is, however, a small set of rather narrow *exceptions* to free speech protection: a. Incitement; b. false statements of fact; c. obscenity; d. child pornography; e. threats; f. fighting words; speech owned by others; g. commercial advertising.³ (pp. 314–15)

Freedom of speech applies to the expression of beliefs based on pastoral expositions of Scripture from the pulpit of a local church and communicated by means of public address systems, live and streamed Internet broadcasts, MP3, CD, DVD, and audiotape recordings. Freedom of the press applies to the publication of the Bible, books on biblical subjects, doctrines, and beliefs, Class Notes, Lesson Notes, and Internet Web pages.

³ Ibid., 313–15.