

# CHURCH AND STATE - the most Misunderstood Phrase in American History

See also 'First Amendment'

'Latter-day Saints and the Constitution'

"The wall of separation between church and state is a metaphor based upon bad history,  
a metaphor which has proved useless as a guide to judging.

It should be frankly and explicitly abandoned. ...

The greatest injury of the 'wall' notion is its mischievous diversion of judges  
from the actual intention of the drafters of the Bill of Rights."

Supreme Court Chief Justice William Rehnquist

"The judges [who want 'under God' out of the Pledge of Allegiance] simply do not understand the First Amendment. It does not bar religious expression in public settings or anywhere else. In fact, it expressly PROHIBITS federal interference in the free expression of religion. Far from mandating strict secularism in schools, it instead bars the federal government from prohibiting the Pledge of Allegiance, school prayer, or any other religious expression. The politicians and judges pushing the removal of religion from public life are violating the First Amendment, not upholding it."

Rep. Ron Paul

"The First Amendment...does not say that in every respect there shall be a separation of Church and State. ... Otherwise the state and religion would be aliens to each other -- hostile, suspicious, and even unfriendly. ... The state may not establish a 'religion of secularism' in the sense of affirmatively opposing or showing hostility to religion, thus preferring those who believe in no religion over those who do believe."

Justice William Douglas

# My Remarks

On the subject of Religion, Amendment 1 is -  
 -- a separation of Church and State, but not a separation of Religion and State.  
 -- Freedom of Religion, but not Freedom from Religion.  
 -- a bill empowering the People to act according to their religious beliefs without government interference; but not a bill giving the government the right to restrict the Peoples' religious beliefs, actions, or expressions.

There is a difference between 'church and state' and 'religion and state', as the Founding Father understood the difference. They believed absolutely in a wall separating church and state, but in no way did they believe religion and state could or should be separated.

Madison's original proposal for a bill of rights read: *"The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretense, infringed."*

The language was altered in the House to read: *"Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience."*

In the Senate, the section adopted read: *"Congress shall make no law establishing articles of faith, or a mode of worship, or prohibiting the free exercise of religion,..."*

It was in the conference committee of the two bodies, chaired by Madison, that the present language was written with its somewhat more indefinite "respecting" phraseology. Debate in Congress lends little assistance in interpreting the religion clauses; Madison's position, as well as that of Jefferson who influenced him, is fairly clear, but the intent, insofar as there was one, of the others in Congress who voted for the language and those in the States who voted to ratify is subject to

speculation.

-- "ESTABLISHMENT" - an organization; a denomination. So what the Constitution is actually saying is that Congress cannot make laws pertaining to a specific denomination or church.

--"RELIGION" - defined by the Founding Father as "a fundamental system of beliefs concerning man's origin and relationship to the Creator, the cosmic universe, and his relationship with his fellowmen."

The Founders' intention was that Congress - and therefore the President and the Supreme Court - were to be excluded from settling any questions of religion or religious expression – such rulings were to be left to the States and to the People. At the time the Constitution was written, seven states had official denominations, and the Founders believed the States should settle all matter of religion. They believed that with no religious tests being allowed, the States would eventually drop any official sponsorship of denominations.

Although the Founders believed the federal government should not directly support any one denomination over another, they firmly believed that all levels of government should support the moral efforts or all religions and denominations. The Northwest Ordinance, written by Congress at the same time Congress was writing the Bill of Rights, states in Article 3 that "Religion, Morality, and Knowledge" are needed to form a good government and that they should be taught in public schools. Jefferson believed that the services and facilities of all levels of government should be made available free-of-charge to all religions and denominations equally, using as an example his "little town of Charlottesville", where four denominations shared equally in using the town hall for their Sunday services. He even outlined a plan wherein all denominations would be invited to build facilities next to universities, where students

could be taught in their denomination's particular ways - similar to the Institute of Religion program of the LDS Church - these facilities and its students would be allowed full access to the university's property as far as library usage and available space for activities.

Although they believed that the federal government should support all religions and denominations in such indirect ways, they also believed that government should not support religions and denominations directly - when Patrick Henry introduced a bill through which taxpayers could designate which 'society of Christians' their money would go to for educational purposes, James Madison reacted with his 'Memorial and Remonstrance', fearing that Henry's plan gave enough control to the government that it could gain control in religious affairs in the future.

Several of the Founders have left us with a description of their basic religious beliefs, and Benjamin Franklin summarized those which he felt were the "fundamental points in all sound religion." This is the way he said it in a letter to Ezra Stiles, president of Yale University:

*"Here is my creed. I believe in one God, the Creator of the universe. That he governs it by his Providence. That he ought to be worshipped. That the most acceptable service we render to him is in doing good to his other children. That the soul of man is immortal, and will be treated with justice in another life respecting its conduct in this. These I take to be the fundamental points in all sound religion."*

The five points of fundamental religious belief which are to be found in all of the principal religions of the world are those expressed or implied in Franklin's statement: 1) Recognition and worship of a Creator who made all things. 2) That the Creator has revealed a moral code of behavior for happy living which distinguishes right from wrong. 3) That the Creator holds mankind responsible for the way they treat each other. 4) That all mankind live beyond this life. 5) That in

the next life individuals are judged for their conduct in this one.

These tenets run through the Founders' writings. Their tenants run through their speeches while in public office. These are the beliefs the Founders referred to as the "religion of America"; they felt these fundamentals were so important in providing "good government and the happiness of mankind" that they wanted them taught in the public schools along with morality and knowledge.

*"If children prayed together, would they not understand what they have in common, and would this not, indeed, bring them closer, and is this not to be desired? So, I submit to you that those who claim to be fighting for tolerance on this issue may not be tolerant at all.*

*"When John Kennedy was running for President in 1960, he said that his church would not dictate his Presidency any more than he would speak for his church. Just so, and proper. But John Kennedy was speaking in an America in which the role of religion -- and by that I mean the role of all churches -- was secure. Abortion was not a political issue. Prayer was not a political issue. The right of church schools to operate was not a political issue. And it was broadly acknowledged that religious leaders had a right and a duty to speak out on the issues of the day. They held a place of respect, and a politician who spoke to or of them with a lack of respect would not long survive in the political arena. It was acknowledged then that religion held a special place, occupied a special territory in the hearts of the citizenry.*

*"The climate has changed greatly since then. And since it has, it logically follows that religion needs defenders against those who care only for the interests of the state. ... The churches of America do not exist by the grace of the state; the churches of America are not mere citizens of the state. The churches of America exist apart; they have their own vantage point, their own authority.*

*Religion is its own realm; it makes its own claims.*

*"We establish no religion in this country, nor will we ever. We command no worship. We mandate no belief. But we poison our society when we remove its theological underpinnings. We court corruption when we leave it bereft of belief. All are free to believe or not believe; all are free to practice a faith or not. But those who believe must be free to speak of and act on their belief, to apply moral teaching to public questions. I submit to you that the tolerant society is open to and encouraging of all religions. And this does not weaken us; it strengthens us. ...*

*"You know, if we look back through history to all those great civilizations, those great nations*

*that rose up to even world dominance and then deteriorated, declined, and fell, we find they all had one thing in common. One of the significant forerunners of their fall was their turning away from their God. ... Without God, there is no virtue, because there's no prompting of the conscience. Without God, we're mired in the material, that flat world that tells us only what the senses perceive. Without God, there is a coarsening of the society. And without God, democracy will not and cannot long endure. If we ever forget that we're one nation under God, then we will be a nation gone under."*

*--President Ronald Reagan, Prayer Breakfast, 1984*

# The Role of Religion in the Founding Fathers' Constitutional Formula

from W. Cleon Skousen's Making of America: the Substance and Meaning of the Constitution; pgs 675-688

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

This provision guaranteed to all Americans the RIGHT to enjoy the free exercise of the religion of their choice without the government giving any preference to one "establishment" or denomination over another.

There was some concern among the Founders lest this prohibition give the impression that the government was hostile to religion. They wanted it clearly understood that the universal, self-evident truths of religion were fundamental to the whole structure of the American system. This is such an important aspect of the nation's original culture that a comprehensive discussion of religion from the Founders' perspective might prove helpful.

Americans of the twentieth century often fail to realize the supreme importance which the Founding Fathers originally attached to the role of religion in the unique experiment which they hoped would emerge as the first civilization of a free people in modern times. Many Americans also fail to realize that the Founders felt the role of religion would be as important in our own day as it was in theirs.

In 1787, the very year the Constitution was written by the Convention and approved by Congress, that same body of Congress passed the famous Northwest Ordinance. In it they outlawed slavery in the Northwest Territory. They also enunciated the basic rights of citizens in language similar to that which was later incorporated in the Bill of Rights. And they emphasized the essential need to teach religion and morality in the schools.

Here is the way they said it:

"Article 3: 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]

Notice that formal education was to include among its teaching responsibilities these three important subjects:

1. Religion, which might be defined as "a fundamental system of beliefs concerning man's origin and relationship to the Creator, the cosmic universe, and his relationship with his fellowmen."
2. Morality, which may be described as "a standard of behavior distinguishing right from wrong."

3. Knowledge, which is "an intellectual awareness and understanding of established facts relating to any field of human experience or inquiry, i.e., history, geography, science, etc." [4]

We also notice that "religion and morality" were not required by the Founders as merely an intellectual exercise, but they positively declared their conviction that these were essential ingredients needed for "good government and the happiness of mankind."

Washington Describes the Founders' Position

The position set forth in the Northwest Ordinance was reemphasized by President George Washington in his Farewell Address. He wrote:

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports...."

"And let us with caution indulge the

supposition that morality can be maintained without religion.... Reason and experience both forbid us to expect that national morality can prevail to the exclusion of religious principle.

"It is substantially true that virtue or morality is a necessary spring of popular government." [5]

#### The Teaching of Religion in Schools Restricted to Universal Fundamentals

Having established that "religion" is the foundation of morality and that both are essential to "good government and the happiness of mankind," the Founders then set about to exclude the creeds and biases or dissensions of individual denominations so as to make the teaching of religion a unifying cultural adhesive rather than a divisive apparatus.

Jefferson wrote a bill for the "Establishing of Elementary Schools" in Virginia and made this point clear by stating:

"No religious reading, instruction or exercise shall be prescribed or practiced inconsistent with the tenets of any religious sect or denomination." [6]

Obviously, under such restrictions the only religious tenets to be taught in public schools would have to be those which were universally accepted by all faiths and completely fundamental to their premises.

#### Franklin Describes the Five Fundamentals of "All Sound Religions"

Several of the Founders have left us with a description of their basic religious beliefs, and Benjamin Franklin summarized those which he felt were the "fundamental points in all sound religion." This is the way he said it in a letter to Ezra Stiles, president of Yale University:

"Here is my creed. I believe in one God, the Creator of the universe. That he governs it by his Providence. That he ought to be worshipped. That

the most acceptable service we render to him is in doing good to his other children. That the soul of man is immortal, and will be treated with justice in another life respecting its conduct in this. These I take to be the fundamental points in all sound religion." [7]

#### The "Fundamental Points" to Be Taught in the Schools

The five points of fundamental religious belief which are to be found in all of the principal religions of the world are those expressed or implied in Franklin's statement:

1. Recognition and worship of a Creator who made all things
2. That the Creator has revealed a moral code of behavior for happy living which distinguishes right from wrong.
3. That the Creator holds mankind responsible for the way they treat each other
4. That all mankind live beyond this life.
5. That in the next life individuals are judged for their conduct in this one.

All five of these tenets run through practically all of the Founders' writings. These are the beliefs which the Founders sometimes referred to as the "religion of America," and they felt these fundamentals were so important in providing "good government and the happiness of mankind" that they wanted them taught in the public schools along with morality and knowledge.

#### Statements of the Founders Concerning These Principles

Samuel Adams said these basic beliefs which constitute "the religion of America [are] the religion of all mankind." [8] In other words, these fundamental beliefs belong to all world faiths and could therefore be taught without being offensive to any "sect or denomination," as indicated in the Virginia bill establishing elementary schools.

John Adams called these tenets the "general principles" on which the American civilization had been founded. [9]

Thomas Jefferson called these basic beliefs the principles "in which God has united us all." [10]

From these statements it is obvious how significantly the Founders looked upon the fundamental precepts of religion and morality as the cornerstones of a free government. This gives additional importance to the warning of Washington, previously mentioned, when he said: "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.... Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?" [11]

Washington issued this solemn warning because in France, shortly before Washington wrote his Farewell Address (1796), the promoters of atheism and amorality had seized control and turned the French Revolution into a shocking bloodbath of wild excesses and violence. Washington never wanted anything like that to happen in the United States. Therefore he had said: "In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness [religion and morality]." [12]

#### Alexis de Tocqueville Discovers the Importance of Religion in America

When Alexis de Tocqueville visited the United States in 1831 he became so impressed with what he saw that he went home and wrote *Democracy in America*, one of the most definitive studies on the American culture and constitutional system that had been published up to that time. Concerning religion in America, de Tocqueville said:

"On my arrival in the United States the religious aspect of the country was the first thing that struck my attention; and the longer I stayed

there, the more I perceived the great political consequences resulting from this new state of things." [13]

He described the situation as follows:

"Religion in America takes no direct part in the government of society, but it must be regarded as the first of their political institutions; ... I do not know whether all Americans have a sincere faith in their religion -- for who can search the human heart? -- but I am certain that they hold it to be indispensable to the maintenance of republican institutions. This opinion is not peculiar to a class of citizens or to a party, but it belongs to the whole nation and to every rank of society." [14]

#### European Philosophers Turned Out to Be Wrong

In Europe it had been popular to teach that religion and liberty were inimical to each other. De Tocqueville saw the opposite happening in America. He wrote:

"The philosophers of the eighteenth century explained in a very simple manner the gradual decay of religious faith. Religious zeal, said they must necessarily fail the more generally liberty is established and knowledge diffused. Unfortunately the facts by no means accord with their theory. There are certain populations in Europe whose unbelief is only equaled by their ignorance and debasement; while in America, one of the freest and most enlightened nations in the world, the people fulfill with fervor all the outward duties of religion." [15]

#### De Tocqueville Describes the Role of Religion in the Schools

De Tocqueville found that the schools, especially in New England, incorporated the basic tenets of religion right along with history and political science in order to prepare the student for adult life. He wrote:

"In New England every citizen receives the

elementary notions of human knowledge; he is taught, moreover, the doctrines and the evidences of his religion, the history of his country, and the leading features of the Constitution. In the states of Connecticut and Massachusetts, it is extremely rare to find a man imperfectly acquainted with all these things, and a person wholly ignorant of them is a sort of phenomenon." [16]

#### De Tocqueville Describes the Role of the American Clergy

Alexis de Tocqueville saw a unique quality of cohesive strength emanating from the clergy of the various churches in America. After noting that all the clergy seemed anxious to maintain "separation of church and state," he nevertheless observed that collectively they had a great influence on the morals and customs of public life. This indirectly reflected itself in formulating laws and, ultimately, in fixing the moral and political climate of the American commonwealth. As a result, he wrote:

"This led me to examine more attentively than I had hitherto done the station which the American clergy occupy in political society. I learned with surprise that they filled no public appointments; I did not see one of them in the administration, and they are not even represented in the legislative assemblies." [17]

How different this was from Europe, where the clergy belonged to a national church, subsidized by the government. He wrote:

"The unbelievers of Europe attack the Christians as their political opponents rather than as their religious adversaries; they hate the Christian religion as the opinion of a [political] party much more than as an error of belief; and they reject the clergy less because they are the representatives of the Deity than because they are the allies of government." [18]

In America, he noted, the clergy remain politically separated from the government but nevertheless provide a moral stability among the

people which permits the government to prosper. In other words, there is a separation of church and state but not a separation of religion and state.

#### The Clergy Fuel the Flame of Freedom, Stress Morality, and Alert the Citizenry to Dangerous Trends

The role of the churches to perpetuate the social and political culture of the United States provoked the following comment from de Tocqueville:

"The Americans combine the notions of Christianity and of liberty so intimately in their minds that it is impossible to make them conceive the one without the other...."

"I have known of societies formed by Americans to send out ministers of the Gospel into the new Western states, to found schools and church there, lest religion should be allowed to die away in those remote settlements, and the rising states be less fitted to enjoy free institutions than the people from whom they came." [19]

De Tocqueville discovered that while clergymen felt it would be demeaning to their profession to become involved in partisan politics, they nevertheless believed implicitly in their duty to keep religious principles and moral values flowing out to the people as the best safeguard for America's freedom and political security.

In one of de Tocqueville's most frequently quoted passages, he wrote:

"I sought for the greatness and genius of America in her commodious harbors and her ample rivers, and it was not there; in her fertile fields and boundless prairies, and it was not there; in her rich mines and her vast world commerce, and it was not there. Not until I went to the churches of America and heard her pulpits aflame with righteousness did I understand the secret of her genius and power. America is great because she is good and if America ever ceases to be good, America will cease to be great." [20]



## The Founders' Campaign for Equality of All Religions

One of the most remarkable efforts of the American Founders was their attempt to do something no other nation had ever successfully achieved --provide legal equality for all religions, both Christian and non-Christian. Jefferson and Madison were undoubtedly the foremost among the Founders in pushing through the first "freedom of religion" statutes in Virginia.

