

men to worship God in any manner contrary to their conscience, or that one sect might obtain a pre-eminence, or two combined together, and establish a religion to which they would compel others to conform” (*Annals of Congress*, 1789, 1:758). While the Supreme Court has never adopted this interpretation of the Establishment Clause, this is **the exact meaning articulated by its own author, James Madison**. After reviewing this same historical context of the Establishment Clause, Chief Justice Rehnquist concluded:

It seems indisputable from these glimpses of Madison’s thinking, as reflected by actions on the floor of the House in 1789, that he saw the Amendment as designed to prohibit the establishment of a national religion, and perhaps to prevent discrimination among sects. He did not see it as requiring neutrality on the part of government between religion and irreligion (*Wallace v. Jaffree*, 1985).

Moreover, James Madison was a religious man who strongly believed that all public officials and governmental leaders should publicly profess their belief in Christianity:

I have sometimes thought there could not be a stronger testimony in favor of religion or against temporal enjoyments, even the most rational and manly, than for men who occupy the most honorable and gainful departments and [who] are rising in reputation and wealth, publicly to declare their unsatisfactoriness by **becoming fervent advocates in the cause of Christ**; and I wish you may give in your evidence in this way” (“Madison Letter...,” 1773, emp. added).

Madison was also one of the drafters who passed the Virginia Constitution, which carries the phrase, “It is the mutual duty of all to practice Christian forbearance, love, and charity toward each other” (*The Proceedings of...*, 1776, p. 103). Simply put, Madison was a strong believer that governmental leaders, legislators, and even legislation should recognize and espouse submission to Christ.

In his first inaugural address, James Madison recognized that the destiny and prosperity of a nation are directly linked to the blessings and guidance given by God.

In these my confidence will under every difficulty be best placed, next to that which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future (Madison, 1809).

In other words, Madison subscribed to the position that religion should have a place in the role of government. Moreover, Madison expressed a clear belief that the fate of a government was intertwined with its dependence upon and relationship with God.

Thomas Jefferson was also outspoken and clear in his opposition to a church-sponsored religion that superimposed its will on the people. Jefferson stated that he was unequivocally opposed to the government endorsing a state or national religion, much like the system that so many of our Founding Fathers left behind in England. “I am for freedom of religion, and against all maneuvers to bring about a legal ascendancy of one sect over another” (Jefferson, 1799). Jefferson was especially opposed to Roman Catholicism and any manifestation of entanglement of church and State where the church assumes the role of civil government. “But a short time elapsed after the death of the great reformer of the Jewish religion [i.e., Jesus—KC], before his principles were departed from by those who professed to be his special servants [i.e., Roman Catholicism, for which Jefferson had little tolerance], and perverted into an engine for enslaving mankind, and aggrandizing their oppressors in Church and State” (Jefferson, 1810).

To Be Continued Next Week...



Current Meeting Place

Due to the flooding of our building we are currently meeting with the:
Newport News Church of Christ
5956 Jefferson Ave.
Newport News, VA 23605

Newport News Service Times:

Sunday Bible Class at 10am
Sunday Worship at 11am & 6:30pm
Wednesday Bible Study at 7:30pm

Peninsula Church of Christ

9 Silver Isles Blvd.
Hampton, VA, 23664
(757) 848-1120
info@peninsulacofc.org
www.peninsulacofc.org

Minister

Benjamin R. Phillips
(757) 812-1888
bnp03@obwat.org

Records

Contribution.....\$2517.12

Deconstructing the Establishment Clause

by Kevin Cain, J.D.

[Editor’s Note: The following article was written by A.P. auxiliary staff writer, Kevin Cain, who holds degrees from Freed-Hardeman University (B.S., M.Min.) and the Doctor of Jurisprudence from South Texas College of Law. A former Briefing Attorney of The First Court of Appeals, his current practice focuses on litigation at the trial and appellate levels in both State and Federal Courts.]

One wonders whether the Founding Fathers ever envisioned the intense...at times, malevolent...discourse these simple, instructive words would evoke throughout the land for over 200 years. Should “In God We Trust” be removed from our currency? Should the opening of Court not begin with an incantation to God to “save the United States and this Honorable Court”? Indeed, should reference to an awareness of God be stricken from the federal Constitutional oath of office? Or from the revered Declaration of Independence? Where does the injunction of the First Amendment lead us? (*Doe v. Tangipahoa...*, 2009).

I was in my car listening to a talk radio program where the subject of the day was the “separation of church and State.” The callers’ opinions were all across the board from the far left to the far right and everything in between. One gentleman finally called in and had the nerve to assert that the First Amendment nowhere contains the phrase “separation of church and State.” And then the fireworks began. Caller after caller (including the host) blasted this neophyte for claiming the First Amendment did not contain this purported phrase.

In reality, the First Amendment has two religious clauses. It states, “Congress shall make no law respecting an **establishment** of religion, or prohibiting the **free exercise** thereof” (*Bill of Rights*, 1789, emp. added). The first clause is known as the Establishment Clause, and the second is known as the Free Exercise Clause. Not only is the phrase “separation of church and State” conspicuously absent from this short sentence we call the First Amendment, but it is not anywhere to be found in the entire *Constitution of the United States* (nor in any law passed by Congress).

