

The Bill of Rights and Freemasonry

Do we, the people of the United States, exist to serve, preserve and defend our government or does our government exist to serve, preserve and defend us, the people? The right answer to this simple question, which any school child knows, is in the last analysis that for which we are fighting, and will fight, no matter how long it takes to bring victory.

Like all citizens, Masons take American fundamental rights and liberties as a matter of course. We have never known any other concept of life. No American citizen living has ever known existence except as guaranteed by the American Bill of Rights — the first ten Amendments to the Constitution — which became part of the fundamental law of our land one hundred fifty-one years ago December 15.

So much ingrained in the very warp and woof of our being, so much a matter of course, so deeply rooted in our consciousness are the principles expressed in the Bill of Rights, that under ordinary circumstances few give thought to them. Now, suddenly, tragically, we are thrust into the greatest conflict a war-torn and weary world has ever known for no other purpose than to preserve that which has been ours so long, so securely, so certainly, that we had forgotten there was ever any other way.

The existence of Freemasonry is guaranteed in the Bill of Rights; take from our Constitution the first phrase in the first Amendment and Freemasonry here, as in dictator-ridden Europe, could disappear in a carnage of murder, the smoke of burning buildings, the torture of leaders.

All the Bill of Rights is vital to the American way of life. But Freemasonry's existence in the United States depends more upon the First, Fourth and Fifth Amendments than the others.

To get a clear picture of the vital importance to the Ancient Craft of those Amendments which guarantee our existence and security, let us read them first as a whole:

THE BILL OF RIGHTS

- I. 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.
- II. 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.
- III. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.
- IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue,

but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

- V. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.
- VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.
- VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.
- VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
- IX. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.
- X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

It is not necessary to define the word *religion* except to note that it has been interpreted here as meaning any manner or method of worship of a Supreme Being which is not in violation of laws made by the people to preserve other liberties. But it is necessary to note that neither in this amendment nor in any, is there, or can there be, *an absolute* right or privilege; all are relative.

Thus, if a number of lunatics declare themselves a church and to possess the right to and did sacrifice a human victim every Sunday, they would be speedily incarcerated because of violation of the laws made and provided for the safety of persons. By no wild stretch of the imagination can laws prohibiting murder be considered as “prohibiting the free exercise” of religion.

Freemasonry is not, *per se*, a religion. It is religion in the abstract, since it inculcates reverence and awe of a Supreme Architect, invokes His blessing, is erected to Him. Congress will make no law respecting the establishment or practice of Freemasonry, as long as Freemasonry

abides by the laws and promotes and defends the other fundamental rights of citizenship expressed in the Bill of Rights.

Congress shall make no law . . . abridging the freedom of speech, or of the press.

Again the prohibition is relative, not absolute. Freedom of speech does not include the right to preach sedition or incite to riot and murder, or to advocate treason or the overthrow of the government by violence. The freedom of speech which the First Amendment guarantees to us extends only to the point which, if exceeded, transgresses other rights. We may not publicly defame our neighbor, nor slander him; we may criticize to our heart's content, either by public speech or publication, so long and only so long as we break no laws which we have made for the greatest good to the greatest number.

Without this guarantee Freemasonry could not live. An agent of a government not restrained from interfering with free speech could visit our lodges, accuse any of us of prohibited speech, and arrest and punishment would follow, just as it has followed in countries in which government by dictator has overcome government by law.

Congress shall make no law abridging . . . the right of the people peaceably to assemble.

In nearly sixteen thousand lodges in the United States, Freemasons peaceably assemble as often as they desire. No police can stop us, no soldier bar our way, no dictator forbid. We live, move, have our being, assemble in lodges, do our work, worship God, disperse when we desire, because and only because a fundamental right was made a part of the fundamental law of the nation.

Congress shall make no law . . . abridging the right of the people to petition the government for a redress of grievances.

It is not a very far-fetched supposition that a political boss, a venal public servant, might pass a municipal law to the effect that no public assembly could be held without payment to that municipal government of a license fee or the special permission of some official. The Supreme Court would hear the petition for a redress of such a grievance and any illegal attempt to forbid the right of the people peaceably to assemble and to hear free speech would be set at naught.

No president, no governor, no national or state legislature may forbid the right of the people peaceably to assemble, and the Government must entertain the petition for a redress of grievance if any official or law making body attempts to abridge that right. Hence our right to assemble in our Temples, hold our meetings, conduct our business, is a guarantee given not by government or by President or other authority, but by fundamental law. As long as the United States is ruled by a sovereign people, this right is ours, unless changed by the will of all of us.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated.