Jefferson sought to disestablish the official church of Virginia in 1776, but this effort was not completely successful until ten years later.

Meanwhile, in 1784, Patrick Henry was so enthusiastic about strengthening the whole spectrum of Christian churches that he introduced a bill "Establishing a Provision for Teachers of the Christian Religion."

It was the intention of this bill to allow each taxpayer to designate "to what society of Christians" his money would go. The funds collected by this means were to make "provision for a minister or teacher of the Gospel ... or the providing of places of divine worship [for that denomination], and to none other use whatever." [21]

Madison immediately reacted with his famous Memorial and Remonstrances, in which he proclaimed with the greatest possible energy the principle that the state government should not prefer one religion over another.

Equality of religions was the desired goal. He wrote:

"Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians, in exclusion of all other sects? ... The bill violates that equality which ought to be the basis of every law." [22]

Why the Founders Wanted the Federal Government

## Excluded from All Problems Relating to Religion and Churches

The Supreme Court has stated on numerous occasions that, to most people, freedom of religion is the most precious of all the inalienable rights, next to life itself. When the United States was founded, there were many Americans who were not enjoying freedom of religion to the fullest possible extent. At least seven of the states had officially established religions or denominations at the time the Constitution was adopted.

These included:

Connecticut (Congregational Church)

New Hampshire (Protestant faith)

Delaware (Christian faith)

New Jersey (Protestant faith)

Maryland (Christian faith)

South Carolina (Protestant faith)

Massachusetts (Congregational Church) [23]

Under these circumstances the Founders felt it would have been catastrophic, and might have precipitated civil strife, if the federal government had tried to establish a national policy on religion or disestablish the denominations which the states had adopted.

Nevertheless, the Founders who were examining this problem were anxious to eventually see complete freedom of all faiths and an equality of all religions, both Christian and non-Christian. How could this be accomplished without stirring up civil strife?

## Justice Story Describes the Founders' Solution

In his famous Commentaries on the Constitution, Justice Joseph Story of the Supreme Court pointed out why the Founders, as well as the states themselves, felt the federal government should be absolutely excluded from any authority in the field of settling questions on religion. He explained:

"In some of the states, Episcopalians

constituted the predominant sect; in others, Presbyterians; in others, Congregationalists; in others, Quakers; and in others again, there was a close numerical rivalry among contending sects. It was impossible that there should not arise perpetual strife and perpetual jealousy on the subject of ecclesiastical ascendancy, if the national government were left free to create a religious establishment. The only security was in extirpating the power. But this alone would have been an imperfect security, if it had not been followed by a declaration of the right of the free exercise of religion, and a prohibition (as we have seen) of all religious tests. Thus the whole power over the subject of religion is left exclusive to the state governments, to be acted upon according to their own sense of justice, and the state constitutions." [24]

This is why the First Amendment of the Constitution provides that "Congress shall make NO law respecting an establishment of religion or prohibiting the free exercise thereof." (Emphasis added.)

#### Jefferson and Madison Emphasize the Intent of the Founders

It is clear from the writings of the Founders as well as the Commentaries of Justice Story that the First Amendment was designed to eliminate forever the interference of the federal government in any religious matters within the various states. As Madison stated during the Virginia ratifying convention: "There is not a shadow of right in the general government to intermeddle with religion. Its least interference with it would be a most flagrant usurpation." [25]

Jefferson took an identical position when he wrote the Kentucky Resolutions of 1798: "It is true, as a general principle, ... that no power over the freedom of religion, freedom of speech, or freedom of the press, [is] delegated to the United States by the Constitution.... All lawful powers

respecting the same did of right remain, and were reserved to the states, or to the people." [26]

#### The Supreme Court, As Well As Congress, Excluded from Jurisdiction over Religion

In the Kentucky Resolutions, Thomas Jefferson also made it clear that the federal judicial system was likewise prohibited from intermeddling with religious matters within the states. He wrote:

"Special provision has been made by one of the amendments to the Constitution, which expressly declares that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, ... 'thereby guarding in the same sentence, and under the same words, the freedom of religion, of speech, and of the press, insomuch that whatever violates either throws down the sanctuary which covers the others; and that libels, falsehood, and defamation, equally with heresy and false religion, are withheld from the cognizance of federal tribunals.'" [27]

When Thomas Jefferson was serving in the Virginia legislature, he introduced a bill to have a day of fasting and prayer; but when he became President, Jefferson said there was no authority in the federal government to proclaim religious holidays. In a letter to the Danbury Baptist Association dated January 1, 1802, he explained his position and said the Constitution had created "a wall of separation between Church and State." [28]

In recent years the Supreme Court has used this metaphor as an excuse for meddling in the religious issues arising within the various states. As we shall see later, it has not only presumed to take jurisdiction in these disputes, but has actually forced the states to take the same hands-off position toward religious matters, even though this restriction originally applied only to the federal government. This obvious distortion of the original intent of Jefferson (when he used the metaphor of a "wall" separating church and state) becomes entirely apparent when the statements and actions

of Jefferson are examined in their historical context.

It will be recalled that Jefferson and Madison were anxious that the states intervene in religious matters until there was equality among all religions and that all churches or religions assigned preferential treatment should be disestablished from such preferment. They further joined with the other Founders in expressing an anxiety that all religions be encouraged in order to promote the moral fiber and religious tone of the people. This, of course, would be impossible if there were an impenetrable "wall" between church and state on the state level. Jefferson's "wall" was obviously intended only for the federal government, and the Supreme Court application of this metaphor to the states has come under severe criticism. [29]

#### Religious Problems Must Be Solved Within the Various States

In Thomas Jefferson's second inaugural address, he virtually signaled the states to press forward in settling their religious issues, since it was within their jurisdiction and not that of the federal government:

"In matters of religion, I have considered that its free exercise is placed by the Constitution independent of the powers of the general government. I have therefore undertaken, on no occasion, to prescribe the religious exercises suited to it; but have left them as the Constitution found them, under the direction and discipline of State or Church authorities acknowledged by the several religious societies." [30]

Jefferson, along with the other Founders, believed that it was within the power of the various states to eliminate those inequities which existed between the various faiths and then pursue a policy of encouraging religious institutions of all kinds, because it was in the public interest to use their influence to provide the moral stability needed for "good government and the happiness of mankind."

[31]

Jefferson's resolution for disestablishing the Church of England in Virginia was not to set up a wall between the state and the church, but simply, as he explained it, for the purpose of "taking away the privilege and preeminence of one religious sect over another, and thereby [establishing] ... equal ... rights among all." [32]

#### Affirmative Programs to Encourage All Religions on the State Level

In view of the extremely inflexible and rigid position which the U.S. Supreme Court has taken in recent years concerning the raising up of a "wall" between state government and religion, it is remarkable how radically different the Founders' feelings about such matters were.

Take, for example, the Founders' approval of religious meetings in tax-supported public buildings. The Founders had no objection to using public buildings for religious purposes; that was even to be encouraged. The only question was whether or not the facilities could be made available equally to all denominations desiring them. Notice how Jefferson reflected his deep satisfaction in the way the churches were using the local courthouse in Charlottesville, near Jefferson's home:

"In our village of Charlottesville, there is a good degree of religion, with a small spice only of fanaticism. We have four sects, but without either church or meeting-house. The court-house is the common temple, one Sunday in the month to each. Here, Episcopalian and Presbyterian, Methodist and Baptist, meet together, join in hymning their Maker, listen with attention and devotion to each others' preachers, and all mix in society with perfect harmony." [33]

One cannot help asking the modern Supreme Court: Where is the wall of separation between church and state when the courthouse is approved for the common temple of all the religious sects of

a village? Of course, Jefferson would be the first to require some other arrangement if all of the churches could not be accommodated equally, but so long as they were operating equally and harmoniously together, it was looked upon as a commendable situation. The fact that they were utilizing a tax-supported public building was not even made an issue.

#### Jefferson Proposes Accommodations for Religious Instructions at a State School

Not only did the Congress of the Founders' day provide in the Northwest Ordinance that the basic tenets of religion and the fundamentals of morality should be taught in the public schools, but Jefferson proposed that the University of Virginia extend its facilities to the various denominations so that each student could worship and study in the church of his choice. Jefferson wrote:

"Can the liberties of a nation be thought secure when we have removed [by eliminating religious instruction] their only firm basis -- a conviction in the minds of the people that these liberties are ... the gift of God? That they are not to be violated but with his wrath?" [34]

To encourage religious studies by college students of different faiths, Jefferson proposed the following:

1. The responsibility for teaching "the proofs of the being of a God, the creator, preserver, and supreme ruler of the universe, the author of all the relations of morality, and of the laws and obligations these infer, will be within the province of the professor of ethics." [35]

2. If the university faculty will also teach "the developments of these moral obligations, of those in which all sects agree, [together with] a knowledge of the languages, Hebrew, Greek, and Latin, a basis will be formed common to all sects." [36]

3. Encourage "the different religious sections to establish, each for itself, a professorship of their

own tenets, on the confines [campus] of the university, so near ... that their students may attend the lectures there, and have the free use of our library, and every other accommodation we can give them; preserving, however, their independence of us and of each other." [37]

4. Enable "students of the University to attend religious exercises with the professor of their particular sect, either in the rooms of the buildings still to be erected [by each denomination on campus] or ... in the lecturing room of such professor." [38]

5. Urge students to participate in regular religious exercises but do so without conflicting with the established schedule of the university. Said he: "Should the religious sects of this State, or any of them, according to the invitation held out to them, establish within or adjacent to, the precincts of the University, schools for instruction in the religion of their sect, the students of the University will be free, and expected to attend religious worship at the establishment of their respective sects ... in time to meet their school in the University at its stated hour." [39]

#### Summary of Jefferson's Views

From these various documented sources it is apparent that Thomas Jefferson had a number of clearly defined views which he hoped would become the traditional American life-style with reference to religion and the Constitution. Perhaps these views might be summarized as follows:

1. The First Amendment prohibits the federal government from intermeddling in religious matters in any way. It is not to take any positive action which would tend to create or favor some "establishment of religion," nor is it to interfere or prohibit the free exercise of any religion.

2. The individual state, however, has the responsibility to see that laws and conditions are such that all religious denominations or sects receive equal treatment.

3. There should be a regularly established policy of teaching the fundamentals of religion and morality in the public schools.

4. In addition, there should be an opportunity, on the university level at least, for each denomination to be invited to build facilities on or adjacent to the campus where the students of that particular denomination could be expected to attend regular worship services and receive instructions in their particular faith.

5. Professors might also hold special services or classes of religious instruction in the rooms assigned to them at the university in order to accommodate the needs of the students belonging to their particular faith.

6. Students studying for the ministry at nearby seminaries should be allowed to have full access to the resources of the university library.

7. However, in spite of all of these efforts to encourage religion indirectly, there must be no use of tax funds to subsidize any religion directly.

#### Jefferson Sees Great Advantages in Following These Guidelines

By leaving it exclusively to the states to work out the equal encouragement of all religions, at the same time giving them no direct subsidy, Jefferson felt the goals of the Founders would be achieved. He felt there was a need to fill "the chasm" of religious ignorance which constituted a Inability to society and at the same time leave "inviolable the constitutional freedom of religion, the most unalienable and sacred of all human rights." [40]

Jefferson, like other leaders among the Founders, seemed anxious to not only encourage all religious faiths on a basis of equality, but also to have them develop a spirit of toleration for each other. In referring to the university campus and its immediate environs, where all faiths [page 685] would be invited to provide facilities, Jefferson wrote:

"By bringing the sects together, and mixing

them with the mass of other students, we shall soften their aspirates, liberalize and neutralize their prejudices and make the general religion a religion of peace, reason and morality." [41]

#### How the Courts Began Building a Wall Between Religion and the State

It is a well-known principle of substantive law that the Constitution and the law should be interpreted very strictly according to the original intent of those who created it. As Chief Justice Roger B. Taney stated in *Dred Scott v. Sanford*, "It [the Constitution] speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of the framers." [42]

In the case of *Barron v. Baltimore*, [43] Chief Justice Marshall affirmed that the Bill of Rights in the Constitution was a series of prohibitions against the federal government to prevent it from encroaching on the states. Applying this to worship, the court's decision meant that there was a "wall" between the federal government and any "establishment of religion," just as Jefferson had said.

However, in the case of *Gitlow v. New York*, [44] the Supreme Court used certain provisions in the federal Bill of Rights and applied them to the states. The court justified this action on the basis of the Fourteenth Amendment, which provides that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The opponents of traditional theistic religion and morality saw the *Gitlow* case as an opportunity to invoke the power of the federal courts to build a wall between each of the states and any form of religious encouragement, even though it was provided indirectly. In other words, they would

reverse the Founders' original policy.

The case of *Cantwell v. Connecticut* [45] was the first ruling of the Supreme Court in which the "Gitlow doctrine" was applied to religious liberty, and *Everson v. Board of Education* [46] was the first time the Supreme Court applied the "due process" clause of the Fourteenth Amendment to make the federal wall of separation apply to religious matters among the individual states.

What this amounted to was the actual breaking down of the federal wall set up by the First Amendment so that the Supreme Court actually usurped jurisdiction over religious matters in the states and began dictating what the states could or could not do with reference to religious questions. Without a doubt, there has been a severe wrenching of the Constitution from its original First Amendment moorings ever since this new trend began.

#### The Supreme Court Prohibits Teaching Religion in Schools

It is interesting that in the debates over ratification Madison stated the position of the Founders when he said: "There is not a shadow of right in the general government to intermeddle with religion. Its least interference with it would be a most flagrant usurpation." [47] Nevertheless, in *McCullum v. Board of Education*, [48] the Supreme Court intervened in a religious question. It used the Gitlow doctrine to tell a state board of education that it would not allow children, even with their parents' consent, to take religion classes in school. The students had been authorized by the board of education to sign up for these classes, which were being taught by the representatives of their own particular faith. They then attended these classes as part of their regular studies, just as Jefferson had recommended for the University of Virginia. The court ignored the fact that there was equality of opportunity for any of the denominations to provide such classes and used the

"wall" doctrine to outlaw use of tax supported facilities for the teaching of religion by any denomination. There was a strong dissent by Justice Stanley F. Reed.

#### The Supreme Court Approves "Released Time" for Religious Education

It is of further interest that the Supreme Court took its newly acquired jurisdiction over religious questions in state schools to announce in *Zorach v. Clauson* that it was very solicitous of religion and would approve classes in religion during the regular school day, providing the classes were held separate from any tax-supported property. Justice William O. Douglas wrote the opinion from the following frame of reference:

"We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. We make room for a wide variety of beliefs and creeds as the spiritual needs of man deem necessary. We sponsor an attitude on the part of government that shows no partiality to any one group and that lets each flourish according to the zeal of its adherents and the appeal of its dogma." [49]

Justice Douglas went even further to state, "We find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence." [50]

#### The Cultural Vacuum Created by the Court: So-Called "Neutrality"

However, in the case of *Everson v. Board of Education*, [51] the Supreme Court made it clear that neither the federal government nor a state government could encourage religion in any way. Justice Hugo L. Black spoke for the court and declared in his opinion, "Neither a State nor the Federal government ... can pass laws which aid one

religion, aid all religions, or prefer one religion over another." [52]

The Founders would have heartily endorsed Justice Black's "no preference" doctrine, but they would, no doubt, have objected vigorously to outlawing indirect aid for, and encouragement to, "all religions." In the final analysis, it was "all religions" the Founders had said they were relying upon to undergird society with those moral teachings which are "necessary to good government and the happiness of mankind." [53]

No doubt they would have further objected to the court's presumptive usurpation in taking jurisdiction over a religious question which had been specifically reserved, by the First and Tenth Amendments, to the states themselves.

The Founders seemed fully aware that failure to encourage "all religions" in their important role of teaching fundamental morality would leave a void or cultural vacuum in their formula for a great new civilization of freedom and prosperity. It seems that all empirical evidence of history and human experience sustains their position. Then why did the court take the position it did?

All of the cases from then until now suggest that the court considered its position of "neutrality" more fair and more correct in administering true justice. What some legal scholars are beginning to point out, however, is that the position of so-called neutrality has not achieved what the court said it intended. It has indeed given "secularism," or the emphasis of nonspiritual and nonmoral principles, the clear advantage of a virtual monopoly in the arena of public education and the administration of public institutions. [54]

#### The Supreme Court Outlaws Prescribed Prayers in Schools

In the case of *Engel v. Vitale*, [55] the issue was that the New York regents had prepared a nondenominational prayer for use in the public schools. The New York Court of Appeals upheld

the prayer, but the Supreme Court once more intermeddled in a religious question of a state by ruling that a nondenominational prayer prescribed by the officials of the state was "establishing" a religion. However, contrary to popular belief, the court did not say that prayers were unlawful, providing they were voluntary and not prescribed or set by the state. Nevertheless, this case gave the advocates of secularism an excuse to push through rulings in many states that prayer would not be allowed in the schools.

