

The Bill of Rights Wronged

R. Joseph Reece

7JUL04

The Bill of Rights Wronged

R. Joseph Reece

In 1787, a full 11 years after the United States declared its independence from England, this infant of a government adopted the U.S. Constitution. These two sheets of paper and ink were not carelessly thrown together, but rather carefully constructed with an eye to future generations: Generations that, to this day, follow it as the rule of law.

But many today look at this Constitution as a 'Living and breathing document; ever-changing'. This way of thinking could have very detrimental effects on the future of this country. The forefathers anticipated this and allowed for Amendments: Amendments that would make it difficult, if not impossible to change the meaning of the Constitution. Though, many still try.

Daily, there are heated debates about some of the Amendments that have been in place for literally hundreds of years. The main debates seem to surround the first two Amendments. To push their own agenda, many groups try and reword these to their own liking, or try to abolish them all together. These, along with all the Amendments, were written for specific reasons. We must remember why they were added to understand their true meanings.

The very first addition to the U.S. Constitution, the 1st Amendment, was written for specific reasons: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.*

There is nothing in the 1st Amendment speaking of the ‘Separation of Church and State’. The Forefathers wrote this Amendment to describe that the government could not control the ‘church’ or vice-versa. This was put in place after the ‘Church’ was a deciding factor in all governmental decisions in England. This part of the 1st Amendment prohibits that, and means nothing else. If it meant any other, “In God We Trust” would not be on our money. A Holy Bible would not be used in court settings (Do you swear to tell the truth, the whole truth, and nothing but the truth, So Help You, God? (While the right hand is raised and left hand is on the Bible)). This has been in place for over two hundred years. It has only been, recently, that a minority of people have decided that all references to God or religion should be removed from all forms of government. In a sense, changing the Constitution without an Amendment.

The freedom of speech does have its limits. The example used for decades speaks about ‘yelling fire in a crowded theater’. In layman’s terms, no speech that could lead to harm or death of others: Hate speech is an example of this limitation. But this does not allow one to say abusive, derogatory, inflammatory, or obscene language in a free public setting. The FCC had loosened the restraints of its guidelines for many recent years. Now that the commission has decided to retighten these guidelines, it is being portrayed as restricting the 1st Amendment. This could not be further from the truth. There is an outlet

in the means of ‘pay broadcasting’ that would keep unwilling listeners or viewers away from this type of broadcasting, while allowing it to air to those paying for and wanting it.

The freedom of speech was written assuring the people that their voice would be heard, and no harm would come to them when they speak out against the government. Again, looking back to when this Amendment was written, England did not allow, and would jail those who spoke against the government in public.

The freedom of the press parallels the freedom of speech. It was intended to reassure all that coverage of the government or any public official would not be censored by said person. But the freedom of the press does not include unwanted photographs, or in some cases, stalking by ‘paparazzi’ photographers, infringing on the right to privacy. Cameras in courtrooms, although constitutionally acceptable, it is not required in all cases, and for some trials, should not be allowed. But the press, today, demands that it is ‘their’ right to have all access to a trial, even though these same trials allow reporters in.

The right for people to peacefully assemble is also taken out of context on occasion. Anti-war demonstrations, civil (or equal) rights marches, and also “K.K.K.” rallies (Depending on the message) are all protected under the US Constitution. But when these rallies or marches turn to violence, as is the case with many rallies against the World Trade Organization, all rights to assemble and speech are revoked and it is within the law for law enforcement officials to step in and stop the violence.

Many get hurt in the process, then turn the blame onto law enforcement. There have been cases in this country’s recent history where demonstrators have thrown rocks and molotov cocktails at law personnel, only to accuse the government of restricting their

1st Amendment rights with force. Common sense would tell you not to throw a rock or firebomb at a law enforcement official that is armed with a firearm.

The 1st Amendment gives the citizens of the US great latitude in each individual to execute their 1st Amendment rights. But with this freedom, there are guidelines that must be respected.

Another of the Amendments that has been increasingly under fire is the 2nd Amendment: *A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.*

Because ‘A well regulated militia’ is in the same Amendment with ‘The right of the people to keep and bear arms’, many claim that the forefathers meant that the government should have firearms, but the common person should not. Again, when understanding the 2nd Amendment, one must look back to when and why this Amendment was written. As with the very first three word of the Preamble to the US Constitution (We The People), the Forefathers made it clear when writing the right ‘of the people’ to keep and bear arms.

During the Revolutionary War, the main battle group fighting for independence were farmers, hunters, and other colonists. There was no Army, building its force to battle the British. These people would never have been able to accomplish this, had they not had firearms. In England, firearms were only allowed to the military. This was used as control, over the people. This same tactic was used in the 1930’s in Nazi Germany: Remove the weapons, and the people are defenseless.

In keeping with the idea of keeping the government under control, and not become too controlling, the Forefathers added this Amendment to be assured that, not

only would each individual state have a militia (State Nation Guard units), but to allow 'The People' to also keep and bear arms.

Though this might cause some to argue that, due to all having firearms, this nation's violence is increasing. But looking into this, one can see that there are only a very few cases where a legally licensed owner of a firearm has used it in the commission of a crime. Along this line of thinking, it is shown that children who are taught to respect firearms, and are taught how to use them at a young age, are less likely to use firearms during a crime that may be committed, as they have grown.

But again, as with the 1st Amendment, there are limitations to this Amendment. Felons are not to own or possess a firearm. Background checks are to be conducted for all who purchase said firearms. While many demand further restrictions on this right, if the laws in place today were enforced, firearm violence would more than likely decrease. Banning firearms (changing the US Constitution) is not the answer to crimes committed with firearms, but enforcing punishment for those illegally using or possessing said firearms must be the logical solution.

'We The People' must stand back and realize what our Forefathers were meaning when they put pen to paper and wrote one of the greatest documents of all time. In doing this, the future of this great country will have the ability to survive any situation that must be dealt with; domestically or abroad.