

## Chapter 15

### America's Moral Foundation

Many Americans are concerned over society's moral disintegration and desire a restoration of positive values. America's past reveals a nation founded upon faith in God, which provided the necessary moral principles and positive values. However, the Supreme Court's rulings against public school prayer and Bible reading had the effect of erecting a monumental wall between God and state. Many individuals agree with the Supreme Court's decision; others at first agreed but now oppose; some just dismiss the issues as insignificant. Nevertheless, an examination of the ramifications of this rejection of our historical theistic culture clearly reveals that it is the basic cause for the ruin of our schools and nation.

#### Separation of a National Church and Federal Government

I readily sympathize with Americans who believe that the separation of church and state means that theistic concepts for secular education needs are unconstitutional. When I started this book I held to the same view, but after delving into school social problems, pondering a national value system, and examining America's heritage, I realized I was greatly mistaken. Our constitution supports the concept of separation of a national church and federal government; it does *not* support the concept of separation of God and state.

As Americans we are now so confused over the concept of separation of church and state that we have come to believe it is undemocratic and unconstitutional to express our faith in God in a public institution. This is *not* what the founding fathers had in mind when they wrote the Constitution. It is of utmost importance for solving the educational crisis to understand the basic structure of our Constitution and American heritage. The colonial leaders possessed great wisdom when laying the foundation for our nation, and unless we understand their principles, we stand little chance of solving the crises facing us.

#### Declaration of Faith in God

On July 4, 1776, fifty-six men, willing to sacrifice their wealth and lives for the freedom of America, signed the Declaration of Independence. An examination of the opening and closing paragraphs of

the Declaration of Independence clearly reveals that they also made it a declaration of faith in God. They did not believe in separation of God and state.

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. 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 and the pursuit of Happiness. .

We, Therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be, Free and Independent States . And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honour.

The first paragraph declares the concept of God as "Creator" and the self-evident truths "that all men are created equal" and are "endowed by their Creator with certain unalienable Rights." The last paragraph contains an appeal to the "Supreme Judge of the world" and, "for the support of this Declaration," attests to "firm reliance on the Protection of divine Providence."

#### Enacting the Constitution

The American Revolution was won, and on May 25, 1787, the Constitutional Convention met in Philadelphia's Independence Hall with George Washington in the president's chair. Thirteen colonies came to be united. Even though most had English as their common language, each representative came with his separate independent traditions. A number of colonies had large foreign-speaking populations with their own newspapers and school systems; the majority had state-established churches. Previous attempts at consolidation had failed. The sessions dragged on for three and one-half months through the hot, muggy summer. Disagreements were so severe that the convention verged on total collapse; it appeared that 13

separate nations might emerge instead of a unified country. In the midst of this hopeless situation, 81 -year-old representative Benjamin Franklin, from Pennsylvania, arose and said:

In this situation of this Assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of lights to illuminate our understandings? In the beginning of the Contest with G. Britain, when we were sensible of danger we had daily prayer in this room for the divine protection.-Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a Superintending providence in our favor. To that kind providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? or do we imagine that we no longer need his assistance? I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth-that God” *governs in the affairs of men.* And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings, that “except the Lord build the House they labour in vain that build it.” I firmly believe this; and I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel: We shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and bye word down to future ages. And what is worse, mankind may hereafter from this unfortunate instance, despair of establishing Governments by Human Wisdom and leave it to chance, war and conquest.

I therefore beg leave to move-that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business.’

His motion carried. Every day, morning prayer was offered for divine assistance. The change was dramatic. New wisdom emerged, the deadlock was broken, and shortly after a compromise was reached. By summer's end the Constitution was adopted; it became

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\*\*“God” is twice underscored in Benjamin Franklin's manuscript.

a notorious document for individual freedom and justice. To this day both houses of Congress begin their morning sessions with prayer.

#### **Presidential Declarations**

On April 30, 1789, George Washington declared in his first inaugural address:

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit in this first official act my 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, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency.\*

In the same year, George Washington issued this Thanksgiving Day proclamation:

Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor; and

Whereas both Houses of Congress have, by their joint committees requested me "to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness":

Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will

be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation ; .