#### The Supreme Court Outlaws the Lord's Prayer and Bible Reading in the Public Schools

In *Abington School District v. Schempp*, [56] the Supreme Court ruled that opening exercises at the high school involving the recitation of the Lord's Prayer, as well as reading Bible verses, were unconstitutional. The court rejected the proposition that the opening exercises had a secular purpose, namely, the "promotion of moral values, the contradiction to the materialistic trends of our times, the perpetuation of our institutions and the teachings of literature." It was pointed out to the court that "unless these religious exercises are permitted, a 'religion of secularism' is established in the schools," but the Court rejected this argument. [57] At this point it appears that for all intents and purposes the design of the founding Fathers to have the public schools teach the fundamental principles of religion and morality is dead.

#### Need for an Amendment

The intent of the Founding Fathers (and the desires of the vast majority of American parents) to have these ideals taught in the schools will probably never be restored without a constitutional amendment, which must further define the right of the states to have exclusive jurisdiction over the determination of religious questions. At the same time it would undoubtedly be the desire of the

overwhelming majority of Americans that the states be required to give equal encouragement to all religions on a non-preference basis.

#### Daniel Webster Describes the Founders' Traditional Goal

In our own day of accelerating rates of crimes of violence, narcotics addiction, billion-dollar pornography sales, hedonistic sexual aberrations, high divorce rates, and deteriorating family life, the American people might well recall the stirring words of Daniel Webster, which he spoke to the New York Historical Society, February 22, 1852:

"Unborn ages and visions of glory crowd upon my soul, the realization of all which, however, is in the hands and good pleasure of Almighty God; but, under his divine blessing, it will be dependent on the character and virtues of ourselves and of our posterity.... If we and they shall live always in the fear of God, and shall respect his commandments ... we may have the highest hopes of the future fortunes of our country.... It will have no decline and fall. It will go on prospering.... But if we and our posterity reject religious instruction and authority, violate the rules of eternal justice, trifle with the injunctions of morality, and recklessly destroy the political constitution which holds us together, no man can tell how sudden a catastrophe may overwhelm us, that shall bury all our glory in profound obscurity. Should that catastrophe happen, let it have no history! Let the horrible narrative never be written!"

Unfortunately, unless the present generation of American leadership returns to fundamental values, that history is being written right now.

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#### NOTES:

3. Adler et al., *The Annals of America*, 3:194-95
4. W. Cleon Skousen, *The Five Thousand Year Leap: Twenty-eight Ideas That changed the World* (Salt Lake City: Freeman Institute, 1981), p. 76.
5. Adler et al., *The Annals of America*, 3:612.
6. John William Randolph, ed., *Early History of the University of Virginia, as Contained in the Letters of Thomas Jefferson and Joseph C. Cabell* (Richmond: 1856), pp. 96-97.
7. Smyth, *The Writings of Benjamin Franklin*, 10:84.
8. Wells, *The Life and Public Services of Samuel Adams*, 3:23.
9. See Bergh, 13:290-94.
10. *Ibid.*, 14:198.
11. Adler et al., *The Annals of America*, 3:612
12. *Ibid.*
13. Tocqueville, *Democracy in America*, 1:319.
14. *Ibid.*, p. 316.
15. *Ibid.*, p. 319.
16. *Ibid.*, p. 327.
17. *Ibid.*, p. 320.
18. *Ibid.*, p. 325; emphasis added.
19. *Ibid.*, p. 317.
20. Quoted in Ezra Taft Benson, *God, Family, Country: Our Three Great Loyalties* (Salt Lake City: Deseret Book Company, 1975), p. 360.
21. Quoted in *Everson v. Board of Education*. 330 U.S. 1, 72, 94.
22. William C. Rives and Philip R. Fendall, eds., *Letters and Other Writing of James Madison*, 4 vols. (Philadelphia: J.B. Lippincott, 1865), 1:163-64.
23. C.B. Kruse, Jr., "The Historical Meaning and Judicial Construction of the Establishment of Religion Clause of the First Amendment." *Washburn Law Journal* 2 (Winter 1962): 65, 94-107.
24. Joseph Story, *Commentaries on the Constitution of the United States*. 3D ed., 2 vols. (Boston: Little, Brown and Company, 1858) 2:666-67; emphasis added.
25. Elliot, 3:330.
26. Adler et al., *The Annals of America*, 4:63.
27. *Ibid.*; emphasis added.
28. Bergh, *The Writings of Thomas Jefferson*, 16:282.



29. See Dallin H. Oaks, ed., *The Wall Between Church and State* (Chicago: University of Chicago Press, 1963), pp. 2-3.
30. Bergh, *The Writings of Thomas Jefferson*, 3:378.
31. Northwest Ordinance of 1787, Article 3, in Adler et al., *The Annals of America*, 3:194-195
32. Boyd, *The Papers of Thomas Jefferson*, 1:531; emphasis added.
33. Ford, *The Writings of Thomas Jefferson*, 4:83.
34. Bergh, *The Writings of Thomas Jefferson*, 2:227.
35. Randolph, *Early History of the University of Virginia*, p. 441.
36. Randolph, *Early History of the University of Virginia*, p. 441.
37. Randolph, *Early History of the University of Virginia*, p. 475.
38. Randolph, *Early History of the University of Virginia*, p. 475.
39. Padover, *The Complete Jefferson*, p. 1110; emphasis added.
40. Randolph, *Early History of the University of Virginia*, p. 475.
41. Ford, *The Writings of Thomas Jefferson*, 12:272.
42. 19 Howard 395; 60 U.S. 393.
43. 32 U.S. 243.
44. 268 U.S. 652.
45. 310 U.S. 296.
46. 330 U.S. 1.
47. Elliot, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, 3:330.
48. 333 U.S. 203.
49. 343 U.S. 313.
50. 343 U.S. 314.
51. 330 U.S. 1.
52. 330 U.S. 15; emphasis added.
53. Northwest Ordinance of 1787, in Adler et al., *The Annals of America*, 3:194-195.
54. For a discussion on the problem of neutrality, see Paul James Toscano, "A Dubious Neutrality: The Establishment of Secularism in the Public Schools," *Brigham Young University Law Review*, 1979, no. 2, pp. 177-211.
55. 370 U.S. 421.
56. 374 U.S. 223.
57. 374 U.S. 225.

# The Constitution, Our Inspired Heritage

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Our inspired Constitution has helped bring this nation to a position unrivaled in the last 200 years. It is enhanced by a Bill of Rights, whereby the rights and liberties of individuals and states are protected. Ironically, one of the great impacts felt on our government in recent years is a phrase that is not found in either founding document—the phrase “separation of Church & State.”

The power of this phrase can be best illustrated by a well-known author’s discussion with a U.S. congressman. In this discussion regarding the importance of religious values in public affairs, the congressman stated, “We know they are important; we just cannot do anything about it.”

“Why not?” inquired the author.

“Well, we just can’t!”

“Why?”

“Because of ‘separation of church and state’, we can’t have religious values in public affairs!”

“Separation of church and state. Where is that found?” asked the author?

“It’s in the Constitution - the Constitution won’t let us do it.”

“That is not in the Constitution,” the author stated.

“Yes it is.” “No it is not.” They went back and forth until the author gave him his copy of the Constitution. He then asked him to find the phrase for him. The congressman replied that he would be happy to and went immediately to the First Amendment, read it, reread it, and became very embarrassed. “I can’t believe this,” he exclaimed. “In law school they always taught us that is what the First Amendment said.”

“You’ve never read the Constitution for yourself?”

“We were never required to read it in law school, the Congressman replied. We studied case law” (which is the interpretation of another as to what the Constitution says.)

Therein lies the great dilemma we now have in America. The words “separation”, “church”, or “state” do not appear in the First Amendment, or in any founding document. But many, when they learn that these words are not there, respond with “Well, isn’t that what the First Amendment really means? Isn’t that the original intent of the Framers?”

The First Amendment simply states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” So, what did the framers of the Constitution mean by this? When one examines the Founding father’s discussions on this subject in the Congressional Records from June 7 to Sept. 25, 1789, they clearly and succinctly explain that all they wanted to do was to preclude what they had experienced in Great Britain. They did not want by the establishment of the federal government one single denomination in exclusion of all others, Catholic, Anglican, or another. No national church.

In the original version of the First Amendment proposed by the Senate on March 9, 1789, the language was “Congress shall not make any law establishing any religious denomination.” The second version stated, “Congress shall make no law establishing any particular denomination.” This wording is important because by their definition “religion” was interchangeable with “denomination.” Although the Founding fathers did not want a single denomination to rule America, they did expect Biblical principles and values to remain integral.

Fisher Ames was the founding father who

offered the final wording of the First Amendment. He wrote an article for a national magazine in 1801 in which he expressed his concern that as more and more books were introduced into the classroom, the Bible might someday drift to the back of the classroom. He warned that this could never be allowed in America, and that the Bible must always remain the number one textbook in our schools. He urged: "Why then, if these new books for children must be retained, as they will be, should not the Bible regain the place it once held as a school book?" [Fisher Ames- Bible in the classroom. Notices of the life & Character of Fisher Ames (Boston: T.B. West & Co. 1809 pp. 134-135)]

Fisher Ames concluded by stressing that the Bible was the source of sound morality and behavior in America and that we must never let it be separated from the classroom. Clearly, the use of the Bible did not violate Fisher Ames' view of the First Amendment - and he was the Founding father who provided the wording for the First Amendment!

As George Washington noted in his farewell address, which is considered the greatest political address ever given, "of all the habits and dispositions which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars." Now George Washington was a constitutional expert. He was the president of the convention which framed the Constitution. He was President of the U.S. who called for and oversaw the formation of the Bill of Rights and the First Amendment. For over a century, Washington's Farewell Address was printed as a separate textbook and was required reading by students, but in the last 40 years it has not been seen in most history text books.

Washington continued with another warning-- equally strong-- reminding Americans that they should reject any tenet asserting that one could be moral without religion. That had been the premise

of the French Revolution - and it had produced a blood bath of executions and slaughters. In America we knew better. Washington explained, "Whatever may be conceded to the influence of refined education on minds ... reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

Founding father Benjamin Rush was not only a signer of the Declaration of Independence, he served in three presidential administrations- under Presidents John Adams, Thomas Jefferson and James Madison. He was a great policy maker and was considered America's leading educator, the first founding father to call for free public schools under the Constitution. In an educational policy paper which he authored in 1791, Rush gave a dozen reasons why the Bible would never be taken out of schools. He warned that an explosion of crime would follow [Benjamin Rush- Policy Paper "In Defense of The Bible As A School Book" p.93 Benjamin Rush, Essays, Literary, Moral and Philosophical (Philadelphia: Printed by Thomas and William Bradford, 1806) pp. 93-94]. Benjamin Rush knew that if religious standards were removed, there would be no restraints on misbehavior.

As George Washington also warned in his Farewell Address, "Where is the security for property, for reputation, for life, if the sense of religious obligation desert?" I cannot read of a car jacking, school shooting, purse snatching, driveway robbery, etc. without thinking of what a prophetic utterance this was. I got into a discussion with a school administrator some years back when the first rash of drive-by shootings occurred. His solution was that for these kids to choose to do the right thing, they must be educated or all would be lost. I explained to him that I disagreed. I used the example of the Tail Hook incident, a party sponsored by senior U.S. Naval personnel, as proof that there had to be something more. For there were no better-educated group of men and women

aviators than these graduates of Annapolis and other colleges. Yet all of this education did not keep them from acting the part of “sexual primitives.” School officials and others are now in a state of shock that so many of the young people involved in the current rash of murders and shootings are some of the brightest and best-educated students, many from affluent homes. Clearly something else is sorely lacking.

How inspired the founding fathers were! But what was their background and where did they get their ideas for our Constitution? Five were ordained ministers, and over 70% were acknowledged Christians. Many were educated in schools like Harvard, Yale, and Princeton whose requirements included a religious component.

Harvard University’s purposes included:

“Let every student be plainly instructed and earnestly consider well the main end of his life and studies is to know God and Jesus which is eternal life, (John 17:3), and therefore to lay Christ in the bottom as the only foundation of all sound knowledge and learning.” The document continues: “Everyone shall so exercise himself in the reading of the scriptures twice a day, that he shall be ready to give such an account of his proficiency therein.”

Amazing! The primary purpose for attending Harvard was to know God and Jesus Christ and each student was to know and study the scriptures.

Yale required that “seeing God is the giver of all wisdom, every scholar, besides private or secret prayer... shall be present morning and evening at public prayer.” Princeton, which produced over one third of the 200+ founding fathers, had in its founding statement: “Cursed be all learning that is contrary to the cross of Christ.”

Of the first 108 colleges in this country, 106 were founded on religious principles. Until the early 1900’s, it was most unusual to have as a college president anyone but a minister. Christianity was not only the core of education at the time of the founding fathers, it had been the basis of education since America’s first public education

law was passed in 1642 by the states of Connecticut and Massachusetts.

This law came from the experiences of the early settlers who, while intensely religious for the most part, were concerned about the civil atrocities which had occurred in Europe under the banner of Christianity (the Inquisition, the Crusades, etc.). These settlers believed that such atrocities had occurred because the average person did not have access to the word of God, for access had been limited to only civil and religious leaders. They believed that if the average person could have read the scriptures and known for themselves what they said, the people would have never allowed the civil governments to do what they did.

So, to preclude any such repetition in America, with the memory of these European atrocities still fresh in their minds, they passed in 1642 “The Old Deluder Satan Act”--the first public school law in America. The law began:

“It being one chief project of that old deluder, Satan, to keep men from the knowledge of the scriptures, as in former times...”

They believed that Satan’s primary intent was to keep people out of the scriptures and thereby cause them to tolerate bad behavior by a lack of knowledge of God’s will. But, those settlers were unwilling to allow that to happen in America. The law explained that when fifty families were gathered into an area, a teacher was to be acquired; and when one hundred families had gathered, a grammar school was to be built “to instruct youths, so far as they may be fitted for the university.”

They were concerned about illiteracy, but not for the reasons which would cause concern today. Their concern was that if one could not read, then he would not know the word of God or the laws of the state. This meant that if the legislature passed a law which contradicted the word of God, then the people might not be knowledgeable enough to stop it.

At the time of the Revolutionary War, we were the most literate citizenry in the world. We have

now been able to work our way down to fifth or sixth. When I was much younger, I had a concept of our forebears as some sort of uneducated rabble with a few great leaders. I used to wonder who Thomas Paine sold all of his pamphlets to. But the Federalist Papers, which were printed and dispersed for the purpose of explaining to the people of the new United States why they needed a federal constitution, corrected my misunderstanding.

A law professor in Alabama requires all of his students (enrolled as they are in graduate level legal studies) to read the Federalist Papers. They regularly return complaining about the difficulty of the book. The professor nods sympathetically, "I understand. This book was not written for someone of your educational level; it was written for the common, average, upstate New York farmer of 1787. Perhaps someday you'll attain the educational level of those New York farmers."

The founding fathers strove to ensure that the Christian principles which had formed the basis of education prior to the Revolution would continue after their passing. For that reason, in the midst of the Constitutional Convention, they repassed the Northwest Ordinance. This was a very important piece of legislation which had been originally passed under the Articles of Confederation. The Northwest Ordinance set forth the provisions whereby territories could become states in the union. This act was signed back into law by George Washington on Aug. 7, 1789. It is important to note that they passed the Northwest Ordinance while they were working on the First Amendment. What is noteworthy here is that Article III stipulated that for a Territory to become a State, their schools must teach religion and morality as well as knowledge. It is unbelievable to think that the founding fathers required something by law that they thought would have violated the First Amendment, passed at the same time. As an example of the impact of this law, the state constitution of Ohio as passed January 1, 1802

stated:

"Religion, morality, and knowledge, being essentially necessary to good government, and the happiness of mankind, schools and the means of education shall be forever encouraged in this state."

This idea was basically in every state constitution for the next 80 years.

But why did the founding fathers feel that religion and morality was essential to good government? Because they understood the great challenge of our lives is the mastery by our spirit and intelligence over the appetites of the body. Noah Webster, whose name we know because of its association with the dictionaries which bear his name, was not only an educator, but a founding father. He was a soldier during the Revolution, spent nine terms in the Connecticut legislature, three terms in the Massachusetts legislature and four terms as a judge. He was one of the first to call for the Constitutional Convention and was personally responsible for Article I, Section 8 of the Constitution. Noah Webster believed the Bible and Christianity to be vital to American government and education, because he understood that there were only two ways to control behavior. He explained:

"There are two powers only which are sufficient to control men and secure the rights of individuals in a peaceable administration. These are the combined force of religion and law and the force of fear of the bayonet." [Noah Webster-Verna hall, *A Christian History of the American Revolution* (San Francisco: Foundation for American Christian Education, 1967) preface, p. 12]

Robert Winthrop, a later Speaker of the House, explained the same principle in these words:

"Men, in a word, must necessarily be controlled, either by a power within them, or by a power without them; either by the Word of God, or by the strong arm of man; either by the Bible or the

bayonet.” [Robert Winthrop- "...men must be controlled.." Addresses & Speeches on Various Occasions (Boston, MA: Little, Brown & Co., 1852) p. 172 from his "Either By the Bible or the Bayonet."]

