

# Christian Nation, You Say?

By  
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About three years ago, I came across an article about something called the “Constitution Restoration Act of 2005.” What I read disturbed me a great deal, for one of the provisions of the act, according to the article I was reading, would forbid the US Supreme Court from reviewing any decision any state official made, if the state official made that decision based upon his “*Acknowledgement of God as the sole source of law, liberty or government.*”<sup>1</sup>

*“Notwithstanding any other provision of this chapter, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any matter to the extent that relief is sought against an entity of Federal, State, or local government, or against an officer or agent of Federal, State, or local government (whether or not acting in official or personal capacity), concerning that entity's, officer's, or agent's acknowledgment of God as the sovereign source of law, liberty, or government.”<sup>1</sup>*

In other words, a state official could decide to, say, place a monument containing the text of the Ten Commandments on state property, and the US Supreme Court, or ANY federal court, for that matter, could not review that decision! Going further, what would stop a Governor or State Legislature from requiring future state employees to be Christians? This “restoration” act was written by Herb Titus, a right-wing nut, and Judge Roy Moore, yes, the same Roy Moore who defiantly refused to remove a monument of the Ten Commandments from his own court.

Here is what Judge Moore had to say about the bill:

*“The purpose of the CRA is to restrict the appellate jurisdiction of the United States Supreme Court and all lower federal courts to that jurisdiction permitted them by the Constitution of the United States. The acknowledgment of God as the sovereign source of law, liberty, and government is contained within the Declaration of Independence, which is cited as the 'organic law' of our Country by United States Code Annotated. The constitution of every state of the Union acknowledges God and His sovereignty, as do three branches of the federal government. The acknowledgment of God is not a legitimate subject of review by federal courts.”<sup>2</sup>*

Reading further, I discovered that one of the bill’s co-sponsors was, and is, our own Senator, Richard Burr! I decided to write the Senator a letter concerning the bill, and expressing, as calmly and rationally as I could, my misgivings about the legislation, and my concerns of the effect this legislation could potentially have on church/state separation issues. Here is part of what I said:

*“I suspect that bills such as this are drafted and proposed purely to pander to a certain segment of the population, and are probably never seriously considered for passage. I am curious, though, how a supposedly educated Senator could allow his name to be tied to a “Constitution Restoration” bill that does no such thing. The only thing this bill would “restore” would be the patchwork of state religious laws that existed prior to the ratification of our secular Constitution.”<sup>3</sup>*

Although I really wasn’t expecting a reply, Senator Burr sent me a very nice letter, detailing his involvement with the bill, and justifying its existence in the following paragraph:

*“An acknowledgement of God as the sovereign source of law, liberty, and government is cited in several historical documents as the foundation of the establishment of our country, including the Declaration of Independence and the United States Code. Furthermore, the individual state constitutions of all 50 states acknowledge God in the same context.”<sup>3</sup>*

Hard not to notice the similarities in the two paragraphs written by Burr and Moore, but that’s really beside the point, and, by the way, the bill went to the Judiciary Committee in 2005, where it died after the

Democrats took over the Senate in 2006. Had the Republicans not relinquished Senate and House leadership in that election, I have no doubt this abomination would have been brought to the floor, and perhaps would be law today.

I'm not here this afternoon to frighten you with tales of lost liberties, or close escapes from dominionism, but to share with you some parts of the journey I have been on since this particular incident illustrated for me where we could be headed if we allow the religious right to dominate political discourse. The stated purpose of the CRA was to restrict the federal court system to the "jurisdiction permitted them by the constitution," implying, therefore, that as the law of the land recognizes the supremacy of God, decisions made taking into account belief in the same should not, and, in fact, cannot be reviewed.

This boils down to just another way of saying that America is a Christian nation, founded upon Christian principles, which just happens to "tolerate" not only other forms of belief, but non-belief as well. We have been hearing this sort of thing for years, not only from the Christian right, but also from those who pander to them, including recent presidential candidate John McCain, who, when asked during an interview by Beliefnet if America was indeed a Christian nation founded upon Christian principles, and if the Constitution established a Christian nation, he answered in the affirmative, adding that we did, however, tolerate other forms of belief.<sup>4</sup>

A recent survey done by the First Amendment Center indicated that 63% of Americans agreed that the founders intended the United States to be a Christian nation, and when asked if the US Constitution established a Christian nation, 55% agreed.<sup>5</sup> These results indicate that either the majority is correct, or that our friends on the religious right are every bit as successful at selling theocracy as they are at selling creationism! They use the same techniques for both, and they have been highly successful for well over a hundred years. Repeat the same thing, true or not, loudly enough and often enough, and people will inevitably start believing it – especially if you happen to be the only one making any noise.

