

## **First Amendment Misinterpreted**

US Constitution used to abuse children

First Amendment:

"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."

## **First Amendment Misinterpreted**

Due to recent controversy concerning religious rights and law it might be helpful to review the historical background of the United States' Constitution in order to correctly understand the proper meaning of the First Amendment re: religious freedom, it appears the passage of time has contributed to the loss of its original meaning and intent.

When the thirteen colonies revolted against England, it was due to the fact that the colonists were not being treated as free men. Whereas most people today are aware of the economic and military oppression of the American colonists, many, it seems, have forgotten the element of religious oppression that was also experienced by Americans.

Patrick Henry once saw a man whipped so mercilessly that he later died. That man was a preacher who refused to buy a license to preach. William Penn was once on trial for his life because of disagreeing with the doctrine of the Church of England.

Religious freedom for individuals was what was on the minds of the early Americans as they drafted the Constitution and its First Amendment, not organizational religious freedom. The religious establishment back then had a very significant difference between then and now. Most countries today enjoy a condition of relative religious tolerance. Where there are established churches there is usually freedom of religion for other beliefs as well. Two hundred years ago established churches were not at all tolerant of those who differed. The pages of history are filled to overflowing with the details of religious tyranny and persecution. The doctrine of the established church was part of the law of the land. Disagreement with that doctrine was a crime and was punishable even to death.

While the Anglican Church continues as the established church in England, what religion became established in the United States? None, of course. Why? Because the First Amendment prohibited Congress from making any law respecting an establishment of religion.

When it is realized that only a state-sanctioned church can be properly called an establishment, and when it is noted that the United States has no religious establishment according to the proper meaning of the term, then it becomes clear that the First Amendment would have to be totally unnecessary. How could Congress make any law respecting religious establishment (to regulate or interfere) when there is no religious establishment anywhere in the United States to be interfered with?

When secular courts treat all religious organizations as establishments of religion free from governmental regulation, they create serious inconsistencies in law, they allow inalienable rights to be alienated from American citizens.

In effect, whereas Congress has not made, nor can it make any law which establishes a religious organization to be the official state church the courts have made law which makes all religions official. All religions have state sanction to mistreat their own members much like the medieval churches did to their members except they are not allowed to bum them at the stake or otherwise execute them for exercising their consciences. On the other hand they can express church sanctions that destroy families, punish the innocent, and exercise absolute control over their members.

When courts allow religious organizations, to violate what is normally the law of the land, by violating civil liberties and denying natural justice to others, they are parties to these illegal activities. They aid and abet.

It must be remembered that when courts place their seals on corporation charters, they do so after inspecting them to see whether or not they comply with the law. If someone wanted to register a charter with purposes similar to those of a religion, to preach and teach the Bible, etc., etc., but include the notice that he would

endeavor to fulfill these goals by fraud, deception and the suppression of civil liberties and natural justice, what court of law anywhere on this earth, let alone the United States, would authorize such a charter?

Therefore the context of "clergy penitent privilege" when it comes in conflict with state laws regarding reporting would have no bearing if it obstructed justice. It might be compared to Enron as a corporate entity. If the CEO of Enron was discovered to not be reporting key managers within his company who were molesting children, when the matter was discovered he would have been led away in chains. Yet when a key Cardinal of a Catholic Diocese is discovered to have committed similar actions he is simply asked to resign and kept on company payroll. There is a distinct inconsistency in an area of law where there should be none. It is the rights of the child as an "entity" that should supercede the rights of a religion as an "entity" to break the law and not report the crime of abuse that endangers the innocent.

When religion takes the rights of the individual away using the First Amendment as a basis, it is a compromise of the very reason the First Amendment was written to begin with. The First Amendment was written to protect the rights of the people not to protect the rights of a religion to oppress the people. Freedom from religious oppression was the reason for many coming to this country and now we find that religion has in effect gotten the upper hand by twisting the United States Constitution into something it was never meant to be. If NAMBLA (North American Man Boy Love Association) were to simply reorganize themselves as a religion then they would have the same usage of "clergy penitent privilege" backed by the twisted use of the United States Constitution as a lawful basis to defend not reporting confessed child molesters within their organization.

Therefore to correct this misuse of law all crimes otherwise required to be reported by any citizen should have the same application when it comes to a religious context. Any religion that suppresses the obeying of civil liberties and natural justice should face the same penalties in the courts as any "entity" that commits similar actions. It is only then the United States Constitution will fulfill its intended purpose, that is, to protect the individual freedom of each citizen.