In today's society it is the police .38 special or the 9mm. In a self-governing country, people who can govern themselves are an absolute necessity. In our nation, where one is presumed innocent until proven guilty, there are not enough policemen to put on every block to ensure that we obey the law. This is why Thomas Jefferson said that Christianity was the best friend of government. He explained as follows:

“The precepts of philosophy laid hold of actions only. But Jesus pushed his scrutinizes into the heart of man, erected His tribunal in the region of the thoughts, and purified the waters at the fountain head.” [Thomas Jefferson- "The precepts of philosophy.." "The Life of Thomas Jefferson" Mack & Andrus; p. 265 1834]

Where the law says “Don't kill”, in Matthew 5, Jesus says: “Don't get angry; don't hate.” Clearly if you prevent the anger and hate, you have prevented the murder. Where the law says “don't commit adultery,” Jesus says “Don't lust in your heart.” If you control the lust, you have controlled the adultery. The founders pointed out that only religion could stop crime before it started, because all crime comes out of the heart, and if you can't control the heart, you can't control crime. This is why Christian principles were so valuable to government. As President John Adams, explained:

“We have no government armed with power capable of contending with human passions unbridled by morality and religion...Our constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.” [President John Adams- "We have no power.." The Works of John Adams, 2nd President of the U.S. By Charles Francis Adams; p.229 10/11/1798]

This is an ominous statement when we

consider the assault religion has taken in our country and the resulting impact on so many of our citizens. We can now see clearly the fruits of this relatively new philosophy as we witness great numbers of men and women in business, government and education abuse their privilege and betray the trust given to them with a devastating impact upon society.

Patrick Henry, who is so well remembered for his “give me liberty or give me death” speech said:

“It cannot be emphasized too strongly or too often that this great nation was founded, not by religionists, but by Christians; not on religions but on the gospel of Jesus Christ! For this very reason people of other faiths have been afforded asylum, prosperity, and freedom to worship here.” [Patrick Henry- "It can not be emphasized too strongly.." God's Providence in American History by Steve C. Dawson; p1:5 1998]

One may disagree with what the Founding fathers said but those who are honest cannot deny what they said.

An incident during the Revolution revealed the educational philosophy of George Washington. In 1779 a group of Delaware chiefs came to see Washington seeking to have some of their youth trained in America's schools. Washington assured them, “Congress would look upon them as their own children”. He then commended the Delaware chiefs for their decision to bring their children to America's schools, saying,

“You do well to wish to learn our arts and our ways of life, and above all, the religion of Jesus Christ. These will make you a greater and happier people than you are; Congress will do everything they can to assist you in this wise intention.” [George Washington- Delaware Chiefs.. The Writings of Washington by John C. Fitzpartick ; p.55 1932]

According to George Washington, what would these youth learn in American schools “above all”? The religion of Jesus Christ.

Many have wanted to know where the

founders got their ideas for the Constitution. The University of Houston conducted a study over 10 years that examined 15,000 writings from the founding era. The researchers isolated 3,154 direct quotes made by the founders and identified the source of these quotes. Thirty-four per cent of the quotes came directly out of the Bible. Another 60% came indirectly from the Bible from sources such as Baron Charles de Montesquieu, Sir William Blackstone, and John Locke. These were men who had used the Bible to arrive at their own conclusions.

The question begs then, did the Supreme Court recognize the United States as a Christian nation? In 1892 the US Supreme Court made this ruling in a case which had come before it: (Church of The Holy Trinity vs. The United States)

“No purpose of action against religion can be imputed to any legislation, state or national, because this is a religious people. This is a Christian nation.”

The Court used 87 different historical precedents to support its conclusions, and it could have used many more. I will take the time to cite only one. In 1811 a case (People vs. Ruggles) came to the Court that dealt with a man who had gone into a fit of profanity. It was not a moment of anger or temporary loss of control, for he had taken the time to write it out and distribute it. It maliciously and capriciously attacked Jesus Christ in the vilest of terms. The Court explained the problems with his writings: an attack on Jesus Christ was an attack on Christianity; and an attack on Christianity was an attack on the foundation of the country; therefore, an attack on Jesus Christ was an equivalent to an attack on the country. The man was sentenced to 3 months in prison and a fine of \$500.00 ( a princely sum in those days) for attacking the country by attacking Jesus Christ.

It is noteworthy that John Jay, the first Chief Justice of the Supreme Court and one of the three men most responsible for the Constitution itself, said that “Providence has given to our people the

choice of their rulers, and it is the duty as well as the privilege and interest of our Christian nation to select and prefer Christians for their rulers.” [John Jay - "Providence has given to our people.." The Correspondence & Public Papers of John Jay 1794-1826 Henry P. Johnson, ed. Vol. 4 p.393 10/12/1816] One would think that the Chief Justice of the Supreme Court and one of the Key Founders would know the intent of the Framers of the Constitution as a whole, as well as the meaning of the First Amendment!

But how did we get where we are today? Because in the 1962 Supreme Court decision that removed school prayer, the Court used neither historical precedent nor the original framers’ intent in shaping their decision. With no historical or legal base, the Court simply announced we would not have prayer in schools anymore because it was unconstitutional.

Remember when the Court declares something unconstitutional, they essentially mean that if the framers of the Constitution were here now, this would be their interpretation. In that 1962 case the Court redefined the meaning and application of a single word: “church”. For 170 years prior to that case, the word “church”, used in the phrase “separation of church and state”, was defined to mean a federally-established denomination.” However, in 1962 the Court explained that the word “church” would now mean “a religious activity in public.” [Supreme Court - "No Prayer.." 6/25/1962 Engel vs. Vitale] This was the turning point in the interpretation of the First Amendment. The First Amendment would no longer just ban the establishment of a federal denomination, it now would prohibit religious activities in a public setting.

Thus the guiding principles of the previous 167 years were ignored and a statement from Thomas Jefferson’s letter to the Danbury Baptists, was lifted out of context and used to justify their decision. The Danbury Baptists had heard a rumor that the Congregational Church was going to be

made the National Church of America. They were also concerned that the guarantee of “free exercise of religion” as it appeared in the First Amendment might suggest that this was a government granted right instead of an inalienable right from God. Attempting to put their minds at rest, he assured them that the free exercise of religion was an inalienable right and would not be meddled with by the government. Jefferson pointed out to them that there was a “wall of separation between church and state” [Jefferson's letter to the Danbury Baptists- Jefferson's Writings by Meril P. Patterson p.510 January 1, 1802] to insure that the government would never interfere with religious activities.

Today, all that is heard of Jefferson’s letter is the phrase, “a wall of separation between church and state,” without either the context, or the explanation given in the letter, or its application by earlier courts. It is worth noting that while Jefferson served as President of the United States, he also served as president of the Washington D.C. schools. In his official school board capacity, he required as text books, the Bible and the Watts Hymnal [President Thomas Jefferson- President of Washington DC Schools Records of The Columbus Historical Society- Washington DC 1897 p. 119-170], several of which hymns appear in our own hymn book.

But, in its 1963 ruling, the Court banned the Bible from the classroom. Recall that the founders had relied on the Bible, early textbooks quoted the Bible and used it as part of the alphabet; an earlier Supreme Court cases ruled that a school must teach religion and the Bible. Therefore, on what possible basis could the Court have used to justify their ruling? In its written decision, the Court noted that:

“If portions of the New Testament were read without explanation, they could be and...had been psychologically harmful to the child.” [Supreme Court bans the Bible *Abington vs. Schremp & Murray vs. Curlett* June 17, 1963]

Amazing. Reading the Bible causes brain

damage

The Court made a statement lacking both historical or legal precedent. Again, the Court simply made a new announcement of policy; in essence no more Bible reading in schools.

Yet, Thomas Jefferson justified the use of the Bible in the classroom as follows:

“I have always said, and always will say, that the studious perusal of the sacred volume will make us better citizens.” [Thomas Jefferson - "I have always said .." *Last words of Saints & Sinners* by Herbert Lockyer (Grand Rapids: Kregel, 1969) p. 98]

Jefferson also wrote that “had the doctrines of Jesus been preached always as pure as they came from his lips, the whole civilized world would now have been Christian. I rejoice that in this blessed country of free inquiry and belief, which has surrendered its creed and conscience to neither king nor priest, the genuine doctrine of one God is reviving, and trust that there is not a young man in the United States who will not die a Christian...the doctrines of Jesus are simple, and tend all to the happiness of man. 1) That there is only one God and he, all perfect. 2) that there is a future state of rewards and punishments. 3) That to love God, with all thy heart and thy neighbor as thyself is the sum of religion.” [Thomas Jefferson- "had the doctrines of Jesus.." *Letter to Dr. Benjamin Waterhouse* bergh 15:383 (1822)] This is not bad for someone who has been characterized as a non-Christian.

In this month where we celebrate the 4th of July, I am reminded of an excerpt from President John Quincy Adams’ speech given on July 4, 1837 at Newburyport. He asked the crowd “Why is it that, next to the birthday of the Savior of the World, your most joyous and most venerated festival returns on this day?” A very appropriate question. Why was it that the 4th of July and Christmas were our top two holidays? He answered the question as follows:

“Is it not that, in the chain of human events,



the birthday of the nation is indissolubly linked with the birthday of the Savior? That it forms a leading event in the progress of the Gospel dispensation? Is it not that the Declaration of Independence first organized the social compact on the foundation of the Redeemer's mission upon earth. That it laid the cornerstone of human government upon the first precepts of Christianity?" And on he goes for the next sixty pages.

We are now reaping the beginning of the whirlwind as our Government has succeeded in ever exempting religious principles and references from our public institutions. The Court has ruled that even a copy of the Ten Commandments can not be displayed in public schools because "if the posted copies of the Ten Commandments are to have any effect at all, it will be to induce the schoolchildren to read, meditate upon, perhaps to venerate and obey the commandments. This is not a permissible objective." [Supreme Court- Ban on Ten Commandments; Case of Stone vs. Graham 1980] This is an incredible ruling! You can't let kids see the Ten Commandments, things like "don't kill", "don't steal". I wonder if the victims at Columbine High School and others of the schools which have had these tragedies, would have wished that their perpetrators might have had the opportunity to have seen the Ten Commandments on a daily basis and possibly been influenced by them? By the way, of these commandments that the Supreme Court thought should be excluded from public institutions, James Madison, the chief architect of the Constitution said, "we have staked the future of American civilization, not upon the power of government, far from it. We have staked the future of all of our political institutions upon the capacity of each and all of us to govern ourselves according to the Ten Commandments." [James Madison- "we have staked.." Liberty, Cry Liberty p.23-33 1939 by Harold K. Lane]

Much background has been covered this day about the foundation of America's government, but what is the Church of Jesus Christ of Latter Day

Saint's position regarding the constitution, the Foundin fathers and Divine Intervention? By December of 1833 the Latter Day Saints were suffering terribly from their persecutors in Missouri. They had been driven from their homes, their household furniture, clothing, livestock and other personal property taken. In response to much prayer, the Prophet Joseph Smith received a revelation on December 13 explaining among other things that they should importune for redress. As recorded in the 101st section of the Doctrine & Covenants beginning with the 76th verse we read:

76. And again I say unto you, those who have been scattered by their enemies, it is my will that that they should continue to importune for redress, and redemption, by the hands of those who are placed as rulers and are in authority over you.

77. According to the laws and constitution of the people, which I have suffered to be established, and should be maintained for the rights and protection of all flesh, according to just and holy principles;

78. That every man may act in doctrine and principle pertaining to futurity, according to the moral agency which I have given unto him, that every man may be accountable for his own sins in the day of judgment.

79. Therefore, it is not right, that any man should be in bondage one to another.

80. And for this purpose have I established the Constitution of this land, by the hands of wise men whom I raised up unto this very purpose, and redeemed the land by the shedding of blood.

By this revelation, we as Latter Day Saints know beyond a shadow of doubt that our Constitution was an inspired document. That the men involved in its creation here on earth were wise men whom the Lord himself raised up for this very purpose. Some of us may fail to appreciate the importance of this, but if these events had not transpired, there would have been no restoration of the Gospel and the purposes of the Lord would have been frustrated - at least for then!

Elder M. Russell Ballard, a member of the Quorum of the Twelve Apostles spoke at a military sponsored “prayer breakfast” on February 9, 1999. He focused on the First Amendment as he stated:

“The principles and philosophies upon which our constitutional law is based are not simply the result of the best efforts of a remarkable group of brilliant men. They were inspired by God, and the rights and privileges guaranteed in the Constitution are God given, not man derived. No nation or people that rejects God or his commandments can prosper or find happiness. To remove the influence of religion from public policy simply because some are uncomfortable with any degree of moral restraint is like the passenger on the sinking ship who removes his life jacket because it is restrictive and uncomfortable.”

These remarks are consistent with what so many of the other General Authorities of the Church have said in the past.

However, we have witnessed an unrelenting assault over the last few decades on our Founding fathers. Every effort has been made to denigrate their character. But why, one might ask? Because if their character can be successfully assassinated, then what ever they had to say on any subject can be trivialized or ignored. Yet, what kind of men were they really? The incident in the St. George Temple involving President Wilford Woodruff, the 4th President of the Church gives us the best answer. As he personally recorded in his journal:

“I will here say that two weeks before I left St. George, the spirits of the dead gathered around me, wanting to know why we did not redeem them. Said they, “you have had the use of the Endowment House for a number of years, and yet nothing has ever been done for us. We laid the foundation of the government you now enjoy, and we never apostatized from it, but we remained true to it and were faithful to God.”

These were the signers of the Declaration of Independence, and they waited on me for two days and two nights. I thought it very singular, that

notwithstanding so much work had been done, and yet nothing had been done for them. The thought never entered my heart, from the fact, I suppose, that heretofore our minds were reaching after our more immediate friends and relatives

I straightway went into the baptismal font and called upon Brother McAllister to baptize me for the signers of the Declaration of Independence, and fifty other eminent men, making 100 in all, including John Wesley, Columbus, and others. I then baptized him for every President of the United States, except three, and when their cause is just, somebody will do the work for them.” -September 6, 1877.

This is the only recorded incident of departed spirits being permitted to pass through the veil and request the saving ordinances. If these had not been righteous men, they would never have been granted this privilege. Each was ordained to the office of Elder in the Melchizedek Priesthood and three were ordained High Priests. Those three were George Washington, Benjamin Franklin and Christopher Columbus.

President Ezra Taft Benson stated that the War in Heaven continues on earth today. He explains and warns on page 279 in his book, “An Enemy Hath Done This”:

“Brethren, if we had done our homework and were faithful, we could step forward at this time and help save this country. The fact that most of us are unprepared to do it is an indictment that we will have to bear. The longer we wait, the heavier the chains, the deeper the blood, the more the persecution, and the less we can carry out our God-given mandate and worldwide mission. The war in heaven is raging on earth today. Are you being neutralized in the battle?”

“Verily I say, men should be anxiously engaged in a good cause, and do many things of their own free will, and bring to pass much righteousness; For the power is in them, wherein they are agents unto themselves...”(D&C 56:27-28)

President Benson's book is a great voice of warning.

Brothers & Sisters, I am so grateful to be an American and to have been born at a time when the fullness of the Gospel of Jesus Christ was on the earth. I know that the Restored Gospel is true and that our nation was preserved and saved for us in these latter days. I challenge each of you to educate yourselves, your children and your grandchildren about the Foundation of our country. Many do not want us to know. There is a significant movement afoot to eliminate the teaching of all history before 1850. When you tear the people away from the knowledge of how and why this nation was founded, it is then easier to steer it in another direction much different from what our Founders intended. We can not protect our foundations if we do not know what they are! Four years ago in New Jersey, the State house passed and sent to the Senate a bill requiring that students should recite the Pledge of Allegiance and the first 56 words of the Declaration of Independence. This has started a political furor. The teacher's union has attacked this legislation as inappropriate, not the way to teach patriotism, cheap jingoism, etc. The Feminist organizations have joined in on a similar note, as have others. The bill, although passed by the state house, remains bottled up in committee in the state senate. Then, only this week, the 9th Circuit Court of Appeals in California ruled that requiring students to recite the Pledge of Allegiance was

unconstitutional. Brothers & Sisters, our very way of life is and has been under assault.

The charge that the Reverend Matthias Burnet made to the citizens in his day is as timely for us today. He stated:

“Finally, ye... Whose high prerogative it is, to...invest with office and authority, or to withhold them, and in whose power it is to save or destroy your country, consider well the important trust...which God..has put into your hands. To God and posterity you are accountable for them...Let not your children have reason to curse you for giving up those rights, and prostrating those institutions which your fathers delivered to you.” [ Reverend Mathias Burnett- "Finally ye.." Mathias Burnett, D.D. Pastor of the First Church in Norwalk, An Election sermon, Preached at Hartford, on the Day of the Anniversary Election, May 12, 1803 (Hartford: Printed by Hudson & Goodwin, 1803) p. 26-27]

Brothers and Sisters, it is my prayer that when I receive my transfer to the other side of the veil, that among other things, I will not be ashamed to be in the presence of these great men who were our Founding fathers. That when I am giving my stewardship report on my efforts to have preserved the Constitution and our liberties, I do not have to hang my head in shame, that I will have been tried in the balance and not found wanting. This is my prayer for each of us.

In the sacred name of Jesus Christ. Amen.