My intent today is to examine several propositions: Did our founders intend to form a Christian nation, and did the Constitution establish a Christian nation; along with a third claim often made by Christian fundamentalists: Are our laws, and by that I mean our statutes that regulate how we deal with one another, based in some way upon Christian principles, or are they derived from an entirely unrelated source?

To make these determinations, we will examine not only some public and private statements of certain key founders, but also their context. We will explore three key pieces of legislation that bear upon our questions, including why they were written, how they were adapted, and how they fit into our overall scheme. Along the way, we will pay close attention to the context of the times, and how certain "special interest" groups shaped and influenced the documents that form the basis of our present government. Hopefully, through this we will gain an appreciation of the inherent fragility of our system of government, and an understanding of why we need to take an active interest in preserving our basic rights and privileges. We will see that our Constitution did not "fall out of the sky," by accident, but was the determined, pre-meditated result of conscious deliberations by serious people.

Two of the three pieces of legislation we will be looking at today, the Constitution and Bill of Rights, are pretty well known, if not understood. The third piece of legislation is less well known, although it was actually the first draft legislation in the history of the world to establish religious freedom, and was the model for the First Amendment to the Constitution. Jefferson considered his "Bill For Establishing Religious Freedom in Virginia," along with his authorship of the Declaration of Independence, and founding of the University of Virginia, as one of his three greatest achievements.

I would like to begin by considering the question of where our laws came from in the first place. Many Americans believe that our system of laws was derived from the Judeo-Christian Bible, and in fact this has been repeated so often that it has almost become common knowledge. It is true that at least the New England colonies were settled by members of religious sects seeking the freedom to worship as they

wished, but even they brought with them a system of laws not of their own invention. The original charter from King James that established the New England colony in 1620 read in part:

*“(T)o stretch out the bounds of our dominions, and to replenish those deserts with people governed by lawes and magistrates, for the peaceable Commerce of all...”*<sup>6</sup> The “lawes and magistrates” was a reference to the English Common law, long established in the mother country, and the basis for the laws that governed every English colony. OK, but at the time this charter was written, Christianity had flourished in England for hundreds of years, was Christianity the basis for the common law?

Actually, no! The Saxons about the middle of the fifth century introduced common law, while Christianity was not introduced until the seventh century. Thomas Jefferson wrote the following in a letter to Dr. Thomas Cooper in February of 1814:

*“For we know that the common law is that system of law which was introduced by the Saxons on their settlement in England, and altered, from time to time, by proper legislative authority, from that date to the date of the Magna Charta.... This settlement took place about the middle of the fifth century; but Christianity was not introduced ‘till the seventh century.... Here, then, was a space of two hundred years, during which the common law was in existence, and Christianity no part of it....(W)e may safely affirm... that Christianity neither is, nor ever was, a part of the common law.”*<sup>7</sup>

The original charters of all of the English colonies referenced the common law, and, according to the Catholic Encyclopedia: *“Upon the theory that the English colonists carried with them the entire system of the English law as it existed at the time of their migration from the fatherland, the colonial courts adopted and acted upon the theory that each colony, at the very moment of its inception, was governed by the legal system of England..”*<sup>8</sup>

The only exception, within the United States is Louisiana, where the *civil law of Rome*, expressed as the Napoleonic Code, was the law of the land, and forms the basis of their state law.

So, we now understand that our statutory law, at least, is in no way, based upon Jewish law, the Bible, or Christian principles. Not that there were not religious laws in the colonies, there certainly were, and some even exist today, with sodomy laws and so-called “blue” laws being two examples. The point is that our basic laws are not derived from revealed religion, but from common usage over hundreds of years.

