

The Saga of Religious Freedom: The Aitken Bible: Robert Aitken Petitions Congress for Permission to Publish an English Bible; Endorsed and Published in 1782; the First Amendment: Establishment, Free Exercise, Speech, Press, Assembly, & Redress of Grievances Clauses; Grace Doctrine Church's Walk of Honor: Jeffrey Underwood, USA

THE AITKEN BIBLE:

Before the War for Independence, Bibles were imported into the colonies from England. Once the war started the supply of Bibles dramatically diminished to such a degree that pastors initiated a campaign to address the issue. Congress was petitioned by the clergy to address the issue but it only responded with a petition in favor of the idea but it was not accompanied by funding.

In 1781, Robert Aitken \āt'-ken\ (1734–1802), owner of a bookstore and printing firm in Philadelphia, offered to print for distribution a translation of the Bible which he had recently completed.

Congress assigned the congressional chaplains to examine Aitken's translation for accuracy. The task was given to Rev. William White of Christ Church and Rev. George Duffield of the Third Presbyterian Church. Their subsequent approval led to congressional approval for the Bible to be published but Congress again provided no funding.

The Pennsylvania legislature loaned Aitken the money to publish 10,000 copies. Its distribution began in 1782. Here is the exchange of letters between Mr. Aitken and Congress:

Aitken's Petition to Congress, January 21, 1781:

That in every well regulated Government in Christendom The Sacred Books of the Old and New Testament, commonly called the Holy Bible, are printed and published under the Authority of the Sovereign Powers, in order to prevent the fatal confusion that would arise, and the alarming Injuries the Christian Faith might suffer from the spurious and erroneous Editions of Divine Revelation. That your Memorialist has no doubt but this work is an Object worthy of the attention of The Congress of the United States of America, who will not neglect spiritual security, while they are virtuously contending for temporal blessings. (231, 234)

Under this persuasion your Memorialist begs leave to inform your Honours that he both begun and made considerable progress in a neat Edition of the Holy Scriptures for the use of schools, But being cautious of suffering his copy of the Bible to Issue forth without the sanction of Congress, Humbly prays that your Honours would take this important matter into serious consideration and would be pleased to appoint one Member or Members of your Honourable Body to inspect his work so that the same may be published under the Authority of Congress.

And, further, your Memorialist prays, that he may be Commissioned or otherwise appointed & Authorized to print and vend Editions of, the Sacred Scriptures, in such manner and form as may best suit the wants and demands of the good people of these States, provided the same be in all things perfectly consonant to the Scriptures as heretofore Established and received amongst us. —Robt Aitken (pp. 234–35)

Congressional Endorsement, September 12, 1782:

The committee, consisting of Mr. James Duane, Mr. Thomas McKean and Mr. John Witherspoon, to whom was referred a memorial of Robert Aitken, printer, dated 21 January 1781, respecting an edition of the holy scriptures, report,

That Mr. Aitken has at a great expense now finished an American edition of the holy scriptures in English; that the committee have, from time to time, attended to his progress in the work: that they also recommended it to the two chaplains of Congress to examine and give their opinion of the execution, who have accordingly reported thereon:

The recommendation and report being as follows:

PHILADELPHIA, 1 September, 1782



Rev. Gentlemen, Our knowledge of your piety and public spirit leads us without apology to recommend to your particular attention the edition of the holy scriptures publishing by Mr. Aitken. He undertook this expensive work at a time, when from the circumstances of the war, an English edition of the Bible could not be imported, nor any opinion formed how long the obstruction might continue. On this account particularly he deserves applause and encouragement. We therefore wish you, reverend gentlemen, to examine the execution of the work, and if approved, to give it the sanction of your judgment and the weight of your recommendation. We are with very great respect, your most obedient humble servants. —James Duane, Chairman, In behalf of a committee of Congress on Mr. Aitken's memorial. Rev. Dr. White and Rev. Mr. Guffield, chaplains of the United States in Congress assembled. (p. 234)

REPORT

Gentlemen, Agreeably to your desire, we have paid attention to Mr. Robert Aitken's impression of the holy scriptures, of the old and new testament. Having selected and examined a variety of passages throughout the work, we are of opinion, that it is executed with great accuracy as to the sense, and with as few grammatical and typographical errors as could be expected in an undertaking of such magnitude.

