

SEPARATION OF STATE  
AND  
RELIGION

By Katherine Dang

## PRESUPPOSITIONS

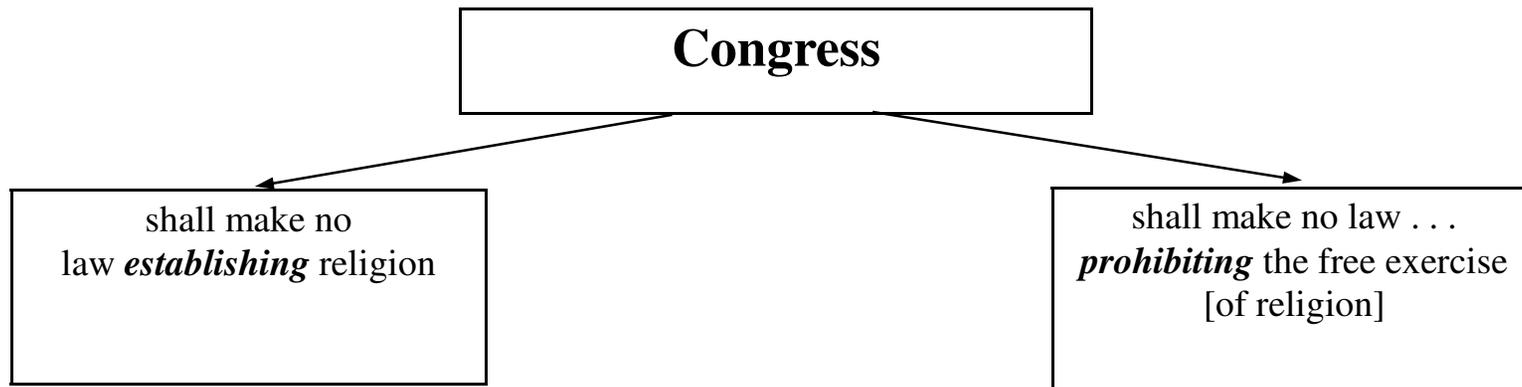
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- The intent of the First Amendment is to protect the individual from a nationalized religion, religious persecution, and religious despotism and to secure his liberty of conscience: “the right of private judgment in matters of religion, and of the freedom of public worship according to the dictates of one’s conscience,” —Joseph Story
    - It has been truly said, that “religion or the duty we owe to our Creator, and the manner of discharging it, can be dictated only by reason and conviction, not by force or violence,” —Virginia Bill of Rights
    - “No man, or society of men,” says he, “have any authority to impose their opinions or interpretations on any other. . . ; since, in matters of religion, every man must know, and believe, and give an account for himself.” —John Locke
  - “For the past forty years, Justices of the Supreme Court have relied upon the phrase ‘separation of church and state,’ a ‘misleading metaphor’ used by by Thomas Jefferson, to justify their opposition to virtually any government intersection with religion,” (*Men in Black*, by Mark R. Levin, 2005)
  - Matters of religion are left to the people of each state to decide in accord with their local interests
    - “*The powers not delegated* to the United States by the Constitution, nor prohibited by it to the States, *are reserved to the States* respectively, or to the people.” —*American Bill of Rights, Article I*
    - “The Supreme Court has once again intervened in matters not on sound constitutional grounds, but because it wishes to dictate policy.”  
—*Men in Black*, Mark Levin, 2005
  - The Courts use of “separation of church and state” *has become* a means of opposing Christianity.
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# Understanding Constitutional History

- The Pilgrim was *a Separatist*, not only from the Anglican Prayer-book and Queen Elizabeth's episcopacy, but *from all national churches*.  
—Leonard Bacon's “Genesis of the New England Churches,” 1874
- The real object of the amendment was, . . . to exclude all rivalry among Christian sects, and to *prevent any national ecclesiastical establishment*, which should give to an hierarchy the *exclusive patronage* of the national government. —Joseph Story
  - *Original version*: proposed in the Senate on September 3rd, 1789: “Congress shall not make any law establishing any religious *denomination*.”
  - *Second version*: “Congress shall not make any law establishing any particular *denomination*.”
  - *Third version*: “Congress shall not make any law establishing any particular *denomination* in preference to others.”
  - *Final version*, passed on that day: “Congress shall make no law establishing religion or prohibiting the free exercise thereof . . .” agreed upon by the house and the senate. In their words, *the word religion was interchangeable with the word denomination*
- “States, however, retained the right to have established churches—and in fact, several of them did. . . .” —*Men in Black*, Mark Levin
  - Three cases may easily be supposed. *One*, where a government affords aid to a particular religion, leaving all persons free to adopt any other; *another*, where it creates an ecclesiastical establishment for the propagation of the doctrines of a particular sect of that religion, leaving a like freedom to all others; and a *third*, where it creates such an establishment, and excludes all persons, not belonging to it, either wholly, or in part, from any participation in the public honours, trusts, emoluments, privileges, and immunities of the state.”  
“Thus, the whole power over the subject of religion is left exclusively to the state governments, to be acted upon according to their own sense of justice, and the state constitutions; and the Catholic and the Protestant, the Calvinist and the Armenian, the Jew and the Infidel, may sit down at the common table of the national councils, without any inquisition into their faith, or mode of worship.”  
—Joseph Story

