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## Abstract of Forthcoming Article

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## ABSTRACT OF FORTHCOMING ARTICLE\*

*The Hon. J. Kenneth Blackwell<sup>†</sup> & Kenneth A. Klukowski<sup>††</sup>*

Exercising the Second Amendment right to bear arms can enhance First Amendment rights, most notably here the rights of free speech. Many people express opinions derived from their religious faith. Sometimes these opinions regard controversial issues, to which other people may react negatively. Such reactions can even intimidate the speaker, which can have a chilling effect on the controversial speech. Now that the federal judiciary has begun exploring the Second Amendment, there is a growing need for scholarly literature that explores how the right to bear arms is relevant to such controversial speech.

There is a practical intersection between First and Second Amendment rights. The six clauses of the First Amendment share a common foundation. The essential core of the First Amendment is freedom of thought and expression: every person has the right to hold opinions and beliefs consistent with his conscience, and to peaceably express those beliefs in word and action.

Religious speech enjoys a special degree of protection in the First Amendment. The Free Speech Clause reaches all subject matters, not just religious topics. The Establishment and Free Exercise Clauses guarantee protections overlapping the Free Speech Clause, as they also protect religious expression, but beyond that also protect living out one's faith without undue interference, and being free of government coercion to conform to an official belief system. For Americans who are observant adherents of a faith, the teachings of that faith inform many of their public-policy preferences. Expressing those political preferences is thus protected by the First Amendment in multiple ways.

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\* Editor's Note: Co-author Kenneth A. Klukowski participated in the Symposium on the Second Amendment hosted by the Liberty University Law Review on November 1, 2013. The Symposium was titled "Under Fire: The Right to Keep and Bear Arms," and Mr. Klukowski spoke on the issue of how exercising the Second Amendment can enhance the exercise and enjoyment of the First Amendment right to free speech. The full article will be published in next year's volume of the Liberty University Law Review.

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Expressing religious sentiments regarding public policy can, however, carry significant costs. Certain beliefs can be unpopular, and those objecting to such beliefs can subject the speaker to consequences. These can be as mild as exclusion from social events, or as severe as physical intimidation.

The Second Amendment secures a fundamental right to keep and carry arms for self-defense. Although Second Amendment jurisprudence is in a nascent stage, it seems clear that it applies to all law-abiding and peaceable adult citizens, both in the context of the home and in various public places. It is only natural to suppose that a person who is immediately capable of defending himself and others is less susceptible to being intimidated into silence than a defenseless person. If so, then those who exercise their Second Amendment rights may be bolder in asserting their First Amendment rights as well.

Orthodox Christian theology teaches that individuals have a God-given right to defend themselves and others, though there are also circumstances under which Christians accept physical danger—and even persecution—for their faith. Bearing arms and acting in self-defense is consistent with the moral principles of various major branches of Christianity, and literature to the contrary is a departure from biblical teaching and historical doctrine.

The Constitution protects expression of beliefs—especially unpopular beliefs. The First Amendment guarantees that people of peaceful faith—including Christians—are free from government sanction for their beliefs. And the Second Amendment guarantees that those people of faith have the means to defend themselves against private actors who might react violently to all expressions, including expressions driven by religious belief. Those who exercise their Second Amendment rights therefore can feel more secure in expressing their beliefs, fully participating in public debate and shaping public policy.