And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations. . .<sup>3</sup>

In his dissent in *Engel v. Vitale*, Justice Stewart notes that “each of our Presidents, from George Washington to John F. Kennedy, has upon assuming his Office asked the protection and help of God.”<sup>4</sup>

On March 4, 1797, John Adams, our second president, said:

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.<sup>5</sup>

On March 4, 1805, Thomas Jefferson, our third president, said:

I shall need, too, the favor of that Being in whose hands we are, who led our fathers, 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 to whose goodness I ask you to join in supplications with me 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.<sup>6</sup>

On March 4, 1809, James Madison, our fourth president, said:

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.<sup>7</sup>

Bill of Rights and Freedom of Religion

Such were the sentiments of the founding fathers concerning the

separation of God and state. They freely believed in a public expression of faith in God and prayer. In the Constitution, Amendment I of the Bill of Rights states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

When statements made by the fathers of our nation are compared with the Bill of Rights concerning separation of church and state, it is obvious that the Constitution they formulated never meant separation of God and state.

Various phrases have evolved with regard to the function of government and religion: "separation of church and state," "strict and lofty neutrality to religion," "wall of separation between church and state," "religion and government to remain each within its respective sphere," "neither support for religion nor hostility to religion," and many more. All have been coined outside the language of the Constitution. What the First Amendment does say is "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The phrase "separation of church and state" is not a legal, constitutional statement. What is proper is that a national church and the federal government are not to be established; or the organization of a national church is to be separated from the national government. However, today it has been construed to mean that no teaching, views, insights, or values of the church can permeate or be accepted in public or governmental institutions; this position violates the very Bill of Rights it aims to protect by suppressing the rights of individuals freely to exercise their faith.

Early American history reveals the mind of colonial leaders who wrote about government and the establishment of religion. They had no intention of separating the influence of their religious faith and government. Justice Black, writing the opinion of the Supreme Court in *Engel v. Vitale*, said, "Indeed, as late as the time of the Revolutionary War, there were established churches in at least eight of the thirteen former colonies and established religions in at least four of the other five."\* Not until 1817 did disestablishment take place in New Hampshire, 1818 in Connecticut, and as late as 1833 in Massachusetts.<sup>9</sup>

In 1892, after analyzing the place of Christianity throughout our history, the Supreme Court said in *Church of the Holy Trinity v. United States*:

There is a universal language pervading them all, having one meaning; they affirm and reaffirm that this is a religious nation. These are not individual sayings, declarations of private persons: they are organic utterances; they speak the voice of the entire people. . . . These, and many other matters which might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation.<sup>10</sup>

In *Vidal v. Girard's Executors*, 1844, the Supreme Court in the opinion of Justice Joseph Story affirmed Christianity as a "part of the common law of the state."<sup>11</sup> From the Congressional Research Service of the Library of Congress, *The Supreme Court Opinion in the School Prayer Case (Engel v. Vitale): The Decision, the Reaction, the Pros and Cons*. comes this statement:

Joseph Story thought that while the "no establishment" clause inhibited Congress from giving preference to any Christian sect or denomination, it was not intended to withdraw the Christian religion as such from the protection of Congress. Thus, in his *Commentaries on the Constitution* he wrote:

Probably at the time of the adoption of the Constitution, and of the amendment to it, . . . the general, if not the universal sentiment in America was, that Christianity ought to receive encouragement from the state, so far as was not incompatible with the private rights of conscience, and the freedom of religious worship. An attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation if not universal indignation.<sup>12</sup>

#### The Influence of the Bible on American Education

Agreement or disagreement with these sentiments is not the issue; history proves that our nation was based on Christian concepts. Our first colleges, Harvard, William and Mary, Yale, and Princeton, were founded upon religious principles. During the colonial period children's education was largely church sponsored; along with the three R's, the fourth R, religion, was held indispensable to a proper education. For years the Bible was the only textbook, and when it was replaced, the first textbooks contained much biblical material. For 150 years the celebrated *New England Primer* was the outstanding public school textbook; 87 percent of it was composed of selections from the Bible.<sup>13</sup>

Many early educators and government leaders regarded schools as the chief transmitters of the American ethic of moral and spiritual

values to undergird society. They had daily Bible reading because they considered the Bible one of the most important textbooks for teaching the oldest principles of virtue, morality, discipline, patriotism, and neighborly love. Though stressing nonsectarian schools, they claimed that the Bible did not promote sectarian beliefs since it was not aimed at winning adherents to any particular creed or faith; it was an instrument to produce secular state benefits. For this reason many states have for years allowed and encouraged prayer and a nondenominational Bible reading. For example:

**Massachusetts:** The school committee shall require the daily reading of some portion of the Bible in the common English version; but shall never direct any school books calculated to favor the tenets of any particular sect of Christians to be purchased or used in any of the town schools. (*General Statutes 1859*, Ch. 38, Sec. 27, Acts 1855. Ch. 410.)