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- “The Establishment Clause did not require government neutrality between religion and irreligion nor did it prohibit the Federal Government from providing nondiscriminatory aid to religion. There is simply no historical foundation for the proposition that the Framers intended to build the “wall of separation:” that was constitutionalized in [1947.] . . .” —Chief Justice William Rehnquist
  - “Madison interpreted the ‘free exercise’ of religion” . . . to mean no privileges and no penalties on account of religion.”
    - “intended to end things like special religious taxes, religious qualifications for public office, and the enforcement of religious orthodoxy through Sabbath-breaking laws.” The establishment clause was never intended to ban the invocation of God in public forms or the voluntary participation in “ceremonies or rites that recognized God.” In other words, it was *never intended to create a strict wall of separation between church and state* (a phrase, of course, that appears nowhere in the Constitution).” —Mark Levin
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## Jefferson's "Misleading Metaphor"

- Jefferson wrote an explanation to the Danbury Baptist Association why he did not call for national days of fasting and thanksgiving, as George Washington and John Adams, his predecessors in office, had done:

“. . . religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only & not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘Make no law respecting an establishment of religion, or prohibiting free exercise thereof, *thus building a wall of separation between Church & State.*’ (1800)

- “. . . The “wall of separation between church and State” is a metaphor *based on bad history*, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned.” —Chief Justice William Rehnquist, *Wallace v. Jaffree*, 1985
  - “It is impossible to build sound constitutional doctrine upon a *mistaken understanding of constitutional history*, expressly freighted with *Jefferson’s misleading metaphor for nearly forty years*. Thomas Jefferson was of course in France at the time the constitutional amendments known as the Bill of Rights were pressed by Congress and ratified by the States. His letter to the Danbury Baptist Association was a short note of courtesy, written fourteen years after the Amendments were passed by Congress. He would seem to any detached observer as a less than ideal source of contemporary history to the meaning of the Religion Clauses of the First Amendment.”  
—Chief Justice Rehnquist, 1985
  - “As the United States moved from the eighteenth into the nineteenth century, Congress appropriated time and again public moneys in support of sectarian [religious] Indian education carried on by religious organizations. Typical of these was *Jefferson’s treaty with the Kaskasia Indians, which provided annual cash support for the tribe’s Roman Catholic priest and church*. It was until 1897, when aid for sectarian education for Indians had reached \$500,000 annually, that Congress decided thereafter to cease appropriating money for education in sectarian schools.” —Chief Justice William Rehnquist, 1985

# The National Government's *Interference* With Religion

- **Everson v. Board of Education, 1947**

- Board of Education for Ewing Township, New Jersey reimbursed parents for public transportation costs to school was being sued by a taxpayer in Ewing, alleging the statute violated the establishment clause by distributing some of the funds to parents who enrolled their children in Catholic parochial schools.
- **Justice Hugo Black revived Jefferson's metaphor**, while delivering the majority opinion against the suit, and "***established the anti-religious precedent that has done so much damage to religious freedom***" (Mark Levin)
  - [Black] had been a member of Ku Klux Klan in the 1920s, when the Klan was deeply resentful of the growing influence of Catholicism in the United States. According to Hugo Black, Jr., his father shared the Klan's dislike of the Catholic Church: "The Ku Klux Klan and Daddy, so far as I could tell, had one thing in common. ***He suspected the Catholic Church.*** He used to read all of Paul Blanshard's books exposing the power abuse in the Catholic church. He thought the Pope and the bishops had too much power and property. He resented the fact that rental property owned by the Church was not taxed; he felt they got most of their revenue from the poor and did not return enough of it." (*Men in Black*, Mark Levin, 2005)
  - "Black also declared that the religion clauses of the First amendment, which were intended to be a check on the federal government, were ***now applicable to state and local government.***
  - "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. . . .The First Amendment has erected a wall between ***church and state.*** That wall must be kept high and impregnable. We could not approve the slightest breach."  
—Justice Hugo Black
- The term "***wall of separation***" was to attach ***thereafter to every case or controversy*** arising under the establishment clause or the free exercise clause.