Being ourselves witnesses of the demand for this invaluable book, we rejoice in the present prospect of a supply, hoping that it will prove as advantageous as it is honorable to the gentleman, who has exerted himself to furnish it at the evident risk of private fortune. We are, gentlemen, your very respectful and humble servants. —William White, George Duffield. Philadelphia, September 10, 1782. (pp. 234–35)

The Congressional Endorsement, September 12, 1782:

Whereupon, Resolved, That the United States in congress assembled, highly approve the pious and laudable undertaking of Mr. Aitken, as subservient to the interest of religion as well as an instance of the progress of arts in this country, and being satisfied from the above report of his care and accuracy in the execution of the work, they recommend this edition of the Bible to the inhabitants of the United States, and hereby authorize him to publish this recommendation in the manner he shall think proper.¹ (p. 235)

It is evident from this report on the publication of the first English language Bible in the United States that Congress did not find the appeal for its approval to be out of its jurisdiction. The request by Mr. Aitken indicated his desire to receive the approval of his translation and publication by citizens of the several States by their representatives in Congress. Those representatives were assembled under the Articles of Confederation.

Victory over the British at Yorktown, Virginia, on October 19, 1781, assured independence for the colonies. The government that was established granted primary authority to the separate states in a loose confederation that by 1786 had proved to be weak in international affairs, unable to collect taxes to pay foreign creditors, and vulnerable to the dangers of minority rule.

The decision was made to form a constitutional convention to develop a new form of government. The convention met at Philadelphia in what is now known as Independence Hall from May 25 through September 17, 1787 when on the latter the document was completed. It was sent out to the several states for ratification:

With the ratification of the ninth state—New Hampshire, on June 21, 1788—Congress passed a resolution to make the new Constitution operative, and set dates for choosing presidential electors and the opening session of the new Congress.

¹ *The Sacred Rights of Conscience*, 231, 234–35.

There had been some discussion among the delegates of the need for a bill of rights, a proposal that was rejected by the Convention. The lack of a bill of rights like that found in most state constitutions, however, became a rallying cry for the Anti-Federalists, and the advocates of the Constitution (led by James Madison) agreed to add one in the first session of Congress. Ratified on December 15, 1791, the first ten amendments—called the Bill of Rights—include sweeping restrictions on the federal government and its ability to limit certain fundamental rights and procedural matters. The Ninth and Tenth Amendments briefly encapsulate the twofold theory of the Constitution: the purpose of the Constitution is to protect *rights*, which stem not from the government but from the people themselves; and the powers of the national government are limited to only those delegated to it by the Constitution on behalf of the people.²

Of the ten amendments contained in the Bill of Rights, the most important is that which is mentioned first. It is the rock upon which our nation's survival has and will ever depend.

THE 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.

An excellent analysis of the First Amendment is provided in the 2005 publication, *The Heritage Guide to the Constitution*, released by The Heritage Foundation. It takes each clause of the amendment and analyzes its original intent and application.

Congress shall make no law respecting the establishment of religion ...

In recent years the Supreme Court has placed the Establishment and the 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.”³

The opening phrase was designed to prevent the organization of a national religion. Several of the states already had established churches. As the verbiage was debated a number of constructions were considered but the final decision is the one just noted. The original intent of the clause and the subsequent opinion of the Supreme Court came into conflict when the Court inserted the idea of separation of church and state.

Even before the incorporation of the religion clauses and without intervention by the federal courts, religious freedom and tolerance had spread throughout the United States. The framework established by the Constitution made it possible for religious minorities to gain protection through political representation.