**Kansas:** No sectarian or religious doctrine shall be taught or inculcated in any of the public schools of the city; but nothing in this section shall be construed to prohibit the reading of the Holy Scriptures. (*General Statutes 1905*, Sec. 6816.)

**Michigan:** Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. (*Constitution 1909*, Art. XI, Sec. 1 .)

**North Dakota:** The Bible shall not be deemed a sectarian book. It shall not be excluded from any public school. It may at the option of the teacher be read in school without sectarian comment, not to exceed ten minutes daily. No pupil shall be required to read it nor be present in the schoolroom during the reading thereof contrary to the wishes of his parents or guardian or other person having him in charge. (*Political Code 1899*, Sec. 754, Laws of 1890, Ch. 62, Sec. 134.)

Benjamin Weiss in his book, *God in American History*, says, "All fifty states of the United States of America have expressed dependence on Almighty God for their preservation and strength. A statement of the faith of the framers of the constitution is included in the preamble, or a reference is made to their faith in God in the body of the constitution of the individual states." Weiss also points out, "Their dependence on Almighty God was more than an act in extreme emergency or on occasions when the leaders felt they had exhausted their own strength and ability. This great Christian ideal

was woven into these constitutions when the leaders of the different commonwealths were in deliberation planning the structure of a state."<sup>14</sup> For instance, the preamble of the New York State Constitution says, "We, the People of the State of New York, grateful to Almighty God for our Freedom, in order to secure its blessings, DO ESTABLISH THIS CONSTITUTION."<sup>15</sup>

Woven into our national life are the indelible imprints of our faith in God as found in the Bible. Bernard Eugene Meland, professor at the University of Chicago, says, in *The Realities of Faith: The Revolution in Cultural Forms*, "A full account of the evolving cultural experience of the west would reveal the Bible to be the primary document of western culture. . . . The Bible, and its tradition, has a priority in our cultural experience which no other document shares; it cannot be dissolved or denied without serious loss and possible radical dissolution of the controlling sensibilities of our common life."<sup>16</sup>

As late as 1952 the Supreme Court held, "We are a religious people whose institutions presuppose a Supreme Being."<sup>17</sup> Our nation was founded by individuals using the Bible for their value source to undergird our government. The presidential, judicial, and legislative branches of government are a system of checks and balances provided from the biblical belief in the fallibility of man; many statutes and criminal laws can likewise trace their origin to biblical principles. Because of our religious heritage the government provides many religious aids: Both houses of Congress and the armed services have chaplains, the president is inaugurated with prayer, religious properties are tax exempt, and "In God We Trust" is stamped on our currency. When in 1954 the words "under God" were inserted into the Pledge of Allegiance, the House report stated that these words in no way violate the First Amendment but recognize "the guidance of God in our national affairs."<sup>18</sup>

#### Reinterpreting the Constitution

The reason the Supreme Court outlawed school prayer and Bible reading was not the First Amendment. Justice Brennan, in his concurring opinion in *Abington School District v. Scbempp*, said, "No one questions that the Framers of the First Amendment intended to restrict exclusively the powers of the Federal Government." He then added, "Whatever limitations that Amendment now imposes upon the States derive from the Fourteenth Amendment."<sup>19</sup> The Fourteenth Amendment, enacted shortly after the Civil War to protect all American citizens, reads,

. . . 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.