An examination of our founding documents must begin with a discussion of the environment and most especially the people who produced them. Then as now, America was an overwhelmingly Christian country, from the standpoint of particular religious adherence. In the 1730’s and 40’s, the country experienced its first major religious revival, the Great Awakening. From the Library of Congress: *“In America, the Awakening signaled the advent of an encompassing evangelicalism – the belief that the essence of religious experience was the ‘new birth’ inspired by the preaching of the Word....Another religious movement that was the antithesis of evangelicalism made its appearance in the eighteenth century. Deism, which emphasized morality and rejected the orthodox Christian view of the divinity of Christ found advocates among upper-class Americans.”*<sup>9</sup>

Among these “Deists” were certainly Jefferson, Washington, Paine and Adams; along with, most probably, Madison. When attempting to assess the spiritual leanings of our founding politicians, one must keep in mind that they WERE politicians, and that most of the colonists they represented were members of the Christian faith. Quotes can be found, if one looks hard enough, to justify almost any degree of religiosity on the part of these gentlemen that one wishes. Most historians, however, tend to give more credence to private writings, and to legislative production than public utterances when assessing these matters, and so shall we.

Nine of the original thirteen colonies had established state religions, at the time of the revolution, religions that were supported by public funds, and which enjoyed exclusivity, at least on paper, within the

borders of the colony. Laws specifying this exclusivity, and even punishing “violations” of specific dogma were common everywhere, but, by the time of the revolution, rarely enforced.

As an illustration, the following is from his “Notes on the State of Virginia” by Thomas Jefferson, written in 1781: *“By our own act of assembly of 1705, c. 30, if a person brought up in the Christian religion denies the being of a God, or the Trinity, or asserts there are more Gods than one, or denies the Christian religion to be true, or the scriptures to be of divine authority, he is punishable on the first offence by incapacity to hold any office or employment ecclesiastical, civil or military; on the second by disability to sue, to take any gift or legacy,....and by three years imprisonment, without bail.”*<sup>10</sup>

And, later on, he compares Virginia with New York and Pennsylvania: *“Our sister states of PA and NY, however, have long subsisted without any establishment at all. The experiment was new and doubtful when they made it. It has answered beyond conception. They flourish infinitely. Religion is well supported; of various kinds, indeed, but all good enough; all sufficient to preserve peace and order...they do not hang more malefactors than we do. They are not more disturbed with religious dissensions. On the contrary, their harmony is unparalleled, and can be ascribed to nothing but their unbounded tolerance, because there is no other circumstance in which they differ from every nation on earth. They have made the happy discovery that the way to silence religious disputes is to take no notice of them.”*<sup>11</sup>

Another view of religion in the colonies is given in a letter from James Madison to his friend William Bradford in PA in 1774: *“You are happy dwelling in a land where those inestimable privileges are fully enjoyed and public has long felt the good effects of their religious as well as civil liberty. Foreigners have been encouraged to settle among you, industry and virtue have been promoted by mutual emulation and mutual inspection, commerce and the arts have flourished and I can not help attributing those continual exertions of genius which appear among you to the inspiration of liberty and that love of fame and knowledge which always accompany it. Religious bondage shackles and debilitates the mind and unfits it for every noble enterprise, every expanded prospect.”*<sup>12</sup>

When Thomas Jefferson ran for president, he was accused, among other things, of being an atheist. Today, some religious leaders would have us believe he was at least a “nominal” Christian, and actually not a strong proponent of church-state separation.<sup>13</sup> The truth is, of course, somewhere in-between. What we are sure of is that Jefferson was, at the very least, highly suspicious of most forms of organized religion, believed strongly that both religion and government were best served by maintaining a cautious distance from one another, and did not believe that citizens should be forced to support religion in any way whatsoever. It’s sometimes hard to reconcile the man who wrote: *“History, I believe, furnishes no example of a priest-ridden people maintaining a free civil government,”*<sup>14</sup> with the man who attended religious services in the US capitol building.

We know that in the Declaration of Independence, Jefferson referred to the *“Laws of Nature and of Nature’s God,”* and that men are *“endowed by their creator”* certain rights that are secured by governments *“deriving their just powers from the consent of the governed!”* The first two phrases are often pointed to by religious conservatives to indicate Jefferson’s belief in the God of the Bible, when they could just as easily have referred to the God of Einstein, Spinoza and Sagan. The key phrase is the last, and it is marked by its consistency with the entire body of Jefferson’s work.

We will look next at Jefferson’s landmark “Bill For Establishing Religious Freedom in Virginia,” which he introduced in the Virginia legislature in 1779. I say “landmark” because when it was finally passed in 1786, after much difficulty, its effects reverberated not only around the country, but around the world as well. This bill was a first, what it did had never been done before, that is, the complete separation of civil and religious authority, and the guarantee of complete legal equality of people of all religions, or no religion at all. In addition, the bill served as the template for the “establishment clause” in the first amendment to the Constitution.