# Why One Nation Under God Matters

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This summer's 9th U.S. Circuit Court of Appeals decision to strike down the Pledge of Allegiance as unconstitutional, because the clause "one nation under God" offends an atheist, reminds me of the thoughtless comments of a group of public school teachers two years ago, at the height of the controversy over the possible reintroduction of the Ten Commandments into the public school system, who came to the one-sided consensus that teaching the Ten Commandments had little or no value in the classroom.

Nothing could be further from the truth.

Numerous principles of Constitutional law rest on the foundation belief that in America, God presides - here are three: 1. Our rejection of kings. 2. Our belief in the preeminence of Higher Law, and thus, inalienable rights and a republican form of government to protect those rights. 3. Our belief in equality before the law.

## America's Rejection of Kings

Of all the powerful arguments against a belief in kings, Thomas Paine's *Common Sense*, tops the list. In it, Paine rejected king's and kingly prerogatives via an appeal to scripture, reason, and history, but primarily scripture. He noted, "The Almighty hath here (in the Bible) entered his protest against monarchical government."

"Near three thousand years passed away, from the Mosaic account of the creation, till the Jews under a national delusion requested a king. [Before] then their form of government (except in extraordinary cases) was a kind of republic, administered by a judge, and the elders of the tribes [who were freely elected, and a Seventy, who were the equivalent of a Senate]. Kings they had none,

and it was held sinful to acknowledge any being under that title but the Lord of Hosts."

"Government by kings," said Paine, was not the invention of God - as skeptics contend today - but "was first introduced into the world by the heathens, from whom the children of Israel copied the custom."

Israel first dabbled with the idea of kings, he stated, when they solicited the great general Gideon for such a post. "Rule thou over us, thou and thy son, and thy son's son." But Gideon, a type and a shadow of another great general, Washington, rigorously refused this tempting offer; said he, "[only] the Lord shall rule over you." Gideon, not only "declined the offer," but he "denied their right to give it, "for absolute power in the hands of any man was an affront to God.

God must be the only King, and that was important. Paine continued: "But where, say some, is the king of America I'll tell you, friend, he reigns above, and doth not make havoc of mankind like the royal brute of Great Britain.

"Yet that we may not appear to be defective even in earthly honors, let a day be solemnly set apart for proclaiming the charter; let it be brought forth placed on the Divine Law, the Word of God; let a crown be placed thereon, by which the world may know, that so far as we approve monarchy, that in America the law is king. For as in absolute government the king is law, so in free countries the law ought to be king; and there ought to be no other."

This belief that God and His law were Supreme, repudiated monarchy and inspired the colonists to believe that no man or group of men should ever be trusted with unchecked power. It taught the colonists a principle, students need

know now, that even good men are corrupted by untrammled centralized power and the results of such blind trust are catastrophic!

And so we have reason number one "one nation under God" is important - it means no Kings, and no state to be worshipped in America! What's wrong with that?

### Higher Law, the Foundation of a Republic

Monarchies tend to tyrannize the people, and strip them of their rights, so do democracies; this is so because pure democracies create rights and give governments power to give or take away civil and personal rights according to majority vote - plain and simple, or often, by way of a noisy minority. If the majority, or noisy minority want to strip away your rights, so be it in a democracy.

We forget it was not the king of England, only, but the freely elected Parliament that deprived the colonists of their rights. Jefferson wrote in the original draft of the Declaration of Independence: "They [the English] have by their free election, reestablished [the disturbers of our harmony] in power." The British commons (the freely elected branch) could have exercised their check, at a key moment, against a measure which pushed the colonists to complete unity and war against their mother country, but they didn't. "The bill passed the commons by a vote of more than four to one," records Bancroft. The reason?

"The British government inflamed the passions of the English people against America."

Jefferson rejected a repeat of that possibility with this Declaration:

"We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty [especially Religious Liberty], and the Pursuit of Happiness [Private Property]."

Jefferson, therefore, appealed to a Higher Law pronouncing the Biblical conviction that these

rights are the pre-existent gifts of God to all his children; rights that no king, no House of Lords, no House of Commons can abridge, eradicate, or claim to create.

And so we have reason number two: In order for men's rights to be preserved and protected from Kings or the Democratic Mob, there must be an acknowledgment of a Higher Law which declares these rights Inalienable. The kind of government which does this best, the Founder's proclaim, was a Republic, for a Republic is ruled by law, not merely the whims of the one, the few, or the many. So what's wrong with that?

### Equality Before the Law

Yet, recognition of God as Our Father and the only King in the Universe roused another political leap for man - or as Jefferson believed - a political return to "ancient principles" - one of them being the conviction already noted, that "all men are created equal."

This was no inconsequential improvement, and Jefferson did not happen upon it alone. The principle was deeply rooted in the religious theology and history of a very religiously minded group of colonists.

The 1762 election sermon by Boston Reverend Abraham Williams spelled it out: "Men [are] naturally equal, [having] descended from a common parent (who is God)." Or as the apostle Peter put it: "God is no respecter of persons but hath made of one blood all nations under Heaven."

From this perspective, very important principles of law emerged. Children of God, endowed with agency, higher than the beasts, ought to be free, and ought to have an equal right to consent to the laws that govern them. It also meant as all men would one day stand before the bar of Heaven to be judged according to their works, regardless of who they were, rich or poor, president or pauper, so should it be on Earth.

This meant equality before the law, or: no

special immunities, no privileged political or religious classes.

And so we have reason number three: "One nation under God" means, we are all equally his children, equally free, and equally accountable - and thus earthly governments ought to honor this equality. So what's wrong with that?

Absolutely Nothing. "One nation under God" is the chief cornerstone of our liberty." If we expect

to remain a people without Kings or a State to worship; and a people ruled by fixed laws which protect inalienable rights; and a people who are, each of us, equal before that law - we had better make up our minds that "one nation under God" is not offensive, not unconstitutional, and not unnecessary, but essential for believers and unbelievers alike.

# Putting God Back in the Public Square

## by Roy S. Moore, Circuit Judge, 16th Judicial District

*Judge Roy Moore, a circuit judge in Etowah County, Ala., has become a national icon by his defense of placing the Ten Commandments in the State's Judicial building. Two separate court cases were filed against Moore by the American Civil Liberties Union, Americans United for Separation of Church and State, and the Southern Poverty Law Center. On July 1, the U.S. 11th Circuit Court of Appeals ruled against Moore. A last minute appeal has ruled the 5,300-pound granite monument that Moore installed, violates the constitution's ban on government establishment of religion and must be removed from its public place. Thursday, Aug. 20th (2003) was the deadline, but Moore said he would not move it.*

In his first official act, President George Washington did something that would be unthinkable today. He prayed in public! Specifically, during his inaugural address, he made "fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes."

If that were not enough, Washington added, "We ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself ordained."

Two hundred years later, few government officials are bold enough to make earnest professions of faith. It seems that politicians can do just about anything in public but pray, unless it is obligatory (during, say, an annual prayer breakfast at the White House). They can survive scandal and

immoral conduct, but they suffer ostracism and worse once they are labeled members of the "Religious Right."

Even the American justice system, which is firmly rooted in Judeo-Christian tradition, has developed a bias against public worship and the public acknowledgment of God that ought to give the most militant atheist cause for concern. If judges can deny Christians and Jews the right to express their beliefs in the public square, they can surely deny secular humanists (devout believers of a different sort) the same right.

In California, creches and crosses have been removed from downtown Christmas and Easter displays.

In Kansas, city hall monuments featuring religious symbols have been torn down.

In Rhode Island, high school graduation invocations and benedictions have been banned.

In Alabama, students have been prohibited by federal court order from praying, from distributing religious materials, and from even discussing anything of a devotional or inspirational nature with their classmates and teachers.

And in Ohio, an appellate court has overturned the sentence of a man convicted of raping an eight-year-old child ten times. Why? Because the judge who pronounced the sentence quoted from the 18th chapter of Matthew: "But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea."

In the courtroom in which I preside, the public display of the Ten Commandments and voluntary clergy-led prayer prior to jury organizational sessions have sparked not only a national controversy but also an epic legal battle. In 1995, I was sued in federal court by the ACLU and the

Alabama Freethought Association. Just prior to that case being dismissed for lack of standing (the ACLU and Alabama Freethought Association failed to show that they had been or were about to be injured), a separate lawsuit was filed in Alabama state court requesting a ruling on whether the First Amendment to the United States Constitution prohibits the display of the Ten Commandments and voluntary prayer in the courtroom. A state circuit court judge presiding in Montgomery County, Alabama, held that the practices in Etowah County were unconstitutional under the First Amendment's "establishment Clause," which reads "Congress shall make no law respecting an establishment of religion..." It would appear that the circuit court judge and others were not impressed when the members of the U.S. House of Representatives and the U.S. Senate passed a resolution stating that:

(1) the Ten Commandments are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in government offices and courthouses, of the Ten Commandments should be permitted.

The state circuit court's ruling was appealed to the Alabama Supreme Court and, appropriately, was set aside by the Alabama Supreme Court in 1998. Nevertheless, federal constitutional issues regarding public worship and the public acknowledgment of God remain unresolved.

## Church and State

In a 1997 law review article, Brian T. Collidge expressed the opinion of many in the legal profession when he claimed that the mere display of the Ten Commandments in the courtroom is a "dangerous" practice. Although Collidge concedes that the Commandments reflect universal teachings that are beneficial to a civil society, they make explicit references to God, and, in his view, this is an unconstitutional breach of the "wall of

separation between church and state."

This now famous "wall of separation" phrase does not appear in the Constitution, the Declaration of Independence, the Articles of Confederation, or any other official American document, yet millions of Americans have been led to believe that it does and that, in the words found in a 1947 Supreme Court decision, "the wall must be kept high and impregnable."

The phrase is actually mentioned for the first time in a letter President Thomas Jefferson wrote in 1802 in reply to an inquiry from the Danbury Baptist Association...But did Jefferson mean that the government should in no way support religion? To find the answer we must go back more than one hundred years before he wrote to the Danbury Association. Jefferson was strongly influenced by John Locke, a well-known English philosopher...who stated that "the magistrate has no power to enforce by law, either in his own Church, or much less in another, the use of any rites or forms of worship by the force of his laws."

Herein lies the true meaning of separation between church and state as the concept was understood by Jefferson and the other founding fathers. Government may never dictate one's form of worship or articles of faith. Not all public worship of God must be halted; on the contrary, freedom to engage in such worship was the very reason for creating a doctrine of separation between church and state.

Two days after he wrote to the Danbury Baptist Association, Jefferson attended a church service conducted by John Leland, a prominent Baptist minister, in the halls of the House of Representatives. Throughout his presidency, he attended similar services, which were often held in the north wing of the Capitol. From 1807 to 1857 church services were held in a variety of government buildings where Congress, the Supreme Court, the War Office, and the Treasury were headquartered.

Obviously neither Jefferson nor any other



officials in the early Republic understood separation between church and state to mean that the federal government was precluded from recognizing the necessity of public worship or from permitting active support of opportunities for such worship. Indeed, they plainly recognized that the duty of civil government was to encourage public professions of faith. Perhaps this is why John Jay, the first chief justice of the Supreme Court, specifically authorized the opening of jury sessions over which he presided with voluntary prayer led by local clergy of the Christian faith.

Many believe that James Madison, as chief architect of the Constitution and the Bill of Rights, led the fight to keep religion out of politics. In truth, he was more interested in protecting religion from politics. In 1785, two years before the Constitutional Convention, he wrote a Memorial and Remonstrance opposing a Virginia bill to establish a provision for teachers of the Christian religion. He stated that man's first duty is to God, and that "religion, or the duty which we owe to our Creator, and the manner of discharging it," was a right and a duty "precedent both in order of time and degree of obligation, to the claims of a civil society. Before any man can be considered as a member of a civil society, he must be considered as a subject of the Governor of the Universe."

Madison championed the First Amendment's Establishment Clause with one overriding purpose: to keep one sect from gaining an advantage over another through political patronage. This is a far cry from denying public worship or the public acknowledgment of God. Madison also made sure that the Establishment Clause was followed by the "Free Exercise Clause," so that the First Amendment would read, in relevant part, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."

Both Jefferson and Madison would have agreed with United States Supreme Court Justice Joseph Story's definitive Commentaries on the

Constitution of the United States (1833) in which he posed the question of whether any free government could endure if it failed to provide for public worship. They would have concluded, as did Justice Story, that it could not. Justice Story explained that "the promulgation of the great doctrines of religion, the being, and attributes, and providence of one Almighty God; the responsibility to him for all our actions, founded on moral freedom and accountability; a future state of rewards and punishments; the cultivation of all the personal, social, and benevolent virtues; these never can be a matter of indifference in any well ordered community. It is, indeed, difficult to conceive, how any civilized society can well exist without them."

#### Historical Precedent

When the federal legislature met in 1789, one of the first actions was to appoint chaplains in both houses of Congress. (Congress still recognizes God by appointing and paying chaplains who open each session with a prayer--even the recent session devoted to the impeachment proceedings against President Clinton.)

On the very day that Congress approved the wording of the First Amendment, its members resolved to request of President Washington a day of public thanksgiving and prayer for the peaceful manner in which the Constitution was formed.

A month earlier, Congress passed the Northwest Ordinance, one of the most important documents in our history. Article III of the Ordinance declared, "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

Every president of the United States (with only one possible exception) has been administered the oath of office with his hand on the Bible, ending with the words "so help me God."

The Supreme Court begins every proceeding

with the ringing proclamation, "God save the United States and this Honorable Court."

Throughout our history, the executive and legislative branches have decreed national days of fasting and prayer.

Public offices and public schools close in observance of religious holidays.

United States currency bears our national motto, "In God We Trust."

Also by law, the Pledge of Allegiance to the Flag affirms that we are "one nation under God." Congress would not even allow a comma to be placed after the word "nation" in order to reflect the basic idea that ours is a "nation founded on a belief in God."

It is ludicrous and illogical to believe that it is constitutionally permissible for all three branches of the federal government to acknowledge God openly and publicly on a regular basis, and yet at the same time accept the notion that the federal government can strictly prohibit the states from doing the very same thing. Have we become so ignorant of our nation's history that we have forgotten the reason for the adoption of the Bill of Rights? It was meant to restrict the federal government's power over the states, not to restrict the states from doing what the federal government can do.

It is no wonder that our present Supreme Court Chief Justice William Rehnquist observed in a 1985 dissenting opinion that "the wall of separation between church and state is a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned."

Rehnquist added that "the greatest injury of the 'wall' notion is its mischievous, diversion of judges from the actual intention of the drafters of the Bill of Rights." He is right. The doctrine of separation between church and state has been abused, twisted, and taken out of context in recent court decisions in order to prevent the public worship and acknowledgment of God.

## False Neutrality

The Pharisees demanded of Jesus, "Is it lawful to give tribute unto Caesar, or not?" He asked them to produce a coin and tell him whose image was inscribed on its face. When they replied, "Caesar's," Jesus gave his answer. "Render therefore unto Caesar the things that are Caesar's, and unto God the things that are God's."

We have to render an awful lot to Caesar these days, but we do not and should not surrender our freedom of conscience. The state can't tell us how we ought to think or what we ought to believe. As Jefferson testified, "Almighty God hath created the mind free."

But in the latter half of the 20th century the state is trying to take by force the unalienable rights freely given to us by God, declared in the Declaration of Independence to be "self-evident." Caesar is trying to tell us when, where, and how we can profess our faith.

In 1962 the Supreme Court outlawed a simple, 22-word, nondenominational prayer devised by the New York Board of Regents and used in the New York public schools: "Almighty God, we acknowledge our dependence upon thee, and we beg thy blessings upon us, our parents, our teachers, and our country."

A year later the Court issued another ruling declaring that reading the Bible and reciting the Lord's Prayer in Pennsylvania and Maryland public schools was unconstitutional, thus outlawing "without the citation of a single case" practices that had existed in American schools for over 170 years. Writing for the majority, Justice Tom C. Clark asserted, "In the relationship between man and religion, the state is firmly committed to a position of neutrality." Justice Potter Stewart pointed out in his lone dissent that this was false neutrality indeed, designed to stifle public professions of faith. Justice Stewart also noted, "We err in the first place if we do not recognize, as a matter of history and a matter of imperatives of

our free society, that religion and government must necessarily interact in countless ways."

Both decisions represented a major turning point in our history. Judges were no longer interested in the "original intent" of the founders or in legal procedures (which they unapologetically and arrogantly failed to cite). They were eager to embrace the new doctrine of "judicial activism" which would allow them the opportunity to use their power to reshape society according to the attitudes and whims of the changing times.

Since the 1960's judicial activists have made a concerted effort to banish God from the public square. They have done this by deliberately destroying the distinction between "religion" and "religious activity." These terms may sound similar, but in fact they are very different. Religious activities may include many actions that would not themselves constitute religion. For example, prayer and Bible reading might be characterized as religious activities, but they do not constitute religion, and they are not limited to any specific sect or even to religious people. One may read the New Testament to gain wisdom, and school students may pray before a big exam. Neither activity was intended to be, is, or should be, proscribed by the First Amendment, even if practiced in public.

Sadly, however, it seems that the judicial activists are winning the war. Consider the 1997 case in Dekalb County, Alabama. There, a federal district court determined that a student's brief prayer during a high school graduation ceremony was a violation of the First Amendment because it allegedly coerced unwilling citizens to participate in religious activity. We have evidently forgotten that nothing in the Constitution guarantees that an individual won't have to see and hear things that are disagreeable or offensive to him. We have also failed to realize that peer pressure and public opinion are not the types of coercion against which the framers were seeking to safeguard.

