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The First Amendment and YOU

Rosh Hashanah 5771

September 9, 2010

Vayomer, Kakh Na et Binkha, et Yekhidkha, Asher Ahavta, et Yitzhak, v'Lekh Lekha el Eretz Ha-moriyah, v'Ha'aleihu Sham L'olah al Akhad He-harim Asher Omar Eleikha. God said, "Take your son, your only son whom you love, Isaac, and go to the Land of Moriah. There you will offer him up to Me as a burnt offering upon one of the mountains I will point out to you." These were the words that start off our Torah portion for this First Day of Rosh Hashanah. As we know, Abraham heeds God's command, and does travel to Moriah. In the Jewish Tradition, we are taught that the spot where Isaac was nearly sacrificed was later the foundation for the Temple built by King Solomon, later rebuilt and expanded by King Herod. For those of you who have been to Jerusalem, and prayed at the Western Wall, you do so in the shadow of that spot. In the Christian tradition, it was in that same place that Jesus spoke to the masses, and overturned the tables of the money-changers in protest of their corrupt ways. In the Islamic Tradition, this was the site where the Prophet Muhammad set off on his nighttime journey. Supposedly his steed Al-Burak left an imprint of his hoof upon the stone.

When we consider this site, and its significance, it is easy for us to ask, "Why there?" God could have chosen any other high place. Why not Sinai? Why not Mt. Olympus? Or Mt. Rushmore for that matter? Why not Mt. Trashmore, you know that pile of garbage off of the Turnpike just south of Boca? I don't personally think that would have been an appropriate place, I just mention it because it is the highest point in Florida. To us, any of these places look to be more significant, but it would not be any of them, it would be Moriah, a forlorn spot in a-backwater countryside. Later tradition seeks to gild the lily. In a vain attempt to attach more significance to an incongruous choice, we are told that Moriah was Axis Mundi, or quite literally the Navel of the World. The rock of that high place was the belly button of cosmic existence; that place from which all else grew. At the end of the day, however, Abraham was summoned to Moriah, for one reason, and one reason only. God decided it should be Moriah as opposed to somewhere else. No more, no less.

Looking out at all of you I ask, "Why are we here?" By that I don't mean why this synagogue vs. any of the others around. I mean why specifically 9085 Hagen Ranch Road? One answer is to say because 11 years ago Norman Blesman (z"l) and Murray Schneier and other brave men and women had the foresight and courage to buy the only land they could afford from the Anasca Corporation. Another, truer answer is to say we are here in this place, because the system of Law in this country says we have a right to be.

Many of our rights, many of our privileges stem from the First Amendment to the Constitution of the United States of America. We make use of these rights, we speak of these rights, we enjoy them, but so often we fail to understand how and why they are, or what they are truly all about.

One of the rights guaranteed to us by the First Amendment is Freedom of Speech. A lot has been said recently about Freedom of Speech. For some, Steven Slater has turned into an emblem of Freedom of Speech. Do you recognize that name? Steven Slater is the infamous JetBlue Flight Attendant. In early August, upon landing at JFK Airport, passengers failed to heed his directions, and subjected him to verbal

abuse. In response, he got on the public address system, told off the passengers, pulled the handle on the emergency slide, and grabbed a beer from the beverage cart before he made his escape. You don't raise your hands, but just out of curiosity, how many of you have dreamed of making similarly dramatic exits from unfulfilling jobs? I myself witnessed one such display when I worked at Disneyland, but that's another sermon.

Understandably, there are those who have castigated Mr. Slater for his actions. Some have gone so far as to call him a crybaby, who had a temper tantrum because things didn't go his way. Still others, however, claim that though he should not have deployed the slide, he otherwise did a fine job in exercising his First Amendment Right to Free Speech. He was faced with a situation that he did not feel was just or right, and protested by word and by deed.

Was he right? Was he wrong? It is perhaps too soon to say. Shortly after the incident, Mr. Slater was arrested at his home in Queens. Just Tuesday he was expected in court for arraignment on felony charges related to this incident.

Another of the rights guaranteed to us by the First Amendment is Freedom of the Press. A lot has been said recently about Freedom of the Press. For some, Dr. Laura Schlessinger has turned into an emblem of Freedom of the Press. On her show, ironically one day after Steven Slater's meltdown, she used the n-word 11 times on-air in response to a caller's question. Facing criticism for doing so, she announced that she was going to quit doing her radio show in an effort to "regain her First Amendment Rights." As an aside, I've been fascinated with Dr. Laura for a long time. Some of you may recall that in the late 1990s, she converted to Orthodox Judaism. On her show, she frequently harangued those of us who didn't live lives as observant as hers. And then, not too long ago, again on her show, she made known she no longer considered herself a Jew.[1] Not exactly sure I understand all of that, but once again, that's another sermon.

Understandably, there are those who have risen to defend Dr. Laura and her brave battle to regain her rights. No one, they say, should be silenced on account of their views, even if they may be controversial. In response, others have said, the only person who silenced Dr. Laura... was Dr. Laura. It was she who chose to end her show; this was not censorship.