After a long preamble, paragraph II contained the meat of the bill:

*“Be it therefore enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, or shall be enforced, restrained, molested, or burdened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.”<sup>15</sup>*

In spite of the regard in which the Virginia Assembly held Mister Jefferson, the Religious Freedom bill had anything but smooth sailing through the legislature, and was almost defeated by another measure proposed by Patrick Henry. Henry’s bill provided for the establishment and support of all religions, as long as they were Christian. It was viewed as reasonable, and even tolerant, as long as you believed that the government should be in the business of supporting religion.

James Madison did not, and, with Jefferson serving as ambassador to France, took over the legislative responsibility for Jefferson’s bill. In 1785, with the passage of Henry’s bill seeming inevitable, Madison, in a brilliant parliamentary maneuver, and with the help of his allies, first elected Henry Governor of Virginia, removing his vote and voice from the assembly, then wrote and issued his *“Memorial and Remonstrance Against Religious Assessments.”*

Madison’s eloquent “Memorial,” eventually signed by some two thousand Virginians, should be as familiar to students of American history as the Declaration of Independence and the Constitution. *“Who does not see,”* he asked in a passage that delineated his concern for personal freedom OF religion, *“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?”*

Madison’s advocacy of government freedom FROM religious control is equally explicit: *“If Religion be not within cognizance of Civil Government, how can its legal establishment be said to be necessary to Civil Government? What influence in fact have ecclesiastical establishments had on Civil Society? In some instances they have been seen to erect a spiritual tyranny on the ruins of Civil authority; in many instances they have seen the upholding of the thrones of political tyranny; in no instance have they been seen the guardians of the liberty of the people. Rulers who wish to subvert the public liberty, may have found an established clergy convenient auxiliaries. A just government instituted to secure and perpetuate it (liberty), needs them not.”<sup>16</sup>*

This, no doubt, would have been Madison’s answer to those fundamentalists who insist that the First Amendment was written to ONLY protect religion from government interference.

Interestingly, the *Remonstrance* elicited not only help, but firm support from most of the minority religious groups in the state, including Baptists, Evangelicals, Quakers, Presbyterians and Methodists, all of whom were violently opposed to any attempt by the Episcopal Church to retain its privileged pre-Revolutionary position.

After a lengthy debate in the State Assembly, the Bill Establishing Religious Freedom in Virginia was finally passed in 1786, with only minor revisions. A look at one of the proposed revisions is interesting, as it reinforces the view that none of our founding documents ended up the way they are by accident,

The Bill opens with a rhetorical flourish: *“Whereas, Almighty God hath created the mind free...”* The lawmakers overwhelmingly defeated a move to acknowledge Jesus Christ rather than a nonsectarian deity. The rejection of any mention of Jesus, Jefferson would recall thirty years later, proved that the law was meant to protect not only Christians, and not only religious believers, but nonbelievers as well.<sup>17</sup>

News of the Bill’s passage was met with great enthusiasm, not only among secularists in America, but by individuals who wished to promote liberty of conscience throughout Europe as well. As Jefferson wrote Madison: *“(The passage of this bill) has been the best evidence of the falsehood of those reports which stated us to be in anarchy.”<sup>18</sup>*

The year after the passage of Jefferson's bill, the Constitutional Convention opened in Philadelphia, and our "founders" officially became "framers." Everyone admits that the Constitution contains no mention of God or Jesus, other than the exclusionary reference in Article 6. Where, then, do Christians find the justification for believing that the Constitution somehow establishes a "Christian" government?

One of the things they sometimes point to is in the seventh amendment: "*In suits at common law...the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States than according to the rules of the common law.*" Many Christians believe that the common law referred to in this amendment, English Common law, was derived from Christian foundations, therefore, the constitution establishes a Christian nation.

We have already dealt with this question, and have determined it is entirely bogus.

The other major point they make is that the founders (framers) were so obviously creating a Christian nation that they did not bother to insert Christianity into the document, as it was assumed. This assumption is also easily disposed of, by means of even a cursory glance at the workings of the Constitutional Convention, and especially at its fallout.

The convention was called ostensibly to modify the Articles of Confederation, to clean up some difficulties and adapt them for future growth. We all know what grew out of that "limited effort," but a study of the Convention, although fascinating (at least to me) is outside of the scope of this discussion.