- The fallacy of the "wall" metaphor is plain, but it is still ***a constant of constitutional law.*** Such is the power of Supreme Court precedent."—*Men in Black*, Mark Levin

# The Modernists' Opposition to Christianity

- Without the influence of Christianity, there would be no First Amendment.
  - The founding generations of America reasoned from Christian beliefs.
  - The original intent of the establishment and free exercise amendment was to prevent the establishment of *a state religion*
  - In the ancient world before Christianity, state religion was all that was known; the ideas of *religious freedom and the rights of conscience* were unknown to the ancient world and were only first diffused abroad by Christianity.
  - “The Christian apologists were the first who testified of these new ideas brought to light by Christianity. ‘It is,’ says Tertullian to the Roman. Proconsul Scapula, ‘one of the rights of man, and belongs to the natural freedom of every one, to worship according to his convictions, and the religion of one can neither injure nor profit others. But it is not religion to employ force in religion; for religion must be voluntary, and received without compulsion. Sacrifices are desired only from free hearts. If you force us to sacrifice you will give nothing to your gods, for they will not desire any forced sacrifices’” . . .—Augustus Neander, *Memorials of A Christian Life*, 1853
  - “Religion flourishes in greater purity without, than with the aid of government.” —James Madison, July 10, 1822
- The misapplied term “separation of church and state” may only refer to the Christian religion.
  - No other religion uses the term “church” to describe their assemblies or places of worship.
  - Prohibiting or denying free expression of Christian beliefs is to reject the foundations supporting America’s Constitutional Republic
    - natural equality and the independent worth of the individual
    - unalienable rights from God, not kings, rulers or politicians: life, liberty and the pursuit of one’s happiness (his livelihood)
    - government instituted to secure the individual’s God-given rightslawful government is government by consent of the governed
- To oppose Christianity, is to oppose the ideas which promote religious liberty, freedom from the *disbelief* or the *belief* of another, or some form of *irreligious and religious despotism*
  - Without the influence of Christianity in America, the few would violate the consciences of the many.
  - Christianity has no fear that truth can be overturned.

## Not A Separation of America from Christianity

- The First Amendment denied *Congress* the power of establishing any particular religion or restricting the free exercise of any religion. The people and statesmen who gave us the First Amendment did not want a union of church and state in the sense of a national established church. But neither did they want to divorce Christianity from our national counsels, fundamental law, or laws made pursuant to the Constitution. ... They wanted a separation of church and state without a separation of Christianity and civil government, law or public life.
- History records the inseparable relationship between America and Christianity:

“...So many therfore of these proffessors as saw ye evill of these things, in thes parts, and whose harts ye Lord had touched wth heavenly Zeale for his trueth, *they shooke of this yoake of antichristian bondage, and as ye Lords free people, joyned them selves (by a covenant of the Lord) into a church estate*, in ye felowship of ye gossell, *to walke in all his wayes, make known or to be made known unto them, according to their best endeavours, whatsoever it should cost them*, the Lord assisting them.” (1606)

—William Bradford, 1647

“We whose names are underwriten, the loyall subjects of our dread soveraigne Lord, King James, by ye grace of God, of Great Britaine, Franc, & Ireland king, defender of ye faith, &c., haveing undertaken, for ye glorie of God, and advancemente of ye Christian faith, and honour of our king & countrie, *a voyage to plant ye first colonie in ye Northerne parts of Virginia, doe by these presents solemnly & mutually in ye presence of God, and one of another, covenant & combine our selves together into a civill body politick, for our better ordering & preservation* & furtherance of ye ends aforesaid; and by vertue hearof *to enacte, constitute, and frame such just & equall lawes, ordinances, acts, constitutions, & offices, from time to time, as shall be thought most meete & convenient for ye generall good of ye Colonie, unto which we promise all due submission and obedience*. In witnes wherof we have hereunder subscribed our names at Cap-Codd ye 11. of November, in ye year of ye raigne of our soveraigne lord, King James, of England, France, & Ireland ye eighteenth, and of Scotland ye fiftie fourth. Ano:Dom. 1620.” —*Mayflower Compact*

## CONCLUSIONS

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- Because the Supreme Court wishes to *dictate policy outside the bounds of the Constitution*. . . it has . . . intervened in religious matters not on sound constitutional grounds, but upon Supreme Court precedents.
    - “Every honest observer of the political scene knows that since the 1960s, the judicial branch, led by the United States Supreme Court, has accelerated its already well-honed pattern of usurping the authority of the elected branches of government. . . . Federal judges, and especially Supreme Court justices, all of whom are unelected and unaccountable to the people, have rejected their constitutional role. They increasingly legislate from the bench and rewrite the Constitution at will.” —Rush Limbaugh, Preface to *Men in Black*
  - Modernists interpret opposition to an established church, *religious despotism*, as meaning the same as opposition to Christianity in general.
    - Christianity is equated with religious despotism.
    - Montesquieu has remarked, that *the Christian religion is a stranger to mere despotic power*. (*Spirit of Laws*)—Joseph Story
    - The usages of Jefferson’s metaphor —“*a wall of separation between Church & State*”— build a constitutional doctrine expressing bias against Christianity.
  - The Constitution flies against *ambition and appetite* for despotic government
    - Dismissing Christianity from the public arena is an effort to diminish and deny the necessity of an unhindered Christianity— not prohibiting its free expression—to the continuance and support of *The Constitution of the United States*.
    - If there were no Christianity, there would be no America.
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