No student should ever be forced by law to

participate in prayer or in other religious activity. But to outlaw the public acknowledgment of God simply because another student might have to witness it is as illogical as abandoning a school mascot or motto because it might not be every student's favorite or because some might not believe in "school spirit."

#### Disastrous Consequences

October 1997--Pearl, Mississippi; December 1997--Paducah, Kentucky; March 1998--Jonesboro, Arkansas; April 1998--Edinborough, Pennsylvania; May 1998--Fayetteville, Tennessee; April 1999--Littleton, Colorado. These dates and places--these outbreaks of mass violence and needless loss of young lives--serve as a cruel reminder of something gone wrong, desperately wrong, in a nation founded upon faith in God and a respect for His eternal commandments.

Liberal commentators in the media, academe, and the justice system deride the notion that restoring prayer and posting the Ten Commandments can help stem the tide of violence and bloodshed. They prefer secular solutions, especially ones that involve more federal spending and regulation. In effect, they favor more concertina wire, metal detectors, and armed security guards instead of the simple and effective teaching of moral absolutes.

Yes, teaching moral absolutes is out of the question. "We don't want to trample on the civil rights of students." "We don't want to teach that one creed or one code of conduct or one lifestyle is better than another."

When will they understand that secular solutions will never solve spiritual problems?

Tragically, as in the days of the Roman Empire, we too have become accustomed to "bread and circuses." With our stomachs full and our minds preoccupied with the pleasure of this world, we fail to seriously ponder the reason for the tragedies that are regularly occurring before our very eyes.

We rarely contemplate the significance of the judiciary's usurpation of power and suppression of religious liberty. When and if we do, we are too often afraid to take a stand--ashamed of our faith in God, afraid to hazard the notion of putting God back into the public square.

We must not wait for more violence, for a total breakdown of our schools and our communities. We must not be silent while every vestige of God is removed from our public life and while every public display of faith is annihilated. The time has come to recover the valiant courage of our forefathers, who understood that faith and freedom are inseparable and that they are worth fighting for.

In the words of that great Christian and patriot, Patrick Henry,

"We must fight! I repeat it, sir, we must fight!! An appeal to arms and to the God of Hosts is all that is left us!...Why stand we here idle? What is it that the gentlemen wish? What would they have? Is life so dear or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!"

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### **Alabama chief justice: 'Judges can't make the law'**

Tuesday, September 2, 2003 Posted: 10:55 PM EDT (0255 GMT)

(CNN) -- Suspended Alabama Chief Justice Roy Moore plans to file an appeal to the U.S. Supreme Court next month.

Moore was suspended for refusing to obey a federal judge's order to remove a Ten Commandments monument from the rotunda of the Alabama Judicial Building.

Despite protests from Moore's supporters, the 2.6-ton granite monument was later moved to a locked storeroom.

CNN anchor Paula Zahn discussed the case with

Moore, whom supporters call the "Moses of Alabama."

ZAHN: You have long been known as the Ten Commandments judge. Where were you when "Roy's rock" was moved?

MOORE: Well, I was at home taking my son to the hospital. He had to have an examination, an MRI, on his head that morning. And I was at home.

ZAHN: And how outraged were when you found out that that was the ruling you were going to have to live by?

MOORE: Well, I was extremely disappointed, disappointed in the officials of our state who have let this happen, disappointed that they would let a judge threaten the state of Alabama to remove acknowledgement of God, which is fundamental to our state and our justice system under the Constitution of Alabama.

Without acknowledgement of God, we have no justice system, according to the Constitution. And that, I'm sworn to uphold.

ZAHN: Your own attorney general suggested that perhaps you view yourself as above the law.

MOORE: Well, you've got to consider what the law is.

And that's the problem. Many people think that what a judge says is law. Indeed, judges can't make the law. Judges, just like anybody else, are under the law. That's why we have rule of law. That law is the Constitution of the United States. And the Constitution of the United States is very clear in saying that Congress shall make no law respecting an establishment of religion.

When a judge, a federal district judge, says, I don't know what the words mean, but this is what I think they mean, he's entering into a lawless order when he enters the fact that you can't acknowledge God in your Constitution. And that's what happened. I'm not defying the law. I'm upholding the law.

ZAHN: Well, you also have some 13 other states out there facing potential conflicts that you have just witnessed. Do you have any travel plans?

MOORE: Well, I'm traveling around speaking on this issue because there's so many that don't understand it.

They don't understand what the Constitution says, what the First Amendment's about. What the Alabama Constitution says is very clear. And I think there's too many things going on in this country about the removal of God from our life. And it's fundamental. Actually, the organic law of our country establishes God as the basis for our justice system.

ZAHN: But when your own attorney general, who personally has no problem with the display of the Ten Commandments, comes out and says that you defied a federal court order, that you are not above the law, and that you should have followed through with what the federal court told you to do.

MOORE: Again, the attorney general is under the law, just like I am. And when that law is being violated, when it's an unlawful order -- and I just was brought this information about Morris Dees [of] the Southern Poverty Law Center, who is in the case against us.

This is what he said in The Washington Post about our attorney general and his actions: "The heat of this battle certainly matured this young man," Dees said of [Bill] Pryor. "His actions behind the scenes to orchestrate the state officials handling these things saved Alabama from constitutional crisis."

Now, it bothers me that there's things going on behind the scenes to orchestrate the denial of our right to acknowledge God under the Constitution. That bothers me.

ZAHN: His group also suggested that the way you framed the argument, people felt that what you were saying, if you weren't in favor of the public's display of the Ten Commandments, you weren't in favor of God. Is that really what you were saying?

MOORE: No, no, no, no, no.

In fact, the judge in this case said, this case is not about the Ten Commandments. He said, he's not saying the Ten Commandments are wrong in a

public building. He is saying this case is about the acknowledgement of God. He said -- and I quote, and I've got his quote here -- "The issue is, can the state acknowledge God?" And he said no. And if he tells Alabama that [it] can't acknowledge God, he destroys the very foundation of our justice system, a system I'm sworn to uphold.

And as chief administrative officer, it's my job to administer the justice system in Alabama. That includes acknowledging God as its basis. When he says you can't do that, you can't do your job.

ZAHN: I know you say this is about God. But, clearly, when you ran on a platform as the Ten Commandments justice, there are a lot of people out there who say this is just as much about self-promotion. Do you concede that this battle in some circles has made you more popular than ever, and, as some have suggested, a real martyr?

MOORE: Well, you've got to -- this battle has caused me to suffer a disqualification in office right now. I can't even -- I'm disqualified from acting as a judge. That's not a good political move, in my opinion.

This is about your oath of office. It is about God, because that's what the judge said it was about. That's not what I said. That's what he said. He said, this is the issue in this case. And this is an issue that has plagued this country for 40 years. The government, the federal courts, have said you can acknowledge God as long as you don't mean it. ZAHN: And, in the Ten Commandments, I guess we have three different interpretations here. I looked at today in research how Christians versus Jews and even certain sects of Catholicism view the Ten Commandments slightly differently when it comes to the language.

But let's just say two of the commandments clearly are against the law. And the question a lot of people are posing is, why do you need to put up in a public space something about thou shalt not covet thy neighbor's wife, when in fact that is not even against the law?

MOORE: Well, coveting is not one of those things

that is a forum of mine, but it leads to other violations of laws, like stealing and adultery and so forth.

And the commandment "I am Lord thy God," you say that's against the law, it's actually the basis for the First Amendment of the United States Constitution. The acknowledgement of God was the very basis we had for, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

You see, the word religion was the duties we owe to the creator and the manner of discharging those duties. That was the definition used by the United States Supreme Court and all our founding fathers. And when this judge said, in his own words, that he could not define religion and thought it dangerous and unwise to define religion,

he can't enter a lawful order. He can't interpret the law. The law is above the courts.

ZAHN: In spite of how passionately you believe what you're saying, what are the chances you will ever end back up on the bench?

MOORE: Well, we'll proceed right now to the Supreme Court of the United States. We'll file a writ of certiorari probably within two weeks going before the Supreme Court.

And we hope that the Supreme Court will recognize the states' rights to acknowledge God. It's outside the federal jurisdiction to intrude their powers into the state and tell us how we can establish our justice system.

ZAHN: So you're saying you're optimistic you're going to get your job back?

MOORE: Yes.

# Three Secular Reasons Why America Should be Under God

William J. Federer, September 24, 2003 , from [www.townhall.com](http://www.townhall.com)

Do you like having rights the government cannot take away? Do you like being equal? Do you like a country with few laws?

These ideas have origins.

## RIGHTS

To have individual rights the government cannot take away, rights must come from a power "higher" than government.

The Declaration states "all Men are created equal, that they are endowed by their Creator with certain unalienable Rights... That to secure these Rights, Governments are instituted among Men"

In other words, rights come from God and government's job is to protect your rights.

In his Inaugural Address, 1961, President John F. Kennedy put it this way:

"The rights of man come not from the generosity of the state, but from the hand of God."

But if there is no God, where can the rights come from except from the "generosity of the State." The State, then, becomes the new god. And what the State "giveth," the State can "taketh awayeth."

This was espoused by German philosopher Hegel, who influenced Marx and Hitler. Hegel did not believe in the existence of God and thought the closest anyone could come to attaining "eternal life" was to create a government that would exist after their death. Thus Communism teaches that citizens exist for State's benefit.

Without God, government transitions from being our servant to our master.

President Harry S Truman addressed the Attorney General's Conference, 1950:

"The fundamental basis of this nation's laws

was given to Moses on the Mount...If we don't have a proper fundamental moral background, we will finally end up with a totalitarian government which does not believe in rights for anybody except the State!"

## EQUALITY

President Calvin Coolidge stated in 1924: "It seems... perfectly plain that...the right to equality...has for its foundation reverence for God. If we could imagine that swept away...our American government could not long survive."

The concept of all citizens being equal before the law, having an equal vote in elections, is based on equality before a Supreme Being.

Harry S Truman stated in his Inaugural Address, 1949: "We believe that all men are created equal, because they are created in the image of God."

But if there is no God - then men are not only not "created," they are not "equal," as Darwin espoused, some are more evolved than others.

In his "Descent of Man," Darwin referred to Africans and Aboriginal Australians as "savages" and stated: "Civilized races of man will almost certainly exterminate and replace the savage races throughout the world...The break between man and his nearest allies will then be wider, for it will intervene between man in a more civilised state, as we may hope, even than the Caucasian, and some ape as low as a baboon, instead of as now between the negro or Australian and the gorilla."

This concept influenced the Dred Scott Case, 1856, which stated slaves "had for more than a century before been regarded as beings of an inferior order...so far inferior, that they had no

rights which the white man was bound to respect; and that the Negro might justly and lawfully be reduced to slavery for his benefit."

This influenced Margaret Sanger, who, prior to World War II, founded Planned Parenthood and hired Nazi Party member Ernst Rudin as her advisor. In her book "Pivot of Civilization" (1922), she called for "The elimination of 'human weeds'...overrunning the human garden;...for the cessation of 'charity' because it prolonged the lives of the unfit; for the segregation of 'morons, misfits, and the maladjusted'; and for the sterilization of genetically inferior races."

Sanger influenced Hitler to consider the German, or "Aryan," race as "ubermensch," supermen, being more advanced in the supposed progress of human evolution. This resulted in their perverted effort to rid the "human gene pool" of "untermensch" - races considered less evolved, through the gas chambers. Stalin followed this example, exterminating 25 million "inferior" Ukrainians.

The potential consequences are frightful if we chose to depart from President Truman's belief, "that all men are created equal because we are created in the image of God."

## FEW LAWS

President John Adams stated in a letter to the Third Division of the Militia of Massachusetts, October 11, 1798:

"Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

In other words, our government was designed to govern people who could govern themselves. We could get by with few laws if people had an internal law.

British Statesman Edmund Burke stated in "A Letter to a Member of the National Assembly," 1791:

"What is liberty without virtue? It is the

greatest of all possible evils...it is madness without restraint. Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites...Society cannot exist, unless a controlling power upon will and appetite be placed somewhere; and the less of it there is within, the more there must be without."

Robert Winthrop, U.S. Speaker of the House in 1849, stated:

"All societies of men must be governed in some way or other. The less they have of stringent State Government, the more they must have of individual self-government. The less they rely on public law or physical force, the more they must rely on private moral restraint. Men, in a word, must necessarily be controlled either by a power within them, or a power without them; either by the word of God, or by the strong arm of man."

To be a country with "few laws," citizens must have internal laws for there to be order, but internal laws are powerless without a consequence, such as being held accountable to a Supreme Being in some future state.

Benjamin Franklin wrote to Yale President Ezra Stiles, March 9, 1790:

"The soul of Man is immortal, and will be treated with Justice in another Life respecting its conduct in this."

Daniel Webster, Secretary of State for three U.S. Presidents, was once asked what the greatest thought was that ever passed through his mind. He replied "My accountability to God."

The idea of an oath was to call a higher power to hold you accountable to perform what you said you would.

This accountability is expressed in all three branches of government: President's oath of office: "So Help Me God"; Congressmen and Senators' oath: "So Help Me God," and witnesses' oath in court to tell the truth, the whole truth and nothing but the truth - "So Help Me God."

It was known that witnesses or politicians would have opportunities to twist the truth or do



dirty, backroom deals for their own benefit and never get caught. It was reasoned, though, that if a witness or politician believed God existed and was watching, that person would hesitate when presented with the temptation. They would have a conscience. They would think "even if I get away with this unscrupulous action in this life, I will still be accountable to God in the next."

But if that person did not believe in God and in a future state of rewards and punishments, when presented with the same temptation to do wrong and not get caught, they would give in. In fact, if there is no God and this life is all there is, they would be a fool not to.

This is what President Reagan referred to in 1984: "Without God there is no virtue because there is no prompting of the conscience."

William Linn, elected unanimously as the first Chaplain of the U.S. House, May 1, 1789, stated: "Let my neighbor once persuade himself that there is no God, and he will soon pick my pocket, and break not only my leg but my neck. If there be no God, there is no law, no future account; government then is the ordinance of man only, and we cannot be subject for conscience sake."

Linn's observation was demonstrated when, after 80 years of atheism, the countries of the former Soviet Union were given liberty - the result was organized crime and the black market took control.

From Bill Clinton to Enron, we see where absence of an internal law will take our country - crimes are only wrong if one gets caught.

Unfortunately, the less internal moral code we have as a nation results in the government having to pass more external legal codes to keep order -

and each new law takes away another little piece of our freedom.

#### IMPORTANCE TO AMERICAN GOVERNMENT

President Calvin Coolidge, unveiling to the Equestrian Statue of Bishop Francis Asbury, Washington, D.C., October 15, 1924, stated:

"Our government rests upon religion. It is from that source that we derive

our reverence for truth and justice, for equality and liberty, and for the rights of mankind. Unless the people believe in these principles they cannot believe in our government."

Clarence E. Manion, Professor of Constitutional Law and dean of the Notre Dame College of Law, was quoted in Verne Paul Kaub's book, "Collectivism Challenges Christianity," 1946:

"Look closely at these self-evident truths, these imperishable articles of American Faith upon which all our government is firmly based. First and foremost is the existence of God. Next comes the truth that all men are equal in the sight of God. Third is the fact of God's great gift of unalienable rights to every person on earth. Then follows the true and single purpose of all American Government, namely, to preserve and protect these God-made rights of God-made man."

President Ronald Reagan summed it up, August 23, 1984: "Without God there is a coarsening of the society; without God democracy will not and cannot long endure....If we ever forget that we are One Nation Under God, then we will be a Nation gone under."

# Led by God

by Steve Farrell, originally published in Meridian Magazine, copied  
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On Monday, March 4, 1805, Thomas Jefferson gave his Second Inaugural Address as President of the United States.

In his closing remarks he painted a provocative parallel between the settling and establishment of the United States following our exodus from tyrants in Europe, and the settling and establishment of ancient Israel following their exodus from tyrants in Egypt.

He referred to God as “that Being in whose hands we are, who led our forefathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessaries and comforts of life; who has covered our infancy with His providence and our riper years with His wisdom and power, and ... goodness[.]”

Jefferson, a man not just of reason, but of faith, continued:

“I shall need, too, the favor of that Being ...”

And why was that?

Because, said he, “the weaknesses of human nature, and the limits of my own understanding, will produce errors of judgment sometimes injurious to your interests.”

Bottom line, he loved his country and countrymen too much to rely only upon his own abilities and understanding.

And so, he continued:

“I ask you to join with me in supplications that He will so enlighten the minds of your servants, guide their councils, and prosper their measures, that whatsoever they do shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations.” (1)

He was speaking to every American citizen, as President of the United States, in an official capacity, to remind America whence cometh her

blessings, how dependent he personally felt upon God, and to express an interest in their prayers that God would help him and their country.

And so, what’s wrong with that?

Is this not about humility—something in short supply today? Is this not but an exercise of the inalienable right to speak freely? Is it not pure nonsense to believe that any man becomes less free because another man declares that our liberties come from God (not the state), that man being imperfect, ought to pray to God for His guidance and blessings?