THE ORIGIN OF “SEPARATION OF CHURCH AND STATE”

Why is it, then, that so many people mistakenly, yet sincerely, believe that this phrase is somewhere found within the First Amendment? More importantly, why do so many believe that this phrase means that the government can have no involvement in religion or recognition of God in any form whatsoever? The origin of this phrase can be traced back to an 1802 letter penned by Thomas Jefferson to the Danbury Baptist Association. The Danbury Baptist Association of Connecticut wrote a letter to President Thomas Jefferson expressing concern over their lack of state constitutional protection of religious liberty and against a government establishment of religion. Specifically, the Danbury Baptists stated in their letter to President Jefferson, “Our Sentiments are uniformly on the side of Religious Liberty—That Religion is at all times and places a matter between God and individuals—That no man ought to suffer in name, person, or effects on account of his religious Opinions—That the legitimate Power of civil government extends no further than to punish the man who works ill to his neighbor” (“Danbury Baptist...,” 1801). The Danbury Baptists were concerned that a religious majority might establish a state religion at the expense of the liberties of religious minorities.

Thomas Jefferson responded by letter dated January 1, 1802. He agreed with the Danbury Baptists’ views on religious liberty and the separation of civil government from involvement with religious doctrine and practice. Jefferson wrote: “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 the free exercise thereof,’ thus **building a wall of separation between Church & State**” (“Jefferson’s Letter...,” 1802, emp. added). Jefferson’s statement regarding “a wall of separation between Church & State” was a mere recognition that the government would not endorse or back a single religious group to the detriment of other Christian sects. However, the use of that phrase today bears no relation to what President Jefferson meant when he penned those words in 1802.

THE HISTORICAL CONTEXT OF “SEPARATION OF CHURCH AND STATE”

Many take the view that the Framers of the First Amendment intended for the government to be completely detached from any religious activity and neutral in all religious matters. In other words, they equate the phrase “separation of church and State” with absolute refusal by the government not only to engage in any religious activity, but also to passively allow any religious activity in the public sphere. This interpretation is far removed from the context or meaning of the phrase coined by Jefferson in 1802, much less the First Amendment.

To understand what the First Amendment does and does not mean, it would be helpful to look to the writings and religious/political sentiments expressed by the author and primary proponent of the First Amendment. James Madison submitted the original draft of the First Amendment to Congress, and Thomas Jefferson was one of the key supporters of the First Amendment.

It is clear from Madison’s own writings that he was concerned with the union of church and State as was prevalent in Europe at that time. The First Amendment was designed to prevent the government from joining forces with a particular religious organization as a government-endorsed religion. This can be seen in the original proposed draft of the First Amendment submitted by Madison. “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 pretext, infringed” (*Wallace v. Jaffree*, 1985, emp. added). “[Madison’s] original language ‘nor shall any national religion be established’ obviously does not conform to the ‘wall of separation’ between church and State idea which latter-day commentators have ascribed to him” (*Wallace v. Jaffree*, 1985). Ironically, when the original draft of the First Amendment was later revised and debated in the House on August 15, 1789, Representative Peter Sylvester of New York expressed his dislike for the revised version, because it might have a tendency “to abolish religion altogether” (*Wallace v. Jaffree*, 1985). However, Madison stated during this debate that “he apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel

Prayer Requests and Notes

Please continue to remember: Al & Pat Mitchell, Tammy McCary, Rita Bass, Nancy Jett, Tomiko Scott, Ed Ellis, Gross Family, Edna Boyd, Sue Marco, Deon Williams, Ronald Brooks, Lula Gaskin, Lucia Thomas, Bennie Tindall, Roger & Zelda Baker, John James, Sr., Aldrene DuVaul, Myrtle Johnson, Veronica Thornton, Elizabeth Higginbotham, Sameeh Akram, Dale Huls, Scott Seawell, Kim Mitchell, Peggy MacDougal, Doris Archer, Sinda Seward, Reaver Minor, Daniel Dow, Regis Crozier, Melvin Hill, Karen Ault, Peggy Pharr, Bruce Sneed, Sean Howard, Joannie Grimes, Erle Minor, Brian Mahoney, and Antonio Russell, Jr.

Prayer Requests: Many are dealing various illnesses during this “cold and flu season.” Please remember the many in your prayers. **Bethann Archer** is facing difficult times with her health and other issues. **Greg Braxton** is going through some trials in his life and is in need of prayers. **Al Mitchell** continues to have difficulty with his left eye. **Hazel Ehnes** has been having some minor troubles lately and could use prayers.

Traveling: Ron Jones.

Deployed: Ronnie Gresham is in Iraq.

Responded: Reggie Trotter requests prayers that he may be a better father and husband.

Upcoming Events

- **TODAY: Haitian Relief.** Don’t forget to contribute to help our brethren in Haiti if you have not already done so. Please make checks out to “Church of Christ,” put “Haiti” on the memo line, and give them to Rodney.
- **February 2: Tuesday Bible Class** at 10 am at the Newport News building.
- **February 6: Men’s Day of Encouragement** from 8:30 am to 1 pm at the Gloucester church of Christ. Breakfast and lunch provided.
- **February 15: Men’s Meeting** at Al’s at 7 pm.
- **February 16: Tuesday Bible Class** at 10 am at the Newport News building.
- **February 19: Ladies Bible Class** at 7 pm at Monica Fulton’s.

Daily Bible Reading: January 31-February 7

Jan 31– Exodus 34-35

Feb 4– Leviticus 5-7

Feb 1– Exodus 36-38

Feb 5– Leviticus 8-10

Feb 2– Exodus 39-40

Feb 6– Leviticus 11-12

Feb 3– Leviticus 1-4

Feb 7– Leviticus 13

“Study to show thyself approved unto God, a workman that needeth not to be ashamed, rightly dividing the word of truth” (2 Timothy 2:15).