

Application of the First Amendment: “or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”: Protects Church Attendance, Freedom of Movement & Appeals for Justice; Black’s Opinion in “Everson”; the Misuse of Freedom: the Veil of Evil, 1 Pet 2:16a

... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Under modern Supreme Court jurisprudence, the right to petition and the right of peaceable assembly have been almost completely collapsed into freedom of speech. Yet an analysis of the text and background of the First Amendment suggests that the petition and assembly rights have independent scope.

Before it was explicitly recognized in the Constitution, the right to petition had a long-standing Anglo-American pedigree as a right independent of general free speech and press rights. The Magna Carta first formally recognized the right to petition the king. Initially, the right applied only to certain nobles. In 1669, Parliament recognized the right of every British subject to petition Parliament.

By the late seventeenth century, petitions were the public’s primary means of communicating with government officials and were directed to all levels of government. (p. 316)

In 1774, the Declaration and Resolves of the First Continental Congress proclaimed that the colonists “have the right peaceably to assemble, consider of their grievances, and petition the king ...” The emphasis on the government’s lack of power to punish a citizen for petitioning made the right to petition more robust in the revolutionary era than the more general right to freedom of speech. (pp. 316–17)

When considering the Bill of Rights, Congress approved the right to petition with little controversy. The right to assembly was somewhat more controversial. Representative Theodore Sedgwick [F-MA] moved to strike the words “to assemble, and” from what became the First Amendment. He believed the words to be unnecessary surplusage. He argued, “If people freely converse together, they must assemble for that purpose; it is a self-evident, unalienable right which the people possess; it is certainly a thing that never would be called in question.” Sedgwick lost, however, in part because many believed that the right of the people to assemble encompassed the right to assemble in a constitutional convention and change the structure of government, a right in fact established in the Constitution itself in Article V.¹ (p. 317)

The freedom of assembly also involves the freedom of movement. You are able to assemble here at your choosing because there are no restrictions upon your right to travel. Between the time of our purchase of this property and breaking ground for our church building the City and County of St. Charles tried to impose property tax on the church, contending that we could very well choose not to build but rather sell the property and potentially gain a profit thus depriving them of several years of property tax.

¹ Ibid., 316–17.

Our treasurer, Dan Hunt, petitioned the city and the county with our grievance and won a two-year reprieve from paying property tax after which the issue would be revisited. We were able to start construction within that two-year window.

The Bill of Rights has been tampered with quite a bit by the machinations of a number of Supreme Court decisions. One of the most egregious was the insertion into the clear statement of the First Amendment the concept of separation of church and state.

The concept of separation did not originate in the Constitution but from the Supreme Court decision in *Everson v. Board of Education of the Township of Ewing*, 330 U.S. 1 (1947). Here is an excerpt from the majority opinion written by Justice Hugo LaFayette Black [D-AL]:

No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the federal government can, openly or secretly, participate in the affairs of any religious organizations or groups, and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and State."²

Justice Black's opinion in the case has set precedence that now has case-law roots but in doing so has left all religions with a loophole that prevents any governmental censure with his statement, "No person can be punished for entertaining or professing religious beliefs or disbeliefs."

Presently, citizens of the United States are free men who operate in a "state of freedom." Freedom's foundation is a system of authority which protects it from either anarchy or tyranny. In this state of freedom the believer is free to function under grace in the two royal commissions of priest and ambassador.

Whenever freedom is abused by either rejection of authority or abuse of authority then the client nation enters into a historical downtrend.

1 Peter 2:16 - Act as men in a state of freedom, and do not use your freedom [ἐλευθερία, *eleutheria*] as a covering [ἐπικάλυμμα, *epikalumma*] for evil, but use it as bondslaves of God.

The next clause is introduced by the negative conjunction **μή, mē**, translated *not*. It is followed by the present active participle of the verb **ἔγω, egō** translated *using*, translated, "... and not using."

The direct object of the verb is the feminine gender of the noun **ἐλευθερία, eleutheria**: the freedom that results from orienting and adjusting to the system that supports it and therefore refers to the experience the believer enjoys inside the envelope of freedom.

Eleutheria refers to the "environment of freedom" in which those who are citizens of its client nation enjoy. The feminine gender indicates that the believer's status inside this environment requires him to submit to the system of authority that supports, defends, and sustains it.

²http://www.law.cornell.edu/supct/html/historics/USSC_CR_0330_0001_ZO.html

The negative *mē* sets up a prohibition against using this freedom as a “covering for evil.” The word *covering* is the noun **ἐπικάλυμμα, epikalumma**: “covering, veil, pretext, or rationalization.”

The word *veil* is an interesting choice of words. A veil covers one’s face which is the outside display of the soul’s disposition. If a person’s face is veiled then it is difficult to discern his evil schemes. The concept in this verse is to never use the environment of freedom to produce evil acts.

The word for *evil* is the noun **κακία, kakia** and it refers to manifestations of wickedness. An example would be religion. We have just examined from our nation’s Bill of Rights how religious speech and press, freedom of assembly, and free exercise put the believer in an environment whereby he can grow in grace and with biblical wisdom become a professional priest and ambassador in his service to God.

But many use their freedom to sell the Word of God through broadcast hawking of their merchandise that is not only sold at a profit but worse contains false doctrine. This clause forbids this: “... not using your environment of freedom as a veil for evil function.”