Was she right? Was she wrong? It is perhaps too soon to say. Dr. Laura has promised not to retire, and I wait with baited breath to hear what she next has to say.

Another of the rights guaranteed to us by the First Amendment is Freedom of Religion. A lot has been said recently about Freedom of Religion. For some, the growing debate over the proposed Islamic Community Center in Lower Manhattan has turned into an emblem of Freedom of Religion. A group wishes to turn a former Burlington Coat Factory Building into an Islamic Center, complete with a lecture hall, swimming pool, childcare center, worship space, and more. The hubbub, is that the location is just two blocks or so from the World Trade Center Site. I don't have to remind you of all the significance to that.

The response to this one has been very hard to gauge. Understandably there are those who say unequivocally, the First Amendment Right to Freedom of Religions says that if they choose to do so, they can build their center near Ground Zero. On the other side are those who say that they are not welcome to build their Center near ground zero, nor anywhere else for that matter. Some have claimed that this building will be nothing more than a "terrorist headquarters." Still others are trying for a more nuanced view; suggesting just because they have a right to build wherever they please, doesn't mean that this is

the best site.

Who's right? Who's wrong? Everyone, has an opinion. From the President to Glenn Beck to all stops in-between, everyone it seems has chosen to weigh in on this issue. Whether or not any one has the answer I say must be tempered in some way by the fact that none of them live in Lower Manhattan.

My experience has been that whenever a discussion of the First Amendment comes up, someone invariably points out that the Freedom of Speech doesn't mean someone can shout fire in a crowded theater. You have probably used this cliché; I know I have. But I think that all of these years I have understood this incorrectly. I always thought that that phrase meant that the government had the power or the authority to prevent you from saying something it deemed dangerous. But the more I think about it, I don't think that is what it means. To understand this, let us remember there are countries in this world that actually silence people. There are countries in this world where they cut your tongue out because they don't like what you say, where they cut your hands off because they don't like what you write, where they put your eyes out because they do not like what you've seen.

That is not how our country works. Our country works by guaranteeing each and every one of those rights, and countless others. At the same time that these rights are guaranteed, however, we must also acknowledge that there may be a consequence for exercising those rights. You can do something stupid, but you may be punished for it. You can say something obnoxious, but not everyone has to like it. You can move wherever you want, but not all of your neighbors will welcome you. The First Amendment doesn't mean everyone has to like what you say, what you print, or how you pray, it only means you have a right to do it. And the others around you, both those who agree, as well as those who disagree, have their own right to respond.

When I was a student in Religious School, I can remember very clearly a movie we watched dramatizing the events, which took place in Skokie, IL. For those of you who don't remember, or are too young to remember, in the late 1970s the American Nazi Party wanted to schedule a march and rally in Skokie, IL. What made this particular request even more noxious than it might otherwise be, was the fact that Skokie was home to a large Jewish Community, including a number of Survivors of the Shoah.

As a young man I decided that the heroes of the Skokie Story were the lawyers of the ACLU—the American Civil Liberties Union, many of whom were Jewish. They argued that in America, the First Amendment is the First Amendment, and that if we wanted to defend our own right to say what we wanted, we had to defend the rights of others to say even hateful things. As I grew into my college years, and became, perhaps shall we say more militant, I decided that the heroes of the Skokie Story were the men and women of the JDL—the Jewish Defense League promulgated by Rabbi Meir Kahane. They promised to give the American Nazi Party a warm welcome in Skokie, filled with bricks and bats and crowbars. “That is how we should respond,” I said to myself. As I have gotten older, I have again changed my view. The heroes of the Skokie Story were not the Jewish lawyers at the ACLU, nor were they the thugs of the JDL, the heroes of the Skokie Story were the people of Skokie. It was not the outsiders, who when all was said and done, would have to pick up the pieces. It was those who lived in that community, who had no other choice than to confront and deal with the hate or violence that had filled their streets.

The people of Skokie are citizens of the United States. The people in airplanes, or who listen to the radio, or who live in New York City, are citizens of the United States. We here in this community are citizens of the United States, and as such we not only enjoy the rights our country provides, but we must also face the responsibilities that go along with those rights. Failing to do so, means failing to even understand

what it is that our country is all about.

Rabbi Tarfon said, “Lo Aleikhah Ha-melakha Ligmor. It is not your obligation to finish the work.” But more importantly, “Lo Atah ven Khorin Libateil memenu. You are not free to abstain from it.” You cannot enjoy the rights of this nation without doing your part to ensure those same rights, and accepting the consequences of them. I know that this is not easy, but American citizenship is not easy, but nothing great ever is. But each and everyone of us has our own part to play; cognizant of the past, mindful of the present, and ever looking toward the future.

L'shanah Tovah Tikateivun

May You Be Inscribed for a Blessed New Year

[1] Pogrebin, Abigail, Stars of David, Broadway Books, New York, NY., 2005, pp. 107-08.