One thing that needs to be mentioned, however, is that the convention was held in absolute secrecy, with the delegates bound by solemn oath not to prematurely divulge any of the proceedings. The only records we have of the convention are a meticulous set of notes maintained by Madison, and some smatterings in a couple of personal diaries. These indicate that much of the debate concerning certain issues was conducted outside of the convention itself, with agreements formalized during official sessions. Early in the deliberations, the convention selected the "Virginia" plan, with its neutrality towards religion, to form the basis of the new constitution. Still, Franklin moved that sessions open with a prayer, but his motion was overwhelmingly defeated.

The first thing one notices about the Constitution is the preamble itself, with its complete lack of reference to deities of any kind, not even the generic references such as in the Declaration or Religious Freedom Bill. "*We the people of the United States...*" Not "By the grace of almighty God," or any other religious reference. This was no accident. Several modifications were considered and rejected by the delegates, who, by the adoption of the "Virginia Plan" showed that they were purposely producing a secular document.

Article VI, Section 3 contains what we refer to today as the "exclusionary clause." The section in full reads:

*"The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, 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."*

There are two things here that should interest us as Humanist Freethinkers. The first is the word "Affirmation" in the first part of the section. That was significant, as it indicated that the framers did NOT intend to compel officeholders to take an oath on the Bible, or any other religious book. It was also intentional, as, according to Madison's notes on August 30, 1787: "*Art: XX. 24, 25 taken up. - 26 "or affirmation" was 27 added after "oath."*"<sup>19</sup>

Madison's notes do not indicate who added the phrase, but there was no debate noted. Later that same day, Charles Pinckney, a delegate from South Carolina, moved for the addition of the "religious tests"

phrase, as it was not in the article previously. Roger Sherman, a delegate from Connecticut, rose to say that he “*thought it unnecessary, the prevailing liberality being a sufficient security agst. such tests.*”<sup>20</sup>

Wow! Either he was being disingenuous, hoping there WOULD be religious tests established later, or he felt there was truly no need to prohibit them, because the mood in the country being such that they would never be asked for.

At the time of the convention, eight of the states still had established religions, and state constitutions that potentially limited a citizen’s participation in state government depending upon their religion. I hardly think Mr. Sherman’s objection was valid, but, of course, I wasn’t there. The motion to add the phrase passed, with only North Carolina, and half of Delaware dissenting.

So, there was debate, and a conscious effort to produce a secular constitution, in an environment where most of the states were semi-theocracies with established religions. The constitution was met by a firestorm of opposition, primarily from the established state religions, who were incensed by the obvious insult to their heavenly friend. There is no way anyone can claim that the “Constitution established a Christian nation” given the outrage expressed by the religious community of the time.

The Constitution’s ban on religious tests, and its secular tone, in general, produced a great deal of controversy during the ratification conventions in the various states. There were many attempts to subvert the intent of the preamble by declaring that governmental power was derived from God or Jesus Christ, but all amendments were defeated.<sup>21</sup> At the Massachusetts convention, one speaker warned that unless the chief executive was required to take a religious oath, “*A Turk, a Jew, a Roman Catholic, and what is worse then all, a Universalist, may be President of the United States.*”<sup>22</sup>

In the end, the Constitution escaped the ratification process unaltered; the economic pressures for a Federal union trumping all other concerns. Next up, the bill of rights, with its nasty “establishment clause.” Originally, Madison wanted to add language that would force the states to relax their various religious barriers to holding office, but this was seen at the time to be just a bit more power than most of the states were willing to cede to the new government. The clause reads: “*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.*”

The clause is often cited by religious conservatives as evidence that the founders wished only to protect religion from government – not government from religion. Although it’s true that the entire Bill of Rights was written to prevent the government from interfering with individual liberties, the establishment clause cannot be separated from the rest of the Constitution, with its prohibition of religious tests and allowance of affirmations.

The framers hoped that the First Amendment would encourage other states to follow Virginia’s example and establish complete separation between civil and religious authority, and over time, all of them did, with MA being the last to do so in 1830.

