

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

LIBERTY & INDEPENDENCE

LESSON 07 SESSION 02

7.5 Personal liberty

7.5.1 Freedom of action. — Every citizen is on an equal footing as to privileges and opportunity. Any denial of such rights results from either the limited ability of the individual to take full advantage of opportunity, or because of prejudices in no way a part of the ruling law of our land.

Born free citizens, or acquiring that right through naturalization, we have full freedom of action — without infringement upon the rights of others — to reside or travel at home or abroad under the protection and with all privileges accorded by our Government, regardless of race, color, religion, or social station.

Full opportunity is here given to every citizen to work out his own ideals and ideas. To the native born this privilege is accepted as a matter of no great significance, for he is wholly unfamiliar with the laws, traditions, and customs that direct and restrict individual action of citizens in foreign countries. The American citizen frequently changes his occupation. His very liberty keeps him on the alert for an opportunity to better his financial or social status. The change is one of occupation, not of personality; his pride and self-respect are not involved.

7.6 Religious liberty

No greater liberty was ever conferred on a people than that of freedom to worship according to the dictates of one's own conscience.

The first amendment to the Constitution declares that "Congress shall make no law respecting an establishment of religion or prohibit the free exercise thereof."

All persons have the privilege to entertain any religious belief, practice any religious rite, teach any religious doctrine, which is not subversive of morality and does not interfere with the personal rights of others.

However, this liberty can not be "invoked as a protection against legislation for the punishment of acts inimical to the peace, good order, and morals of society," because professed doctrines of religious belief are not superior to the laws of the land. No person is permitted to become a law unto himself, nor may he in the name of religion, or through a religious ceremony, violate the law.

Religious liberty does not include the right to introduce and carry out every scheme or purpose which persons see fit to claim as a part of their religious system. While there is no legal authority to constrain belief, no one can lawfully stretch his own liberty of action so as to interfere with that of his neighbors or violate peace or good order. — *United States Supreme Court*.

Laws are made for the government of actions, and while they can not interfere with mere religious beliefs and opinions, they may with practices. — *United States Supreme Court*.

7.6.1 Separation of church and state.

The separation of church and state is a fundamental principle of American Government. Neither is permitted to dictate to or exercise power over the other. In no other way can religious liberty be preserved.

7.6.2 Religion and national defense.

There is no place for the doctrine of "non-cooperation." Religious beliefs will not excuse any citizen from rendering service in the defense of the country, although Congress has power at its discretion to exempt him.

7.7 Freedom of speech and press

The right to act, to think, to speak, to print, is the surest way to protect the liberties, and continue the full measure of independence which America so richly possesses. In these rights lies the means of creating a public opinion representative of the entire Nation. This liberty is indispensable to further social, economic, and political development. Clash of opinions creates interest and thought on all public questions. A realization of the force of public opinion expressed by the ballot, awakens a sense of responsibility that compels the best minds to give careful study to any subject that vitally concerns our Nation. Through the present means of communication, the people are daily informed in every matter of national or international import.

7.7.1 Abuses.

This privilege does not permit the publication of libels or other matter injurious to public morals or private reputation. Like all liberties granted under the broad principles of the Constitution, these rights are abused to the detriment of the best interests of the people.

7.7.2 Propaganda.

Propaganda floods our country from every conceivable source. Active and vociferous agencies have been organized for the express purpose of advancing doctrines absolutely not in accord with the fixed principles of our Nation.

In the most persistent manner they seek to tear down rather than build, to destroy rather than improve. One of their most subtly dangerous features is that it is so camouflaged as to make it appear to have an innocent purpose.

To prevent such activities during the World War, Congress found it necessary to pass the espionage act of 1917 for the safety of the State and the successful outcome of the struggle.

We carefully supervise every agency whose business may in any degree affect the physical health of our people. Equal care should be exercised over all agencies which in any manner may affect our social, economic, or political life.

7.7.3 Restriction of abuses.

There is no law in any state or nation that prohibits freedom of speech or press, but there are laws against the abuse of this right. Restrictions may be necessary for the preservation of public order and the protection of the State. While Congress is forbidden by the Constitution to abridge the freedom of speech or the press, the punishment of those who violate every principle of loyalty and patriotism modifies in no manner the constitutional provision. The law punishes because of the crime against the country and its citizens.

The first amendment "cannot have been, and obviously was not, intended to give immunity for every possible use of language." — *Justice Holmes*.

Blackstone's maxims, which help to interpret the present limitation on speech and press:

- (1) Between public and private rights, the public rights must prevail.
- (2) Liberty to all, but preference to none.
- (3) Those offenses should be most severely punished which are most difficult to guard against.

7.8 **Economic liberty**

7.8.1 Property rights safeguarded.

Under no other government are property rights of the individual so provided with safeguards for their full protection. Property is at the base of civilization. Without incentive of right to its private possession and full protection against confiscation no progress would be made in material betterment.

Economic liberty, the power of initiative, and the protection of property rights have developed a philosophy of life peculiar to America — the "dignity of work." Every American is expected to be a worker.

Based upon the constitutional assurance of the security of property, finance and labor have joined in the creation of industry, making America the richest nation in the world. Her wealth has been distributed to the enrichment of her entire population.

7.9 Political liberty

7.9.1 Equal participation.

The list of public-office holders in city, State, and Nation reveals the measure of political liberty granted in America. There are found representatives of practically every race in the world. They have been elected by the people as their able and honorable representatives.

Every citizen enjoys the protection and benefits of our municipal, State, and National Governments.

Any suggestion of racial or religious differences is frowned upon. It is the sincere wish of the majority that tolerance and understanding weld our people of all nationalities into a social, economic, and political unity for the purpose of developing a strong national character and a race of men and women whose ideals and attainments shall be an inspiration and help to the peoples of all the earth.

The greatest degree of political liberty is secured by wise laws properly enforced. Anarchy destroys liberty because it is lawlessness and confusion, and utter disregard of all government.

7.10 Safeguards to our liberties

By clinging to the ideas and ideals which animated the framers of the Declaration of Independence, we can assure not only peace within, but national security and respect from other nations.

When we fail to adequately comprehend the principles incident to our Government, its fundamental ideals which have made our Government, the United States of America faces anarchy and destruction.

Let our object be our country, our whole country, and nothing but our country, and by the blessing of God may that country itself become a vast and splendid monument, not of oppression and terror, but of wisdom, of peace, and of liberty, upon which the world may gaze with admiration forever. — *Webster*,