In 1940 the Supreme Court interpreted the Fourteenth Amendment this way in *Cantwell v. Connecticut*: "The fundamental concept of liberty embodied in that Amendment embraces the liberties guaranteed by the First Amendment. The First Amendment declares that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. The Fourteenth Amendment has rendered the legislature of the states as incompetent as Congress to enact such laws."<sup>20</sup>

To restrict the federal government the colonial leaders enacted this last amendment to the Bill of Rights: "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." But the Supreme Court's interpretation of the Fourteenth Amendment ruled that states were now incompetent to decide whether religion and morality are necessary for good government and mankind's happiness, and whether schools should encourage them in accordance with individual rights of conscience. In reading the Fourteenth Amendment one finds it difficult to understand how the Supreme Court made its ruling. But even if the amendment did apply to the states, then, since the intent of the First Amendment was to forbid the establishment of a national church, the Fourteenth Amendment should only forbid the establishment of a state church. It should not stipulate that public schools cannot permit Bible reading in order to derive principles and convictions for freedom and justice. By restricting the expression in public schools of the beliefs of God-fearing Americans the Supreme Court has in effect violated the First Amendment's free exercise clause.

Walter Berns, professor of political science and author of numerous books and articles on constitutional theory, says in *The First Amendment and the Future of American Democracy*:

Prior to the adoption of the Fourteenth Amendment (or, more precisely, prior to the time when it was held to embrace the religious provisions of the First Amendment), the Supreme Court lacked all supervisory authority over the states in religious matters. Whether the states imposed religious tests for voting or holding office, or required or permitted their schools to teach the tenets of any faith or to conduct prayer services or to read from the Bible at designated devotional ceremonies, or with their financial support discriminated against other than Christian churches or even among the various denominations

of Christians-all these were questions "to be acted upon according to [each state's]\* own sense of justice. . ." The First Amendment by itself left "the whole power over the subject of religion. . . exclusively to the State governments."<sup>\*\*</sup>

Edward S. Corwin, considered one of the most respected of our constitutional scholars, comments, "The historical record shows beyond peradventure that the core idea of 'an establishment of religion' comprises the idea of *preference*; and that any act of public authority favorable to religion in general cannot, without manifest falsification of history, be brought under the ban of that phrase."<sup>\*\*\*</sup> Professor Berns adds, "The First Amendment forbids a national church and any preference in the aid or recognition extended to religion; applied to the states by way of the word 'liberty' in the Fourteenth Amendment, it forbids state churches and state preferences and, therefore, sectarian state schools."<sup>23</sup>

#### State Rights

Harold O. J. Brown, in *The Reconstruction of the Republic*, remarks, "The United States Constitution is not a source of fundamental values. It is an instrument whereby fundamental values can be protected, defining the procedures, principles, and methods whereby government can function to allow the people to give content to their lives. But the Constitution itself cannot give that content."<sup>24</sup>

Since states were given the power to define fundamental values, these values are definitely absent in the Constitution. Looking at the Constitution alone leads to false conclusions; the framers carefully stated in the Bill of Rights that whatever was not delegated by the Constitution was reserved to the states. Since Christianity-and values derived from this belief-was not mentioned in the Constitution, the federal government had no jurisdiction over it. The concept of separation of church and state has been repeated so often that many Americans believe it comes directly from our Constitution or the Bill of Rights. Americans need to be awakened that this sentiment is unconstitutional. Our government was established on religious principles, and it favored the uniting of the influence of the church and state.

The early leaders adopted the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." They carefully sought to avoid the error of Europe of having a centralized national church, while still maintain-

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\*Author's brackets.

ing the right of individual states to choose their own value system, even to the point of having state-supported churches and state-mandated prayers. Today most Americans would favor religious liberty and voluntary prayers instead of state-dictated prayers; however, framers of the Constitution left these decisions to citizens of individual states, not to the Supreme Court.

#### Separation of Church and State

There is a country in which the constitution does dictate in very forceful words the concept of separation of church and state. It is found in Article 52 of the Constitution of the Union of Soviet Socialist Republics:

Citizens of the USSR are guaranteed freedom of conscience, that is the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited.

In the USSR, the church is separated from the state, and the school from the church.<sup>25</sup>

It is obvious from a study of American history that the Supreme Court's interpretation concerning saying a prayer or reading the Bible in public schools is a flagrant violation of the intent of the Bill of Rights. Today the Constitution has been falsely construed to imitate communist Russia's constitution as regards separation of church and state. A new honesty is needed in examining our Constitution and its meaning. From a nation founded on the conviction that "In God We Trust," we have degenerated to the point where practically every vestige of a definite proclamation of faith in God has been removed from public education.