In 1790, President George Washington wrote an extraordinary letter to the Jewish community of Newport, Rhode Island, illustrating that this new religious freedom embodied in the Constitution was seen by representatives of the American enlightenment not as a grudging concession or even as a generous gift from the American government but as a right. “*All possess alike liberty of conscience and immunity of citizenship,*” Washington wrote, “*It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens.*”<sup>23</sup>

John McCain notwithstanding, we as non-believers are not somehow second class citizens requiring “toleration” from the religious in order to enjoy “life, liberty and the pursuit of happiness, but according

to George Washington, are endowed with the exact same “basic rights!” I don’t wonder that this particular letter is seldom quoted today.

The absurdity of the claim that the framers somehow overlooked, or misunderstood, the political and religious implications of leaving God out of the nation’s founding document is borne out not only by Washington’s matter-of-fact assumption of the distinction between religious affiliation and citizenship but by the intensity and clarity of the public debate that preceded ratification of the Constitution. The founders knew exactly what they were doing, and so did their fellow citizens on both sides of the issue. Conservative clergymen denounced the godlessness of the Constitution precisely because they understood that it did indeed pose an obstacle not only to government interference with religion but to religious interference with government. The assertion that America was founded as a Christian nation would have some validity if – and only if, the nation had remained a group of loosely linked states, forever free to continue the theocratic arrangements of the past.<sup>24</sup>

No study of the intent of the framers would be complete without a discussion of the Treaty of Tripoli of 1797, along with its infamous “article 11.” The treaty is mentioned in nearly every secular resource that delves into the “Christian nation” question, and is usually presented as the strongest evidence for the framers true positions. I, for one, do not agree with this stance, owing to particular circumstances surrounding the adoption of the treaty, and if you are going to use article 11 of the treaty to argue for a secular government, you should be aware of a couple of facts. Article 11 of the treaty reads as follows:

*“As the Government of the United States of America is not, in any sense, founded on the Christian religion; as it has in itself no character of enmity against the laws, religion, or tranquility of Musselmen, and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries.”<sup>25</sup>*

The treaty was under the full charge of a man named Joel Barlow, a good friend of Paine, Jefferson and Washington. Barlow negotiated and translated the treaty, and we have two copies of his article 11. Unfortunately, the original treaty, signed by the Arabs also exists in the National Archives, and although it has an article 11, the article is totally different than the one that Barlow “translated” and submitted to the Senate.

That confusion notwithstanding, the treaty submitted to the Senate did, indeed contain the above statement. The Senate passed it unanimously without debate, and President Adams signed it on June 10<sup>th</sup> 1797. I have two problems with using the treaty as “evidence:” First, why was article 11 inserted by Barlow? Clearly, the Arabs did not require such verbiage, as they had treaties with most of the countries in Europe, and all of them most certainly WERE founded on the Christian religion. Secondly, how likely would the Senate have been to debate the treaty, when our Government needed the agreement very badly?

Obviously, Barlow wanted to drive home a point, and whether or not he did it on his own, or with the knowledge and collusion of others in the government will probably never be known. Having said all that, the treaty does exist.

The ratification of the Constitution and Bill of Rights did not bring an end to attempts by various religious organizations to correct the folly of our framers and include God in our founding document. In 1864, members of a group called the National Reform Association, (NRA), believing that the civil war was divine punishment for failing to mention God in the Constitution, proposed an amendment as a way to atone for that oversight.

The amendment called for *“Humbly acknowledging Almighty God as the source of all authority and power in civil government, the Lord Jesus Christ as the ruler among the nations, and His revealed will as the supreme law of the land, in order to constitute a Christian government.”<sup>26</sup>*

The House Judiciary Committee voted against its adoption, noting the dangers that church/state unions had imposed upon European nations. Similar amendments were proposed in 1874, 1896 and 1910, but all were defeated.

As late as 1954, an amendment was introduced in the Senate by Senator Ralph Flanders from Vermont, that would have added language to the Constitution that “*devoutly recognizes the authority and Law of Jesus Christ, Savior and Ruler of nations through whom are bestowed the blessings of liberty*”<sup>27</sup> The amendment was never voted out of committee, and efforts to revive it in the 60’s were unsuccessful.

Interesting enough, both of these amendments proposed instituting what the “Constitution Restoration act of 2005” that we spoke of in the beginning, took for granted. If the framers had, indeed, created a Christian Nation, would any of this foolishness be necessary? Of course not!

So what does all this mean to us, the Humanist community, what can we do to insure the preservation of the rights granted to us as United States citizens by the Constitution? Perhaps it doesn’t seem a big deal when some judge hangs a copy of the Ten Commandments in his courtroom, or when a US Senator, or presidential candidate proclaims that the United States was created as a Christian nation, but it is. It is because it declares that we as Humanists are really second-class citizens, and are merely tolerated by the Christian majority.