² Matthew Spalding, “The Formation of the Constitution,” in *The Heritage Guide to the Constitution*, eds. David F. Forte and Matthew Spalding (Washington, DC: Regnery Publishing, 2005), 10.

³ John Baker, “Establishment of Religion,” *The Heritage Guide to the Constitution*, 302–303.

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. Nonetheless, when it came time to speak upon the matter, the Supreme Court preferred to base its conception of the original understanding of the clause on its interpretation of a phrase from a letter by Thomas Jefferson to the Danbury Baptist Association of Connecticut (1802). Although he had been in France during the Constitutional Convention, Jefferson's metaphor of a "wall of separation" was interpreted by the Court as the authoritative statement of a "high and impregnable" barrier between church and state, even though this was itself an expansion beyond Jefferson's own meaning and practice.⁴

Notwithstanding the historians' doubts, the Supreme Court has firmly adhered to the incorporation of the Establishment of Religion Clause against the states.⁵ As a result of the incorporation of the Religion Clause into the Fourteenth Amendment, almost all of the federal cases compelling "separation of church and state" have been applied to state laws.

... or prohibiting the free exercise thereof;

In its first interpretation of the Free Exercise of Religion Clause, *Reynolds v. United States* (1879), the Supreme Court confronted a federal law banning polygamy in the territories, thereby limiting the practice then required by the Mormon religion. The Court adopted the narrower reading of the right, protecting belief only and not action, relying on Jefferson's letter to the Danbury Baptists. Since then, however, the Court has ruled more frequently in line with the original meaning, protecting religiously motivated actions such as proselytization, refusing to work on one's Sabbath, choosing the education of one's children, and sacrificing animals at a worship service.

Because it is now accepted that the Free Exercise of Religion Clause protects religiously motivated conduct as well as belief, the most important modern issue has been whether the protection only runs against laws that target religion itself for restriction, or more broadly, whether the clause sometimes requires an exemption from a generally applicable law.

⁴ "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. The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach (Hugo L. Black, "Majority Opinion," *Everson v. Board of Education*, 330 U.S. 1).

⁵ The doctrine of selective incorporation, or simply the incorporation doctrine, makes the first ten amendments to the Constitution—known as the Bill of Rights—binding on the states. Through incorporation, state governments largely are held to the same standards as the federal government with regard to many constitutional rights, including the First Amendment freedoms of speech, religion, and assembly, and the separation of church and state; the Fourth Amendment freedoms from unwarranted arrest and unreasonable SEARCHES AND SEIZURES; the FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION; and the Sixth Amendment right to a speedy, fair, and public trial. Some provisions of the Bill of Rights—including the requirement of indictment by a Grand Jury (Sixth Amendment) and the right to a jury trial in civil cases (Seventh Amendment)—have not been applied to the states through the incorporation doctrine., ([http://legal-dictionary.thefreedictionary.com/Incorporation+\(Bill+of+Rights\)](http://legal-dictionary.thefreedictionary.com/Incorporation+(Bill+of+Rights))).

This issue therefore requires examination of the legal background and the Founding generation's attitude toward conflicts between law and religious conscience. By 1789, all but one of the states had free-exercise-type provisions in their constitutions. Many of these state grants of religious freedom included provisos that such freedom would not justify, or could be denied for, practices that "disturb[ed] the public peace" or were "inconsistent with the peace and safety of the State."⁶

Free exercise related to personal belief is protected, but the expansion of belief into practice introduces complicated issues that must be handled on a case-by-case basis.

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

The discussions among the Founders regarding these two freedoms are quite limited. Consequently, the interpretation of the parameters of both has been developed over the centuries by various Court decisions.

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 understandings.

