

Contest held July 8th, 2007 in Williamsburg, Virginia

“The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty gods or no God. It neither picks my pocket, nor breaks my leg.”

Thomas Jefferson is a man known for the power of his words. His words here, said shortly after the American Revolution, speak volumes about the importance of the separation of church and state.

Most Americans today believe that our country enjoys such a separation. However, we often hear the United States described as a Christian nation. We hear of court cases concerning prayer in schools or religious displays on public property. So, if we are enjoying this “separation of church and state,” why all the trouble? Well, the term itself appears nowhere directly in the Constitution. Thomas Jefferson used the expression in a letter to the Danbury Baptist Association in 1802. But it is alarming that people insist on questioning the constitutionality of various laws and practices based on an idea that doesn’t even appear in the document. Going further, this separation, upon which so much weight is placed, is not clearly defined.

The first time religion is mentioned in the Constitution is in Article VI. Here, it says that all those serving in public office “shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.” It is important to note that one must make an oath or an affirmation. This option is offered, itself, as a safeguard of religious freedom: so that someone who could not or would not swear could still affirm his or her support for the Constitution and be bound by a sense of personal responsibility.

Next, Amendment I states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” This Establishment Clause ensures a separation of church and state as well as an individual’s right to worship in whatever manner he or she wishes, or not to worship at all. It is a truly essential element of both the Constitution and our nation’s character. Many early American colonists were fleeing religious persecution at home in Europe. The Puritans settled in New England, the Quakers in Pennsylvania, and the Catholics in Maryland. These individual colonies became havens for people who sought religious freedom. The First Amendment also guarantees freedom of speech and the press, the right to assemble, and to stand up to abusive government. Incorporating all these rights into a single amendment truly serves to affirm the unified nature of political and religious freedom.

As recently as 1985, the Supreme Court held in *Wallace v. Jaffree* that an Alabama law authorizing public school teachers to conduct religious prayer services in the classroom violated the First Amendment’s Establishment Clause. Justice William Rehnquist argued against this ruling. In his dissent, he wrote that “George Washington himself, at

the request of the very Congress which passed the Bill of Rights, proclaimed a day of 'public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many...favours of Almighty God.'" Rehnquist concluded that "history must judge whether it was the Father of his Country in 1789, or a majority of the Court today, which has strayed from the meaning of the Establishment Clause."

Then, in the 1989 case *Allegheny County v. Greater Pittsburgh ACLU*, the Supreme Court ordered that a crèche bearing the words "Gloria in Excelsis Deo" be removed from the town's courthouse. However, it upheld another display that included a Christmas tree, a menorah, and a sign saluting liberty. They claimed that "Both Christmas and Chanukah are part of the same winter-holiday season, which has attained a secular status in our country.

Finally, in the 2003 circuit court case, *Glassroth v. Moore*, Alabama Justice Roy Moore was ordered to remove a monument of the Ten Commandments that he had erected in the state judicial building. He refused, stating that it violated his right to acknowledge God. The Supreme Court held the lower court's decision that his right to acknowledge God was not denied, but that he himself had violated the Establishment Clause in erecting such a monument on government property.

In each of these examples, the Establishment Clause is said to be threatened. The cases seem to take the issue to the extreme, saying there should be no public prayer, no religious display and no acknowledgment of a higher power. Although their outcomes were varied, they show a consistent theme. Simply put, Americans do not want to be confronted with any beliefs that they, themselves, do not hold. But to be afforded that convenience, everyone must be willing to sacrifice the public expression of their own beliefs as well. It is probable that we have moved away from the original thinking of the founding fathers in our approach to this issue. Most likely, their intent, and what ours should be today, is to defend the freedom of every American to believe whatever he or she wishes. While completely eradicating religious expression in public may be the most effective means of deterring abuse of this freedom, I believe that it would surprise our forefathers to find that the American people are so easily offended by the beliefs of others as to precipitate government involvement in this issue through lawsuits and legislation. As James Madison, a fervent advocate of religious freedom, once remarked, "Religion and government will both exist in greater purity the less they are mixed together."