

## **Liberty of Religion or Liberty from Religion?**

The concept of Separation of Church and State was first recognized in Genesis when Moses led the government and his brother, Aaron, led the spiritual aspect of society. Most societies use some form of Separation of Church and State. However, in the United States, the Separation of Church and State doctrine is the best example of inventing a new constitutional doctrine or at least perverting the intended meaning of the doctrine.

The idea of Separation of Church and State was discovered in a benign letter between Thomas Jefferson and a Connecticut pastor. Justice Hugo Black introduced the Separation of Church and State doctrine in *Everson v. Board of Education* decided in 1947. Although the case was correctly decided and allowed tax dollars to bus parochial students to school, it opened the door to use the doctrine in the future.

Separation of Church and State is not in the Constitution, yet many courts would use the Separation of Church and State doctrine to determine the fate of the Establishment Clause in the First Amendment. The original meaning and purpose for the Establishment Clause was to end the practice of colonies establishing religions. Specifically, some colonists were compelled to pay taxes to support established religions even if they were not members of the church. Compelling non-members to pay taxes was taxation without representation, the same reason why the colonists fought the Revolutionary War. The Founders purpose for the amendment was to end government established religions.

Unfortunately, the Establishment Clause of the First Amendment has been used in conjunction with the Separation of Church and State doctrine to ban parking in government parking lots for vehicles sporting a religious sticker, prayer at a graduation ceremony, vouchers from being used for parochial schools, scholarships for theology, grammar school students praying before lunch, senior citizens praying at community centers, a librarian wearing a cross, college students conducting Bible study in their dorm rooms, a third grader wearing a shirt referring to Jesus, students praying at a football game, students doing research papers on religious topics, a choir singing religious songs, and having a Bible in a classroom.<sup>i</sup>

In other words, the Establishment Clause of the First Amendment was meant to be a prohibition on the government infringing on the religious liberty of churches and the people. The Separation and Church State was never intended to be a prohibition on the people and churches from acknowledging God on public grounds. The United States interpretation of the doctrine enforces liberty from religion, not liberty of religion – completely the opposite of what was intended.

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<sup>i</sup> David Barton, *The Founders Bible*, Shiloh Road Publishing, Newberry Park CA, 2012, 681 – 688, F1 – F8, 1667 – 1676