Just how is it that free expression forces religion down any man’s throat? Where is the harm to a man’s property, or to his life, or to his civic rights?

Freedom of Religion - Not Coercion

Here’s the plain truth: Public speech, public confession, and public monuments are not manifestations of forced religion, but its opposite.

That such reminders, monuments and testimonials were not deemed by Jefferson as manifestations of forced religion are further witnessed by Jefferson’s proposal for the Great Seal of the United States.

Think of this. Shortly after 1776, he submitted a drawing depicting the aforementioned theme, that is “the children of Israel in the wilderness, led by a cloud by day, and a pillar of fire by night”, with the bold inscription “Israel Led by God’s Pillar of Fire,” and in smaller print, “Liberty under God’s law—Man’s Inalienable Birthright of Freedom.” (2)

Again, this provocative parallel.

It was a popular belief. He might have

discovered it on his own, or maybe he read it in Samuel Sherword's oft cited 1776 political sermon, "The Church's Flight Into the Wilderness." (3)

Franklin introduced a similar drawing, for the great seal, depicting Moses standing on the shore, extending his hand over the sea, which overwhelmed Pharaoh, while rays from a pillar of fire in the clouds reach to Moses, expressing that he acts by command of the Deity. With this Motto: "Rebellion to tyrants is obedience to God." (4)

And so what's wrong with that?

These drawings, these speeches were not idols that men must bow down before or perish. Give Jefferson credit. They were, however, reminders that something larger than the state presides over man—and that any man who sets himself in the place of God will have a hot rebellion on his hands.

Excuse me, and excuse Chief Justice Moore, but isn't this the very rationale for what the founder's called a just revolution? Or have we forgotten?

So here's a little reminder: Standing up for such beliefs in public does not constitute force in religion—they are only words. Removing a man

from office for defending his belief, however, does in fact constitute an act of force against faith. It is the approach of the communists. It is the approach of the old church states in Europe.

Peter of old, once asked, "Whom shall we fear, God or man?"

Justice Moore made his choice. Now, you make yours.

#### Footnotes

1. Jefferson, Thomas. Second Inaugural Address.
2. Patterson, Richard S., and Richardson, Dougall, "The Eagle and the Shield: A History of the Great Seal of the United States," Washington: U.S. Department of State, 1976, p. 18.
3. Sandoz, Ellis, editor. "Political Sermons of the Founding Era, 1730-1805, Volume I," Liberty Fund, Indianapolis, 1998, pgs. 493-525.
4. Patterson and Dougall, p. 16. For more on the Great Seal, see also: Skousen, W. Cleon. "The Making of America," The National Center for Constitutional Studies, Washington D.C., 1985, pgs. 32-33.

# 'Under God'

BY SAMUEL P. HUNTINGTON,

Wednesday, June 16, 2004 Wall Street Journal

The battle over the Pledge of Allegiance has stimulated vigorous controversy on an issue central to America's identity. Opponents of "under God" (which was added to the pledge in 1954) argue that the United States is a secular country, that the First Amendment prohibits rhetorical or material state support for religion, and that people should be able to pledge allegiance to their country without implicitly also affirming a belief in God. Supporters point out that the phrase is perfectly consonant with the views of the framers of the Constitution, that Lincoln had used these words in the Gettysburg Address, and that the Supreme Court--which on Monday sidestepped a challenge to the Pledge of Allegiance--has long held that no one could be compelled to say the pledge.

The atheist who brought the court challenge, Michael Newdow, asked this question: "Why should I be made to feel like an outsider?" Earlier, the Court of Appeals in San Francisco had agreed that the words "under God" sent "a message to unbelievers that they are outsiders, not full members of the political community.

Although the Supreme Court did not address the question directly, Mr. Newdow got it right: Atheists are "outsiders" in the American community. Americans are one of the most religious people in the world, particularly compared with the peoples of other highly industrialized democracies. But they nonetheless tolerate and respect the rights of atheists and nonbelievers. Unbelievers do not have to recite the pledge, or engage in any religiously tainted practice of which they disapprove. They also, however, do not have the right to impose their atheism on all those Americans whose beliefs now and historically have defined America as a religious nation.

Statistics say America is not only a religious nation but also a Christian one. Up to 85% of Americans identify themselves as Christians. Brian Cronin, who litigated against a cross on public land in Boise, Idaho, complained, "For Buddhists, Jews, Muslims and other non-Christians in Boise, the cross only drives home the point that they are strangers in a strange land." Like Mr. Newdow and the Ninth Circuit judges, Mr. Cronin was on target. America is a predominantly Christian nation with a secular government. Non-Christians may legitimately see themselves as strangers because they or their ancestors moved to this "strange land" founded and peopled by Christians--even as Christians become strangers by moving to Israel, India, Thailand or Morocco.

Americans have always been extremely religious and overwhelmingly Christian. The 17th-century settlers founded their communities in America in large part for religious reasons. Eighteenth-century Americans saw their Revolution in religious and largely biblical terms. The Revolution reflected their "covenant with God" and was a war between "God's elect" and the British "Antichrist." Jefferson, Paine and other deists and nonbelievers felt it necessary to invoke religion to justify the Revolution. The Declaration of Independence appealed to "Nature's God," the "Creator," "the Supreme Judge of the World," and "divine Providence" for approval, legitimacy and protection.

The Constitution includes no such references. Yet its framers firmly believed that the republican government they were creating could last only if it was rooted in morality and religion. "A Republic can only be supported by pure religion or austere morals," John Adams said. Washington

agreed: "Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles." Fifty years after the Constitution was adopted, Tocqueville reported that all Americans held religion "to be indispensable to the maintenance of republican institutions."

The words "separation of church and state" do not appear in the Constitution, and some people cite the absence of religious language in the Constitution and the provisions of the First Amendment as evidence that America is fundamentally secular. Nothing could be further from the truth. At the end of the 18th century, religious establishments existed throughout Europe and in several American states. Control of the church was a key element of state power, and the established church, in turn, provided legitimacy to the state. The framers of the Constitution prohibited an established national church in order to limit the power of government and to protect and strengthen religion. The purpose of "separation of church and state," as William McLoughlin has said, was not to establish freedom from religion but to establish freedom for religion. As a result, Americans have been unique among peoples in the diversity of sects, denominations and religious movements to which they have given birth, almost all embodying some form of Protestantism. When substantial numbers of Catholic immigrants arrived, it was eventually possible to accept Catholicism as one more denomination within the broad framework of Christianity. The proportion of the population who were "religious adherents," that is church members, increased fairly steadily through most of American history.

Today, overwhelming majorities of Americans affirm religious beliefs. When asked in 2003 simply whether they believed in God or not, 92% said yes. In a series of 2002-03 polls, 57% to 65% of Americans said religion was very important in their lives, 23% to 27% said fairly important, and 12% to 18% said not very important. Large proportions of Americans also appear to be active

in the practice of their religion. In 2002 and 2003, an average of 65% claimed membership in a church or synagogue. About 40% said they had attended church or synagogue in the previous seven days, and roughly 33% said they went to church at least once a week. In the same period, about 60% of Americans said they prayed one or more times a day, more than 20% once or more a week, about 10% less than once a week, and 10% never. Given human nature, these claims of religious practice may be overstated, but the extent to which Americans believe the right response is to affirm their religiosity is itself evidence for the centrality of religious norms in American society.

Only about 10% of Americans, however, espouse atheism, and most Americans do not approve of it. Although the willingness of Americans to vote for a presidential candidate from a minority group has increased dramatically--over 90% of those polled in 1999 said they would vote for a black, Jewish or female presidential candidate, while 59% were willing to vote for a homosexual--only 49% were willing to vote for an atheist. Americans seem to agree with the Founding Fathers that their republican government requires a religious base, and hence find it difficult to accept the explicit rejection of God.

These high levels of religiosity would be less significant if they were the norm for other countries. Americans differ dramatically, however, in their religiosity from the people of other economically developed countries. This religiosity is conclusively revealed in cross-national surveys. In general, the level of religious commitment of countries varies inversely with their level of economic development: People in poor countries are highly religious; those in rich countries are not. America is the glaring exception. One analysis found that if America were like most other countries at her level of economic development, only 5% of Americans would think religion very important, but in fact 51% do.

An International Social Survey Program

questionnaire in 1991 asked people in 17 countries seven questions concerning their belief in God, life after death, heaven and other religious concepts. Reporting the results, George Bishop ranked the countries according to the percentage of their population that affirmed these religious beliefs. The U.S. was far ahead in its overall level of religiosity, ranking first on four questions, second on one, and third on two, for an average ranking of 1.7. According to this poll, Americans are more deeply religious than even the people of countries like Ireland and Poland, where religion has been the core of national identity differentiating them from their traditional British, German and Russian antagonists.

Along with their general religiosity, the Christianity of Americans has impressed foreign observers and been affirmed by Americans. "We are a Christian people," the Supreme Court declared in 1811. In the midst of the Civil War, Lincoln also described Americans as "a Christian people." In 1892 the Supreme Court again declared, "This is a Christian nation." In 1917 Congress passed legislation declaring a day of prayer in support of the war effort and invoking America's status as a Christian nation. In 1931 the Supreme Court reaffirmed its earlier view: "We are a Christian people, according to one another the equal right of religious freedom, and acknowledging with reverence the duty of obedience to the will of God."

While the balance between Protestants and Catholics shifted over the years, the proportion of Americans identifying themselves as Christian has remained relatively constant. In three surveys between 1989 and 1996, 84% to 88% of Americans said they were Christians. The proportion of Christians in America rivals or exceeds the proportion of Jews in Israel, of Muslims in Egypt, of Hindus in India, and of Orthodox believers in Russia.

America's Christian identity has, nonetheless, been questioned on two grounds. It is argued, first,

that America is losing that identity because non-Christian religions are expanding in numbers, and Americans are thus becoming a multireligious and not simply a multid denominational people; second, that Americans are losing their religious identity and are becoming secular, atheistic, materialistic and indifferent to their religious heritage. Neither of these propositions comes close to the truth.

The argument that America is losing its Christian identity due to the spread of non-Christian religions was advanced by several scholars in the 1980s and '90s. They pointed to the growing numbers of Muslims, Sikhs, Hindus and Buddhists in American society. Hindus increased from 70,000 in 1977 to 800,000 in 1997. Muslims amounted to at least 3.5 million in 1997, while Buddhists numbered somewhere between 750,000 and two million. From these developments, the proponents of de-Christianization argue, in the words of Prof. Diana Eck, that "religious diversity" has "shattered the paradigm of America" as an overwhelmingly Christian country with a small Jewish minority.

The increases in the membership of some non-Christian religions have not, to put it mildly, had any significant effect on America's Christian identity. As a result of assimilation, low birth rates, and intermarriage, the proportion of Jews dropped from 4% in the 1920s to 3% in the '50s to slightly over 2% in 1997. If the absolute numbers claimed by their spokesmen are correct, by 1997 about 1.5% of Americans were Muslim, while Hindus and Buddhists were each less than 1%. The numbers of non-Christian, non-Jewish believers undoubtedly will continue to grow, but for years to come they will remain extremely small. Some increases in the membership of non-Christian religions come from conversions, but the largest share is from immigration and high birthrates. The immigrants of these religions, however, are far outnumbered by immigrants from Latin America, almost all of whom are Catholic and also have high birthrates. Latin American immigrants are also converting to

evangelical Protestantism. In addition, Christians in Asia and the Middle East have been more likely than non-Christians to migrate to America. As of 1990, a majority of Asian-Americans were Christian rather than Buddhist or Hindu, and about two-thirds of Arab-Americans have been Christian rather than Muslim, although Arab Muslim immigrants have become much more numerous. While a precise judgment is impossible, at the start of the 21st century the U.S. was probably becoming more rather than less Christian in its religious composition.

Americans tend to have a certain catholicity toward religion: All deserve respect. Given this general tolerance of religious diversity, non-Christian faiths have little alternative but to recognize and accept America as a Christian society. "Americans have always thought of themselves as a Christian nation," argues Jewish neoconservative Irving Kristol, "equally tolerant of all religions so long as they were congruent with traditional Judeo-Christian morality. But equal toleration . . . never meant perfect equality of status in fact." Christianity is not legally established, "but it is established informally, nevertheless."

But if increases in non-Christian membership haven't diluted Christianity in America, hasn't it been supplanted over time by a culture that is

pervasively irreligious, if not antireligious? These terms describe segments of American intellectual, academic and media elites, but not the bulk of the American people. American religiosity could be high by absolute measures and high relative to that of comparable societies, yet the secularization thesis would still be valid if the commitment of Americans to religion declined over time. Little or no evidence exists of such a decline. The one significant shift that does appear to have occurred is a drop in the 1960s and '70s in the religious commitment of Catholics. This shift, however, brought Catholic attitudes on religion more into congruence with those of Protestants.

Over the course of American history, fluctuations did occur in levels of American religious commitment and religious involvement. There has not, however, been an overall downward trend in American religiosity. At the start of the 21st century, Americans are no less committed, and are quite possibly more committed, to their religious beliefs and their Christian identity than at any time in their history.

*Mr. Huntington, the Albert J. Weatherhead III University Professor at Harvard, is the author of "The Clash of Civilizations and the Remaking of the World Order" (Simon & Schuster, 1998). This is adapted from the current issue of The American Enterprise.*

# The Moral Law is Fixed – and Always Has Been Liberty Letters, John Jay

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When your children come home from college this Christmas, most of them – if you can pry it out of them – will tell you how their Christian beliefs were assaulted, almost relentlessly, by their college professors.

Sad to say, some may have already fallen by the wayside, or worse, become part of the next generation of anti-Christian ‘students’ and ‘educators.’

One of the ‘enlightened’ positions I can assure you your kids have been taught is the Communist evolutionary answer to faith. Some of you may believe it yourself, and don’t even know it.

Religion, Marx taught, like man, evolved. His proof? The stark contrast between the cruel, ‘eye for an eye, tooth for a tooth,’ Old Testament, Law of Moses God, and the forgiving, ‘love your neighbor as yourself,’ New Testament, Christian God. Since God is supposedly unchanging, this proves he doesn’t exist.

It’s that simple. Or is it?

John Jay, one of the three co-authors of the Federalist Papers, and the First Chief of the Supreme Court – you know, one of the supposed Deists who founded our country – has an answer for Marx and your kid’s professors.

The moral law, never changed, only institutions and ordinances did, and there were reasons, some manmade, others part of God’s plan prior to the coming of Christ. And as to his supposed previous cruelty? Well, read on, then think again, and then share it with your college student children. It will be some of the best time you ever invested.

Says Jay,

“The moral or natural law was given by the Sovereign of the universe to all mankind; with them it was co-eval, and with them it will be co-

existent. Being founded by infinite wisdom and goodness on essential right, which never varies, it can require no amendment or alteration.

“Divine positive ordinance and institutions, on the other hand, being founded on expediency, which is not always perpetual or immutable, admit of, and have received, alteration and limitation in sundry instances.

“There were several Divine positive ordinances and institution at very early periods. Some of them were of limited obligation, as circumcision; others of them were of universal obligation, as the Sabbath, marriage, sacrifices, the particular punishment for murder.

“The Lord of the Sabbath caused the day to be changed. The ordinances of Moses suffered the Israelites to exercise more than the original liberty allowed to marriage, but our Savior repealed the indulgence. When sacrifice had answered their purpose as types of the great Sacrifice, etc., they ceased. The punishment for murder has undergone no alteration, either by Moses or by Christ.

“I advert to this distinction between the moral law and positive institutions, because it enables us to distinguish the reasonings which apply to the one, from those which apply only to the other – ordinances being mutable, but the moral law always the same.

“To this you observe, by way of objection, that the law was given by Moses, but that grace and truth came by Jesus Christ; and hence that, even as it relates to the moral law, a more perfect system is enjoined by the gospel than was required under the law, which admitted of an eye for an eye, and a tooth for a tooth, tolerating a spirit of retaliation. And further, that, if the moral law was the same now that it was before the flood, we must call in



question those precepts of the gospel which prohibit some things allowed of and practiced by the patriarchs.

“It is true that the law was given by Moses, not however in his individual or private capacity, but as the agent or instrument, and by the authority of the Almighty. The law demanded exact obedience, and proclaimed: ‘Cursed is every one that continueth not in all things which are written in the book of the law to do them.’ The law was inexorable, and by requiring perfect obedience, under a penalty so inevitable and dreadful, operated as a schoolmaster to bring us to Christ for mercy.

“Mercy, and grace, and favour did come by Jesus Christ; and also that truth which verified the promises and predictions concerning him, and which exposed and corrected the various errors which had been imbibed respecting the Supreme Being, his attributes, laws, and dispensations. Uninspired commentators have dishonored the law, by ascribing to it, in certain cases, a sense and meaning which it did not authorize, and which our Saviour rejected and reproved.

“The inspired prophets, on the contrary, express the most exalted ideas of the law. They declare that the law of the Lord is perfect; that the statutes of the Lord are right; and that the commandment of the Lord is pure; that God would magnify the law and make it honorable, etc.

