

# Opinion: The First Amendment

by Perry Lunden

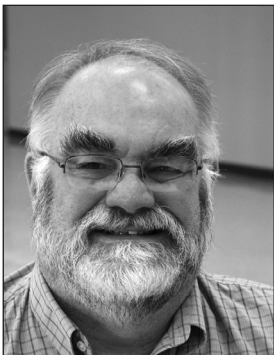
There has been a good deal of attention to our First Amendment rights. Because the current presidential administration is purposefully and strategically attempting to void many of our First Amendment rights, we must understand what is in the First Amendment. The First Amendment (Amendment I) to the United States Constitution prevents Congress from making laws respecting an establishment of religion; prohibiting the free exercise of religion; or abridging the freedom of speech, the freedom of the press, the freedom of assembly, or the right to petition the government for redress of grievances. Everything contained in this amendment is under assault by the current Trump administration.

The founding fathers were escaping religious tyranny in their country of origin. They wanted to establish a nation that respected the rights of the individual to be religious in any manner they chose, whether that be Christian, Jewish, Muslim, any other form of religious conviction, or not to be religious. We now have a small minority, most notably Christian Nationalists, attempting to impose their somewhat brazen religious viewpoints on most of the population. They somehow believe, totally invalidated by our founding documents, that this nation was formed to be a Christian nation. Not only a Christian nation but one that uses their narrow and extreme religious beliefs at the basis for national governance.

Freedom of speech is an area the Trump administration wants to most damage. Freedom of speech is one of the hallmarks of why this country was so revered for decades by other nations attempting to establish a government by, for, and of the people. The current administration would like to see extreme restrictions placed on how the people freely express themselves and only allow speech that reflects positively on the policies, legislation, and edicts put forth by the current administration. How they accomplish this muzzling of the public will be a very interesting process.

The current administration would like to fully control all forms of media communications with the public to facilitate their lies, deception, misinformation, and propaganda designed to subjugate and control the population. They will use various methods to restrict the media, including bogus lawsuits, seizure of broadcast licenses, IRS audits, Department of Justice investigations, and anything else that upends the freedom of the press.

The administration has not yet forcefully restricted the freedom of assembly.

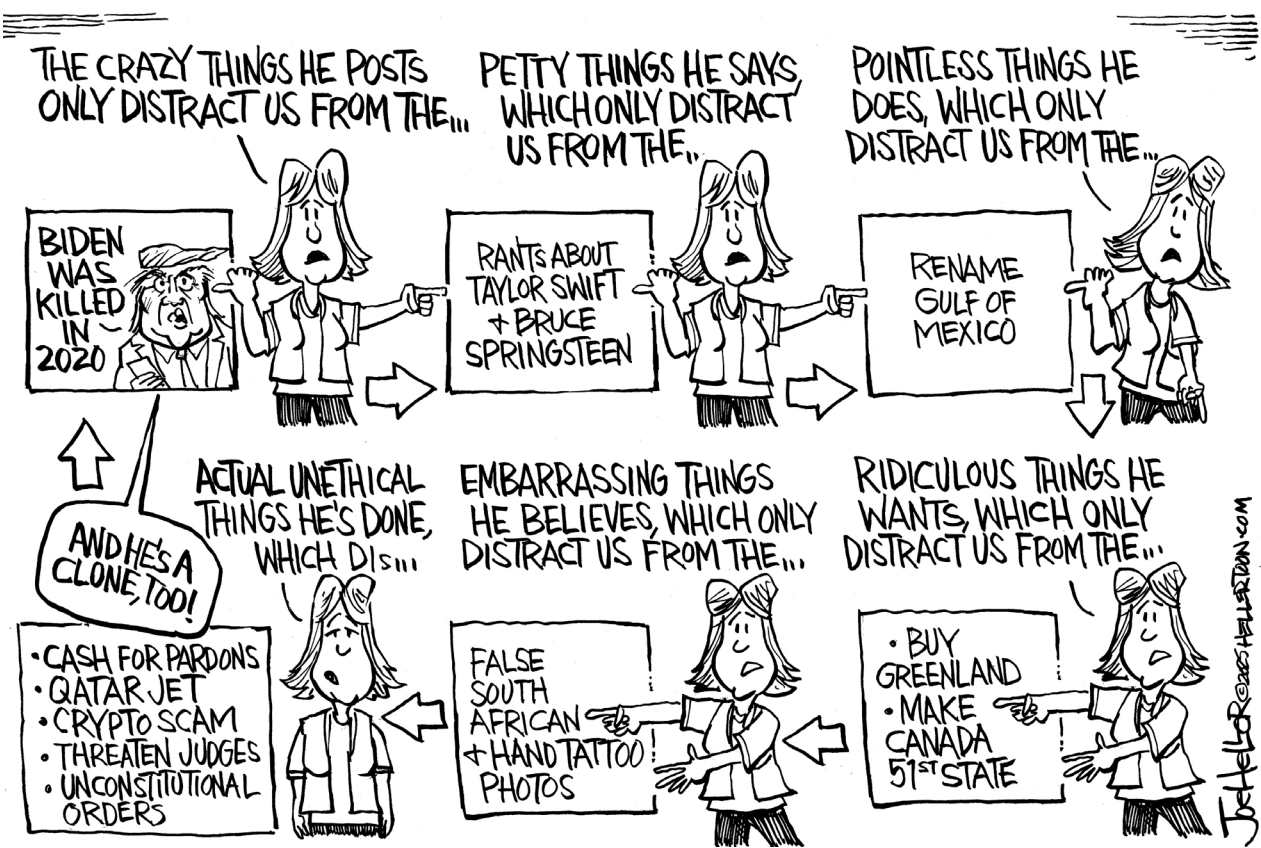


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There have been massive protests held throughout the country, and more have been planned, most notably the June 14th No Kings protest, which will coincide with a grandiose military parade being held in Washington, DC. It could prove interesting, and possibly volatile, to have a huge No Kings protest in Washington, DC, as the military parade is taking place. Freedom of assembly, truly despised by Trump administration, will be tested a good deal on June 14th. It will reach a point, providing the protest remains a persistent irritant across the country, that law enforcement or the military will be called upon to stop the protest in clear violation of the freedom to assemble as stated in the First Amendment.