In every country in occupied Europe, Freemasons' homes and temples have been entered, their papers seized, their property confiscated. Where it was done it was not illegal, for the dictator is the law and the only law. He rules by force and only by force.

Here, no police or soldier may enter our lodges against our will; here no Gestapo may seize our records, steal our money, burn our Temples. Our right to be secure in our Temples, our records, our property, is not one that can be given or withheld at the whim of any authority, or the enactment of any legislature. It is a basic stone in the massive structure of liberty, created and maintained by law, which is America.

No person shall be held to answer for a capital or other infamous crime unless upon a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

No civil authority may arrest a Freemason, throw him in jail, punish him in any manner, for being a Freemason. No grand master in the United States could be treated as was Dr. Richard Schlesinger, grand master in Austria; no son of a grand master could here be terribly punished because and only because he was the son of a grand master. In M.W. Ray V. Denslow's (P.G.M. Missouri) splendid 1942 review of *The Masonic World* is the following account, written by the son of Dr. Schlesinger, now a resident of St. Louis:

On March 16, my father and I were arrested by the Gestapo early in the morning — he in his home, I in mine. We were both put in jail. Early in 1938, my father had had a surgical operation and was still in need of surgical care; he lacked this in prison. He was unable to remove his clothes because the cell was so crowded. There was a toilet in his cell but no facilities for keeping clean; the food was terrible and almost nothing. In a few days he collapsed. My mother had died in 1918, and so my wife arranged to find an influential Nazi lawyer who went to see my father (with a Gestapo agent) in his cell; when they saw his pitiful condition they arranged for a high bond and he was brought in a Gestapo ambulance to a hospital but no communication was permitted him with the outside world. An effort to secure a private nurse failed. Even his old family doctor could not visit him. But the physical strain of the prison, his being treated as a criminal and prisoner, the destiny of his beloved country and fraternity, and the ruling of the Gestapo that I must leave the country, broke all the strength there was left in him. He died of pneumonia June 5, 1938. Mrs. Schlesinger rushed to the Gestapo when she found he was about to pass away to secure permission for me to see him. The answer was that she was threatened with prison, too.

I was held in prison from March 16 to May 25, 1938, in a cell made for a single prisoner but which now housed eight others. When I came home I had lost 40 pounds and was infected with a furunculosis due to dirt. There was no investigation — no trial. May 25 I was brought to headquarters where I was told that I had to leave the country in six weeks (later extended to 12 weeks) because Germany could not tolerate a leading Mason with international connections inside Germany. Everything I had was taken from me under the guise of special

emigration taxes' — even my wife's jewelry. I was permitted to take some of my furniture, clothes, shoes, and ten dollars in cash.

It is not easy for me to talk or write of my father's last months. I loved him very much; his was a marvelous personality. He had such a fine character; he was a living example of Masonic ideal. And such an end!

No person shall be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

We invest money in a Masonic Temple; it is ours, remains ours, cannot be taken from us except by legal means. In occupied Europe are hundreds of razed Temples, Temples defiled, Temples confiscated for no other reason than the will and whim of a dictator. Here life, liberty and property — Masons' or any other citizens — is inalienably theirs and cannot be taken from them except by means made and provided in the laws which we make, through our elected representatives.

Again it is emphasized that all human rights are relative, not absolute. One man living alone upon a desert island may be considered to have absolute rights. But if there be two men on that island, each possesses certain human and moral rights inherent in the structure and thinking of man; the right to live without being murdered, for instance. Expand the island to be a continent, increase the people from one to millions, and many laws must be made and enforced to see that none infringe upon the rights of all. Freedom of speech means freedom *within* the laws governing slander, treason, sedition. Freedom from searches and seizures means *except* by the right of a search warrant, or the seizure of stolen property; freedom of religion means religion which does not run contrary to moral and civil law. The right to bear arms is a relative right, not infringed by a police regulation forbidding the carrying of concealed weapons, as it would be if the right were absolute, and so on.

“For God and country” means to Americans what it says; our country is what we have made it, and the Bill of Rights is a fundamental part *of* it.

“For the Fatherhood of God and the Brotherhood of Man” means to Freemasons what it says; our Fraternity is what we have made it, and the Bill of Rights is fundamental to its existence.

Let us, then, as citizens, cherish and know, uphold and appreciate, fight and conquer for the moral, ethical and spiritual values inherent in the Bill of Rights. Let us, then, as Freemasons, lift the hat and bow the head to the wisdom of those who wrote, those who adopted, those who made an integral part of American life as we know it, the Bill of Rights without which this Republic and our Freemasonry could not exist.

[The Masonic Service Association of North America](#)