The first President Bush even went so far as to say that non-believers were not really even US citizens so if a majority of voters in California can deny equal rights under the law to a class of people for purely religious reasons, paraphrasing Madison, who can not see that they could tomorrow deny even more basic rights to any other class they so chose.

There is no justification, other than religious, to deny gays the same rights we all enjoy, just as there is no justification other than religious to stop stem cell research, totally ban abortion or teach anything other than evolution in our schools. Any attempt to use the police power of the government to enforce the right-wing position on any of these issues is a clear violation of church/state separation, and should be treated as such. Currently, there are four votes on the Supreme Court to support the fundamentalist position on these issues, and they are all relatively young. In the next eight years, our President will probably appoint at least two and possibly as many as four new Justices. As these will all be replacements for current centrist or liberal Justices, the orientation of the court will not be changed.

So, does the fact that so far all of these attempts to declare America a Christian Nation have failed mean that we no longer need to be concerned? Of course not! I think we dodged a bullet in 2006, and the election results last year have certainly given us something of a respite, but don’t think for a minute that this kind of thing won’t surface again and again. As long as there are votes to be garnered by pandering to the religious right, politicians like Richard Burr will not hesitate to barter our freedoms for another six years in power. As George Washington so wisely said: “*Eternal vigilance is the price of liberty.*”

Notes

- <sup>1</sup> [http://thomas.loc.gov/cgi-bin/query/z?c109:S.520:](http://thomas.loc.gov/cgi-bin/query/z?c109:S.520)
- <sup>2</sup> <http://www.waff.com/global/story.asp?S=1644862> WAFF News, February 13, 2004
- <sup>3</sup> <http://petesoderman.com/richardburr.htm>
- <sup>4</sup> <http://www.beliefnet.com/News/Politics/2007/06/John-Mccain-Constitution-Established-A-Christian-Nation.aspx>
- <sup>5</sup> <http://www.firstamendmentcenter.org/pdf/SOFA2008survey.pdf>
- <sup>6</sup> [http://avalon.law.yale.edu/17th\\_century/mass01.asp](http://avalon.law.yale.edu/17th_century/mass01.asp)
- <sup>7</sup> [Http://foundingfathersquotes.blogspot.com/2007/07/thomas-jefferson-on-common-law.html](http://foundingfathersquotes.blogspot.com/2007/07/thomas-jefferson-on-common-law.html)
- <sup>8</sup> <http://www.newadvent.org/cathen/09068a.htm>
- <sup>9</sup> <http://www.loc.gov/exhibits/religion/rel02.html>
- <sup>10</sup> Thomas Jefferson, *Notes on the State of Virginia*, (Jefferson Writings, the Library of America), p. 284
- <sup>11</sup> Ibid, p. 287
- <sup>12</sup> James Madison, *letter*, (Madison, Writings, the Library of America), p. 9
- <sup>13</sup> [http://www.worldnetdaily.com/news/article.asp?ARTICLE\\_ID=28006](http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=28006)
- <sup>14</sup> Thomas Jefferson, *Letter*, (Jefferson Writings, The Library of America) p. 1311
- <sup>15</sup> <http://www.vahistorical.org/sva2003/vsrf.htm>
- <sup>16</sup> Susan Jacoby, *Freethinkers, a History of American Secularism* New York: Henry Holt, 2004) pps. 19-20
- <sup>17</sup> *The Life and Selected Writings of Thomas Jefferson*, ed. Adrienne Koch and William Peden (New York, 1988), P. 46
- <sup>18</sup> Ibid, P. 371
- <sup>19</sup> <http://www.teachingamericanhistory.org/convention/debates/0830.html>
- <sup>20</sup> <http://www.teachingamericanhistory.org/convention/debates/0830.html>
- <sup>21</sup> *Freethinkers, a History of American Secularism*, p. 31
- <sup>22</sup> Ibid, P. 29
- <sup>23</sup> Ibid, P. 32
- <sup>24</sup> Ibid, P. 33
- <sup>25</sup> <http://www.nobeliefs.com/Tripoli.htm>
- <sup>26</sup> <http://candst.tripod.com/nra.htm>
- <sup>27</sup> Americans United for the Separation of Church and State, *Is America a Christian Nation?*, Pamphlet