

MYTHS ABOUT CHURCH-STATE SEPARATION

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The issue of separation of church and state proved to be quite alive during this election year, but as the lead story in this issue of *Catalyst* shows, it is not tied exclusively to politics. To say this issue is laden with myths would be an understatement.

The words “separation of church and state” nowhere appear in the U.S. Constitution, though many believe that they are part of the First Amendment. They were penned by Thomas Jefferson in 1802 in a letter he wrote to Baptists in Danbury, Connecticut. What exactly he meant to convey has been hotly debated ever since.

The most reliable work on Jefferson’s famous letter was revealed in 1998 by James H. Hutson, a prominent historian and the chief archivist for the Library of Congress. Using FBI advanced technology, Hutson was able to read through the inked-out lines in Jefferson’s letter, thus enabling him to more accurately understand Jefferson’s thinking. It sheds light on a fascinating historical background.

When Jefferson became president in 1801, he broke with the tradition of George Washington and John Adams of issuing a proclamation for days of “fasting and thanksgiving.” This did not sit well with his Federalist critics, many of whom had already branded him an atheist during the presidential campaign. So when Jefferson received a congratulatory letter from Danbury Baptists on December 30, 1801, he took the occasion to lay out his thoughts on the proper relationship between government and religion; two days later he finished his letter to them.

We now know that in his first draft, Jefferson wanted to send an unmistakable message to his political foes: he possessed only “temporal powers,” he argued, and as such was compelled to respect a “wall of eternal separation” that exists between church and state. But when two of his Cabinet members said the language was too extreme, he agreed and decided to delete the words “temporal powers” and the word “eternal.” This was no slight change.

Yet to this day, organizations like Americans United for Separation of Church and State and the ACLU cite Jefferson as giving sustenance to their radical views. But this is mistaken. While it is true that Jefferson did not want church and state to become entangled, it is not true that he was hostile to religion. Indeed, literally two days after he wrote the letter to the Danbury Baptists, he attended church services in a government building—the Capitol—for the first time as president. This was no accident: he was intentionally making a public statement rebutting the accusation that he was some sort of heretic.

In 1808, Jefferson wrote a letter to a Presbyterian minister and Princeton professor explaining why he resisted the aforementioned tradition of Washington and Adams. He maintained that when he served in state offices—as a Virginia legislator and as governor—he supported state laws allowing for public fasts and thanksgiving. But as president of the United States, he did not think it appropriate to use the powers of the federal government in this manner. In other words, he was expressing his convictions as a Republican president.

All this is to say that it is pure fiction to say that Jefferson was hostile to religion. Indeed, when president he even provided federal funds for the building of a Catholic church for the Kaskaskias Indians! Just to float an idea like this today would result in mayhem.

So where did our current interpretation of church and state come from, if not from Jefferson? It came from Supreme Court Justice Hugo Black in 1947. Prior to that time, it was understood that there should be no national religion and no government favoritism of one religion over another. But Black changed all that by decreeing in the case of *Everson v. Indiana* that there was a “wall” between church and state that was so impregnable that it even barred government from supporting all religions equally.

It is important to note that Black was not motivated by fidelity to the First Amendment. He was motivated by bigotry. To be exact, anti-Catholic bigotry. A former member of the Ku Klux Klan, Black made no secret of his hatred for Catholicism, so when the *Everson* case emerged, he seized the moment. At issue was whether the government could provide funds for public transportation for parochial school students. The Supreme Court said it could, citing public safety concerns. More important in the long term, however, it also took the occasion to lay down Black’s infamous “wall” dictum.

Things have only gotten worse since. Those whose objective it is to stamp out the public expression of religion—if not religion itself—constantly trot out the “wall” argument. Though their intellectual touchstone has dissolved under the weight of evidence, their resolve has not. But unfortunately for them, neither has ours.