“Our Saviour himself assures us that he came not to destroy the law but to fulfill; that whoever shall do and teach the commandments, shall be called great in the kingdom of heaven; that it is easier for heaven and earth to pass, than [one] tittle of the law to fail. This certainly amounts to a full approbation of it. Even after the resurrection of our Lord, and after the descent of the Holy Spirit, and after the miraculous conversion of Paul, and after the direct revelation of the Christian dispensation to him, he pronounced this memorable encomium on the law, viz.: ‘The law is holy, and the commandments holy, just, and good.’

“It is true that one of the positive ordinances of Moses, to which you allude, did ordain retaliation or, in other words, a tooth for a tooth. But we are to recollect that it was ordained, not as a rule to regulate the conduct of private individuals towards each other, but as a legal penalty or punishment for certain offenses. Retaliation is also manifest in the punishment prescribed for murder – life for life. Legal punishments are adjusted and inflicted by the law and magistrate, and not by unauthorized individuals. These and all other positive laws or ordinances established by Divine direction, must of necessity be consistent with the moral law. It certainly was not the design of the law or ordinance in question, to encourage a spirit of personal or private revenge. On the contrary, there are express injunctions in the law of Moses which inculcate a very different spirit; such as these: ‘Thou shalt not avenge, nor bear any grudge against the children of thy people; but thou shalt love thy neighbor as thyself.’ ‘Love the stranger, for ye were strangers in Egypt.’ ‘If thou meet thy enemy’s ox or his ass going astray, thou shalt surely bring it back to him,’ etc., etc.

“There is reason to believe that Solomon understood the law in its true sense, and we have his opinion as to retaliation of injuries, viz.: ‘Say not, I will recompense evil; but wait upon the Lord, and He will save thee.’ Again: ‘Say not, I will do to him as he hath done to me. I will render to the man according to his work.’ And again: ‘If thine enemy be hungry, give him bread to eat; and if he be thirsty, give him water to drink; for thou shalt heap coals of fire upon his head, and the Lord shall reward thee.’

“But a greater than Solomon has removed all doubts on this point. On being asked by the Jewish lawyer which was the great commandment in the law, our Saviour answered: ‘Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and the great commandment, and the second is like unto it: Thou shalt love thy neighbor as thyself. On these

two commandments hang all the law and the prophets.’ It is manifest, therefore, that the love of God and the love of man are enjoined by the law; and as the genuine love of the one comprehends that of the other, the apostle assures us that ‘Love is the fulfilling of the law.’

“It is, nevertheless, certain, that erroneous opinions respecting retaliation, and who were to be regarded as neighbors, had long prevailed, and that our Savior blamed and corrected those and many other unfounded doctrines.

“That the patriarchs sometimes violated the moral law, is a position not to be disputed. They were men, and subject to the frailties of our fallen nature. But I do not know nor believe, that any of them violated the moral by the authority or with the approbation of the Almighty. I can find no instance of it in the Bible. Nor do I know of any action done according to the moral law, that is censured or forbidden by the gospel. On the contrary, it appears to me that the gospel strongly enforces the moral law, and clears it from the vain traditions and absurd comments which had obscured and misapplied certain parts of it.” 1

Our public education system has been hijacked by socialists, communists, and secular humanists who hate America and its founding values – especially on the university level – who would have your children, first, confused; next, alienated; and finally, antagonistic toward the faith of their fathers – by claiming, in part, that the law of God has changed.

It is your parental duty to counter them. Founder John Jay has come to the rescue on this one point. Use it. Share it. Discuss it.

Meridian Columnist Steve Farrell is associate professor of political economy at George Wythe College, press agent for Defend Marriage (a project of United Families International), and the author of the highly praised inspirational novel, *Dark Rose* (available at Amazon.com).

Footnote

1 Jay, John. “Letter to John Murray, April 15, 1818,” as quoted in Cousins, Norman. *In God We Trust: The Religious Beliefs and Ideas of the American Founding Fathers*, pgs. 366-368.

## VARIOUS QUOTES

"No King but King Jesus!" - Motto of the American Revolutionary War

"A patriot without religion, in my estimation, is as great a paradox as an honest man without the fear of God. Is it possible that he whom no moral obligations bind, can have any real Good Will towards Men? Can he be a patriot who, by an openly vicious conduct, is undermining the very bonds of Society? ...The Scriptures tell us righteousness exalteth a Nation." - Abigail Adams, wife of John Adams

"And may that Being who is supreme over all, the Patron of Order, the Fountain of Justice, and the Protector in all ages of the world of virtuous liberty, continue His blessing upon this nation and its Government and give it all possible success and duration consistent with the ends of His providence." - John Adams, Inaugural Address, 1797

"I am apt to believe that [Independence Day] will be celebrated by succeeding generations as the 'Day of Deliverance' by solemn acts of devotion to God Almighty." - John Adams

"There are three points of doctrine the belief of which forms the foundation of all morality. The first is the existence of God; the second is the immortality of the human soul; and the third is a future state of rewards and punishments. Suppose it possible for a man to disbelieve either of these three articles of faith and that man will have no conscience, he will have no other law than that of the tiger or the shark. The laws of man may bind him in chains or may put him to death, but they never can make him wise, virtuous, or happy." - John Quincy Adams

"Is it not that the Declaration of Independence first organized the social compact on the foundation of the Redeemer's mission upon earth? That it laid the cornerstone of human government upon the first precepts of Christianity?" - John Quincy Adams

"Religion and good morals are the only solid foundation of public liberty and happiness." - Samuel Adams

"We have this day restored the Sovereign to whom alone men ought to be obedient." - Samuel Adams

"If men of wisdom and knowledge, of moderation and temperance, of patience, fortitude and perseverance, of sobriety and true republican simplicity of manners, of zeal for the honour of the Supreme Being and the welfare of the commonwealth; if men possessed of these other excellent qualities are chosen to fill the seats of government, we may expect that our affairs will rest on a solid and permanent foundation." - Samuel Adams

"Let divines and philosophers, statesmen and patriots, unite their endeavors to renovate the age, by impressing the minds of men with the importance of educating their little boys and girls, of inculcating in the minds of youth the fear and love of the Deity and universal philanthropy, and, in subordination to these great principles, the love of their country; of instructing them in the art of self-government without which they never can act a wise part in the government of societies, great or small; in short, of leading them in the study and practice of the exalted virtues of the Christian

system." - Samuel Adams

"America is ... a nation that values our relationship with an Almighty. Declaration of God in the Pledge of Allegiance doesn't violate rights. As a matter of fact, it's a confirmation of the fact that we received our rights from God, as proclaimed in our Declaration of Independence. I believe that it points up the fact that we need common-sense judges who understand that our rights were derived from God. And those are the kind of judges I intend to put on the bench. ...[T]he Almighty is important -- obviously ... a very important part of the life of our country. And that's why the ruling of the courts was out of step with the traditions and history of America." - George W. Bush

"Religious liberty is more than the right to believe in God's love; it is the right to be an instrument of God's love. Such work is beyond the reach of government and beyond the role of government." - George W. Bush

"Americans are a free people, who know that freedom is the right of every person and the future of every nation. The liberty we prize is not America's gift to the world, it is God's gift to humanity. We Americans have faith in ourselves, but not in ourselves alone. We do not know - we do not claim to know all the ways of Providence, yet we can trust in them, placing our confidence in the loving God behind all of life, and all of history. May He guide us now. And may God continue to bless the United States of America." - George W. Bush

"The Founders understood that religious belief was not incidental to the American experiment in liberty but was the foundation on which it was built. The whole idea that individuals were entitled to liberty rests on the Judeo-Christian conception of man." - Linda Chavez

"The Founders believed that there was a God who brings down the mighty and lifts up the poor. They relied upon this belief.... As you might expect, this belief shaped their understanding of morality and character, as well. They did not make the distinction between private and public conduct that we do. ...If this seems hard to understand, the problem lies with us, not our Founders. Our culture has forgotten what the Founders knew...: The American experiment is a moral, not just a political, exercise. And as such, it assumes certain things to be true about human nature and ... about the authority of the God of the Bible. But these beliefs run contrary to our culture's worldviews. And that's why the ordered liberty envisioned by the Founders has degenerated into a demand for personal autonomy faith, is essential for the American experiment to work as the Founders intended. And, it's vital that Christians understand this often-ignored 'wing' on which our way of life depends. The wing that teaches us that, without virtue, there can be no greatness." - Charles Colson

"Our Government rests upon religion. It is from that source that we derive our reverence for truth and justice, for equality and liberty, and for the rights of mankind. Unless the people believe in these principles, they cannot believe in our Government." - Calvin Coolidge

"It is only when men begin to worship that they begin to grow." - Calvin Coolidge

"How can we ask God to bless us as a people when as a nation we flout his commandments (through abortion, legitimizing homosexuality and a general acquiescence to degeneracy)? Work to return God to our institutions, to bring prayer back to the public schools, to allow public displays of the Ten Commandments and to permit crèches and menorahs on public property during the holidays.

Only with the religious values on which this nation was founded can America return to greatness." - Don Feder

"It is the duty of mankind on all suitable occasions to acknowledge their dependence on the Divine being...." - Benjamin Franklin

"The more people misbehave and are incapable of taking care of themselves and their families, the more government has a pretext to enter every part of the individual's life. ...The less people obey the laws of nature and the laws of God, the more they will be beholden to the laws of the state, and to those who control the state's apparatus." - Steven Greenhut

"It cannot be emphasized too strongly or too often that this great nation was founded, not by religionists, but by Christians; not on religions, but on the gospel of Jesus Christ! For this very reason peoples of other faiths have been afforded asylum, prosperity, and freedom of worship." - Patrick Henry

"The eternal difference between right and wrong does not fluctuate. It is immutable. And if the moral order does not change, then it imposes on us obligations toward God and man. Duty, then, requires the willingness to accept responsibility and to sacrifice one's desires to a higher law." - Patrick Henry

"...Virtue, morality, and religion. This is the armor, my friend, and this alone that renders us invincible. These are the tactics we should study. If we lose these, we are conquered, fallen indeed...so long as our manners and principles remain sound, there is no danger." - Patrick Henry

"So that this nation may long endure, I urge you to follow in the hallowed footsteps of the great disobediences of history that freed exiles, founded

religions, defeated tyrants, and yes, in the hands of an aroused rabble in arms and a few great men, by God's grace, built this country." - Charlton Heston

"God who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are a gift of God? Indeed I tremble for my country when I reflect that God is just, and that His justice cannot sleep forever." - Thomas Jefferson

"Law can only kill till gospel comes to transcend it; the king's head on the coins is a death's head unless the economic life is ruled by the spirit." - C.S. Lewis

"The Framers did not mean to bar God from our public lives or even from all aspects of our federal government. Indeed, the day after the House passed the First Amendment, the House passed a resolution establishing a national day of prayer and thanksgiving." - David Limbaugh

"The choice before us is plain: Christ or chaos, conviction or compromise, discipline or disintegration. I am rather tired of hearing about our rights and privileges as American citizens. The time is come -- it is now -- when we ought to hear about the duties and responsibilities of our citizenship. America's future depends upon her accepting and demonstrating God's government." - Peter Marshall

"We have staked the future of all of our political institutions upon the capacity of mankind for self-government; upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God." - James Madison

"The basic issue is whether we will still be able to acknowledge God under the First Amendment, or whether we will not be able to acknowledge

God." - Alabama Chief Justice Roy Moore

"There is a reason behind the movement to strike the words 'under God' from the Pledge of Allegiance -- and from our national customs, and our currency, and our public ceremonies. It has very little to do with atheism. It has a great deal to do with authoritarianism....They [the radical Left] abhor the words 'under God' because these words stand in the way of an all-powerful state. The French and American revolutions were waged on precisely the same declared rights of liberty and equality. One was a ghastly failure that ended in the reign of terror; the other, a magnificent success. Why? In the philosophy of the French Revolution, the rights of man were defined by a governmental committee and extended at the sufferance of that government. In the American view, these rights come from God, their existence is preeminent and their preservation is the principal object of government. If the source of our fundamental rights is not God, then the source becomes man -- or more precisely, a government of men. And rights that can be extended by government may also be withdrawn by government. Words matter. Ideas matter. And symbols matter. The public furor fomented by the Ninth Circuit Court over the Pledge of Allegiance must not be devalued as a mere defense of harmless deistic references and quaint old customs. The principle at stake is central to the very foundation of the American nation and the very survival of its freedoms." - California State Senator Tom McClintock

"Men must be governed by God, or they will be ruled by tyrants." - William Penn

"If we get the federal government out of the classroom, maybe we'll get God back in." - Ronald Reagan

"Freedom prospers when religion is vibrant and the rule of law under God is acknowledged." -

Ronald Reagan

"While never willing to bow to a tyrant, our forefathers were always willing to get to their knees before God. When catastrophe threatened, they turned to God for deliverance. When the harvest was bountiful, the first thought was thanksgiving to God. Prayer is today as powerful a force in our nation as it has ever been. We as a nation should never forget this source of strength." - Ronald Reagan

"The time has come to turn to God and reassert our trust in Him..." - Ronald Reagan

"I believe with all my heart that standing up for America means standing up for the God who has so blessed our land. We need God's help to guide our nation through stormy seas. But we can't expect Him to protect America in a crisis if we just leave Him over on the shelf in our day-to-day living." - Ronald Reagan

"There is a fundamental difference between separation of church and state and denying the spiritual heritage of this country. Inscribed on the Jefferson Memorial in Washington, D.C. are Jefferson's words, 'The God Who gave us life gave us liberty -- can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God?' " - Ronald Reagan

"We have gone so far that it almost seems a rule, originally designed to guard against violation of the Constitution, has become an aggressive campaign against religion itself. And isn't that the very thing we set out to guard against -- domination of religion by the state?" - Ronald Reagan

"The First Continental Congress made its first act a prayer -- the beginning of a great tradition. We have then, a lesson from the founders of our

land, those giants of soul and intellect whose courageous pledge of life and fortune and sacred honor, and whose 'firm reliance on the protection of Divine Providence,' have ever guided and inspired Americans and all who would fan freedom's mighty flames and live in 'freedom's holy light.' That lesson is clear: That in the winning of freedom and in the living of life, the first step is prayer." - Ronald Reagan, 1988

"If we ever forget that we are One Nation Under God, then we will be a nation gone under." - Ronald Reagan

"It is worth noting that the people today who so vehemently wish to sweep religion from all public spaces and institutions are also the same people who consistently oppose freedom. They want only one God - the state, which of course they intend to run." - Charley Reese

"The wall of separation between church and state is a metaphor based upon bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned. ... The greatest injury of the 'wall' notion is its mischievous diversion of judges from the actual intention of the drafters of the Bill of Rights." - Supreme Court Chief Justice William Rehnquist

Without religion, I believe that learning does real mischief to the morals and principles of mankind." - Benjamin Rush

"We have tossed God from the public schools. We have ignored his morality in favor of subjective man-made values. We cannot expect God to maintain his protection of us if we exile him. ...America did not change for more than a few moments on Sept. 11, but our society must undergo serious and lasting change if we hope to live in freedom and prosperity. If those who fight

against God continue to win, God will not defend us. And we will not have the moral courage to defend ourselves." - Ben Shapiro

"The Founders were men of God: They just didn't think the government should be in the business of approving and licensing one particular denomination over all others. Their view prevailed so successfully that two centuries on the very idea seems so nutty and incredible to Americans that Establishment Clause fetishists have nothing to do but sit around plotting how to get the Third Grade Christmas concert to ban Frosty The Snowman. If the Pledge of Allegiance is unconstitutional for including the words 'under God,' then so is the city where the [9th U.S. circuit] court sat in judgment -- San Francisco: How can you have a government jurisdiction named after a saint? Surely one's property tax bill is thus equally unconstitutional?" - Mark Steyn

"It yet remains a problem to be solved in human affairs whether any free government can be permanent where the public worship of God, and the support of religion, constitute no part of the policy or duty of the state in any assignable shape." - Supreme Court Justice Joseph Story

"I verily believe Christianity necessary to the support of civil society. One of the beautiful boasts of our municipal jurisprudence is that Christianity is a part of the Common Law. ... There never has been a period in which the Common Law did not recognize Christianity as laying its foundations." - Justice Joseph Story

"There never has been a period of history, in which the Common Law did not recognize Christianity as laying at its foundation." - Justice Joseph Story

"...[R]eason and experience both forbid us to expect that national morality can prevail in

exclusion of religious principle." - George Washington

"Whatever makes men good Christians, makes them good citizens." - Daniel Webster

"There is quite a difference between a general reference to God and an official state-supported religion, but it is a distinction apparently lost upon the judicial miscreants of the U.S. Court of Appeals for the Ninth Circuit. In a 2-1 decision Wednesday, the court somehow managed to rule that use of the pro forma phrase 'one nation, under God' in the Pledge of Allegiance is tantamount to the establishment of an official state-sponsored religion, and, therefore, a violation of the First Amendment. ...Hogwash. ...While the decision can easily be interpreted as well meaning, the fact is that it is not. Sure, the Founding Fathers believed in God, and the government they created is based on moral principles derived from that belief. But the bipartisan reaction on Capitol Hill and overwhelming non-religious outcries from the general public prove that the court will be burning the midnight oil on this one, because it seems some

people are trying to remake this great nation, 'under God,' into an America in their own image." - Washington Post

"Of all the dispositions and habits, which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens. The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle." - George Washington, Farewell Address