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 of 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. As with most of the Bill of Rights, the free speech/press guarantee applies equally to *federal* and *state governments*, which includes local governments as well as all branches of each government.
3. The free speech and the free press clauses have been read as providing essentially equal protection to *speakers and writers*, whether or not they are members of the institutional press, and largely regardless of the medium—books, newspapers, movies, the Internet—in which they communicate
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," whatever that rather vague term may mean. Under the First Amendment there is no such thing as a false idea.
7. There is, however, a small set of rather narrow *exceptions* to free speech protection: a. *Incitement*: if it is (i) intended to persuade people to engage in (ii) *imminent* unlawful conduct. b. *False statements of fact* if they are knowing lies. c. *Obscenity*: Hard-core pornography. d. *Child pornography*: the exception only covers cases where actual children were indeed involved. e. *Threats*. f. *Fighting words*: Face-to-face insults that are addressed to a particular person and are likely to cause an imminent fight. g. *Speech owned by others*: Intellectual property laws, such as copyright law.

⁶ Thomas Berg, "Free Exercise of Religion," in *The Heritage Guide to the Constitution*, 308.

This discussion suggests how complex the law is, but while some of the complexity may be needless, much of it is inevitable. Communication is in many ways the most complicated of human activities, and no simple rule can properly deal with all the different kinds of harms that it can cause—or all the different kinds of harms that restricting communication can cause.⁷

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

In 1774, the Declaration and Resolves of the First Continental Congress proclaimed that the colonists “have a 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.

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 moved to strike the words “to assemble and” from what became the First Amendment. 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.

The Supreme Court confronted the right to petition and its cognate, the right to assembly, in *United States v. Cruikshank* (1876), declaring that the right was “an attribute of national citizenship.

The rights to petition and to peaceable assembly were also crucial in persuading the Supreme Court to hold that the First Amendment implicitly contains a right to expressive association, that is, a right to associate to engage in the activities protected by the First Amendment. The right of expressive association protected civil rights protesters from hostile state action in the 1950s and 1960s, and, after the Court’s 2000 decision in *Boy Scouts of America v. Dale*, also protects private groups that wish to promote traditional ideals and values. To a large extent, then, the rights to petition and peaceable assembly have found their modern home in the right to expressive association.⁸

The rights that are contained in the First Amendment insure the safety of our congregation to meet on a regular basis. On the outside back cover of *Forty Proclamations: The Theology of Grace Doctrine Church*, there is a synopsis of how important and imperative the First Amendment is to our privilege to worship God and our Savior Jesus Christ through the study of Scripture:

⁷ Eugene Volokh, “Freedom of Speech and of the Press,” in *The Heritage Guide to the Constitution*, 313–15.

⁸ David Bernstein, “Freedom of Assembly and Petition,” in *The Heritage Guide to the Constitution*, 316–18.

The foundation of all cultures is a central belief system that unites disparate individuals into a harmonious commonwealth. Although the United States is not a Christian nation, it was founded primarily by Christians who incorporated laws of divine establishment into the Declaration of Independence and the Constitution of the United States. For Christians, the most sacred right contained in the First Amendment is that of free exercise. Ancillary to it are those freedoms that enable a person to grow in grace so he can become a good soldier for Jesus Christ. Freedom of movement facilitates assembly. Freedom of assembly permits church attendance. Freedom of speech allows public exposition of Scripture. Freedom of the press insures the publication and distribution of the Bible and its teachings. Recognizing the importance of a free people having access to the foundational document of the Republic, these State Papers are a part of this publication.⁹

The Veterans that we salute today have gone out and formed a literal FLOT Line that protects our homeland from the attackers – those who conjure to do us harm.

We salute them all for their service to the country: Army, Navy, Air Force, Marines, and Coast Guard. This assemblage of America's Mighty Men has done their duty to guard our freedoms.

We specifically honor those veterans and active duty personnel who have served in the armed forces and are now or have been members of this church.

The Walk of Honor in the front of our church contains the names of these men and women where today there is the addition of Jeffrey M. Underwood, United States Army retired. We gladly add his name to the roster which now contains 51 names.

⁹ *Forty Proclamations: The Theology of Grace Doctrine Church* (St. Charles, MO: Joe Griffin Media Ministries, 2011), outside back cover.