The redress of grievances is a vaguer section of the First Amendment. Essentially, this section references the fact that citizens have the right to challenge government actions that negatively impact their lives. The intent is that the government should not take actions that impact the citizens without the citizenry having some direct say in the validity and practicality of the action. The citizens have for the most part abdicated their ability to redress grievances because of the expense of taking legal action, and usually the end results are inadequate to address the grievance.

The First Amendment to the Constitution is of vital importance to maintaining a functioning democracy. It is exactly why the current administration is focusing on undermining all sections of the First Amendment, because allowing the provisions of the First Amendment to remain in force greatly hinders any complete formation of an authoritarian dictatorship. Throughout history, most authoritarian dictatorships have followed a well-known playbook that is being followed very closely by the Trump administration, according to experts who study the rise and fall of governments throughout the world. There is no question that our representative democracy is being dismantled along with many provisions of the U.S. Constitution. What type of government comes out of all this chaos, corruption, and utter lunacy is anybody's guess. What is in store for us will not benefit most Americans, will increase income inequality, and will make corrupt Donald Trump much wealthier.



# We the People: Trump's Troop Deployment Scrambles Constitutional Arrangements

by David Adler

Since his inauguration, President Donald Trump has engaged in a sustained program to scramble our constitutional arrangements and upend democratic principles. He abandoned respect for The Blue when he pardoned the January 6 rioters and insurrectionists who attacked U.S. Capitol Police as part of a plan to prevent congressional certification of the 2020 election, in which he was defeated by Joe Biden. He has asserted "absolute" authority under Article II of the Constitution, and laid waste to the doctrine of checks and balances through usurpation of the fundamental constitutional powers of Congress, his assault on judicial independence and denial of the authority of courts to exercise judicial review of executive actions. He has struck at the core of due process of law, freedom of speech and freedom of the press, and has marshaled the full force of the federal government against institutions of knowledge and expertise—law firms, American colleges and universities, the media — created to educate and inform the public and advance and protect intellectual independence and freedom. In an unprecedented effort to control curriculum, faculty hirings, and student enrollment, Trump would enshrine

himself as the putative head of Harvard University, just as he installed himself as President of the Kennedy Center. The totality of his efforts to remake our society, culture and government in his image overwhelms measurement.

President Trump's deployment of the National Guard and active-duty Marines—a total of some 4,700 soldiers—to counter protestors, the vast majority of whom were entirely peaceful, over the objections of the Los Angeles Mayor, Karen Bass, and California's Governor, Gavin Newsom, represents a continuation of his assault on our nation's laws and norms. Trump, Vice-President J.D. Vance, Secretary of Defense Pete Hegseth, and other members of the administration have variously referred to the protestors as "insurrectionists," part of an "invasion" and "rebellion." Hegseth announced the use of federalized troops to protect ICE agents and federal buildings against attacks by protestors, but he refused to answer at a Senate hearing whether the soldiers might be used to enforce American laws. In a rambling speech at Fort Bragg, Trump, the first convicted felon elected to the presidency, referred to dissidents and protestors as "animals" and a "foreign enemy." The baseless use of these inflammatory words is designed to support Trump's



consolidation of power and provide legal justification for his deployment of military forces.

Since his first term, when he asked General Mark Milley, Chair of the Joint Chiefs, if he could authorize shooting Black Lives protestors "in the legs," President Trump has long mused about using the military to crush protests. Trump's order this week did not specify any standards for the use of force by troops. Speaking of the forthcoming June 14 parade in Washington, D.C., commemorating the 250th anniversary of the U.S. Army, Trump told reporters that protestors would be met by "very heavy force." Of course, peaceful protestors are protected by the First Amendment under freedom of speech and freedom of assembly, and they constrain governmental actions that would interfere with the exercise of those rights. Consider the crucial question of whether it is legal to deploy troops on American soil.

The 1878 Posse Comitatus Act prohibits, with one exception, the use of federal troops on domestic soil for

the purpose of law enforcement. However, the 1807 Insurrection Act creates an exception by allowing the president to decide whether "unlawful obstructions, combinations or assemblages, or rebellion against the authority of the United States" overwhelms the capabilities of ordinary law enforcement agencies and renders the enforcement of federal law "impracticable." As a consequence, the congressional drafters of this statute, and its earlier version in 1795, the president is expected to await a call from a state's Governor asking for help. Trump did not receive from Governor Newsom a request for aid and assistance from the federal government. Newsom, like Mayor Bass, believed the Los Angeles Police Department was fully capable of handling, and where necessary, arresting, those who engaged in violence and vandalized property. For what it's worth, the LAPD declared that it did not need the intervention of the White House.

At bottom, Trump has manufactured a crisis; indeed, he said, "Los Angeles is burning." LA is not burning. With the falsification of an emergency, Trump created the pretext to deploy troops over the objections of state and local officials.

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