

A Wall of Separation Between Church and State
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One Nation, *blank blank*, indivisible, with Liberty and Justice for all. Is this the fate of our Pledge of Allegiance?

Both the United States Constitution and Freemasonry share a common problem. What do we do about religion; what do we do with God? Masonry has taken the approach that we all exist under the Fathership of a single God, but Masonry gives no definition of God, or how God is to be worshiped.

The Constitution of the United States presents a more acute problem, as our Courts in recognizing no law respecting the establishment of religion, allow no law recognizing God. The First Amendment, a Jeffersonian embellishment reads as follows:

“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.”

As a nation we are facing the question whether the words “Under God” should be removed from the Pledge of Allegiance. In 1997 I had the privilege of addressing the Allied Masonic Degrees at the annual convention in Washington. My topic was optimism. In the course of my words I brought up Star Trek. I have been a long time fan for its vision and its optimism. However, I made a disturbing observation. In the Roddenberry vision, there is no Chaplain on the Enterprise. So much for three hundred years hence. Lets approach the problem by looking three hundred years back.

After James II, a Roman Catholic was ousted from England, Parliament adopted the English Bill of Rights in 1689. As a reaction to James’ attempt to undermine the Protestant faith of England, it provided that “their Majesties royal concurrence make effectual provision for the settlement of the religion, laws and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted.” In the same Act, Parliament declared that only

a Protestant could sit on the throne. Colonial America, which was mostly English and mostly Protestant, had no Pope, but had a King who was not only a temporal sovereign, but by act of Parliament, Spiritual Sovereign as well. No Western kingdom was ruled with such dual powers since Byzantium fell to the Turks in 1453.

Beginning in the middle of the 17th century, the philosophy of the Enlightenment introduced the idea of Deism. Like the French Revolution that would follow in its wake, the Enlightenment was a rebellion against the powers of the Church. In its most radical form, Deism asserted that there was but one God, who had created the universe but then stepped back and let it take its own course. The Deist God, is one who neither rewards the good nor punishes the evil, and offers no salvation. Less radical forms of Deism borrowed from Scripture and Gospel. Franklin, Washington, Jefferson and Adams all had Deist leanings. They were all believers in Deity, but had stripped that belief to its barest elements. As such, they could be religious in their sincerity toward Deity, without supporting a ritualistic service of Deity.

Another deist of note was Thomas Paine, author of "Common Sense". In the introduction to The Age of Reason he wrote: *"I do not believe in the creed professed by the Jewish church, by the Roman church, by the Greek church, by the Turkish church, by the Protestant church, nor by any church that I know of. My own mind is my own church. All national institutions of churches, whether Jewish, Christian, or Turkish, appear to me no other than human inventions set up to terrify and enslave mankind, and monopolize power and profit.*

I do not mean by this declaration to condemn those who believe otherwise; they have the same right to their belief as I have to mine. But it is necessary to the happiness of man, that he be mentally faithful to himself. Infidelity does not consist in believing, or in disbelieving; it consists in professing to believe what he does not believe."

In these words Paine gives us the secret to the American experiment; the freedom to believe as one wishes without condemning those who believe differently. Did Masonry give this to Paine, or did he give it to us?

A look at the writings of Thomas Jefferson, the principal architect of the Bill of Rights will show us his own separation of religion from God. Prior to the creation of the Bill of Rights, he had expressed the need for tolerance in the adoption of the Virginia Act for Establishing Religious Freedom of 1786.

In his Autobiography he wrote:

‘Where the preamble declares, that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed by inserting "Jesus Christ," so that it would read "A departure from the plan of Jesus Christ, the holy author of our religion;" the insertion was rejected by the great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mohammedan, the Hindoo and Infidel of every denomination.’

A year after Virginia adopted its act of Religious Freedom, he wrote to James Madison about his view of the Constitution.

“I will now add what I do not like. First the omission of a bill of rights providing clearly and without the aid of sophisms for freedom of religion, freedom of the press, protection against standing armies, restriction against monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land and not by the law of Nations.”

The idea of Freedom of Religion was a reaction to the influence that organized religion held over government. “History, I believe, furnishes no example of a priest-ridden people maintaining a free civil government. This marks the lowest grade of ignorance of which their civil as well as religious leaders will always avail themselves for their own purposes.”
-Thomas Jefferson to Alexander von Humboldt, Dec. 6, 1813.

It is arguable that separation of church and state was meant to avoid the influence that established religion might have on government, but it was never intended to express that this government was founded without God. Notice that the words “separation of church and state” do not appear in the First Amendment. However, they also came from Jefferson, but years later.

“Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between church and State.”

Thomas Jefferson, letter to Danbury Baptist Association, CT., Jan. 1, 1802

At the time of our revolution atheism had not gained much of a foothold. Diderot¹, a philosopher of the French Enlightenment (and for whom is named a certain traffic artery in Paris upon which I took my first plunge at driving a stick shift during rush hour), was probably the chief adherent to atheism in the 18th century. The problem that atheists share is that instead of going about with lives unfettered by the demands of a belief in God, they end up spending their lives subsumed to the denial of God. Atheism is the religion of no religion. In as much as an atheistic philosophy was already in place in France before the revolution, it is understandable that the reaction to the alliance of the church with the monarchy would result in the rise of atheism when the monarchy was toppled. Hence we see a brand of French Masonry with no obligation in the name of God.

The French revolution had a major impact on man's perception of God. Reformed religions sprung up afterwards, in which God is expressed humanistically rather than with a booming voice from a mountain top. Religion found itself in competition with rationalism, and the accelerating course of science. Then Darwin, who had studied for the clergy, and never gave up his religious beliefs, came home from his voyage on the Beagle, while other scientists began to see the age of the earth in eons rather than in years. In 1925 Scopes, represented by the agnostic Clarence Darrow challenged a Tennessee law proscribing the teachings of Darwin. Around 1955 a biologist named Miller developed organic building blocks out of inorganic

¹A History of Philosophy, Frederick Copleston, Vol. VI , Doubleday, 1960

compounds under conditions said to have existed at the time the earth was newly formed.

Meanwhile, science was breeding social reform. Women wanted birth control. Religion didn't. Marx, who wrote his economic theories in the hope of reforming his native Germany, was made a god in atheistic Russia. Friedrich Nietzsche (1844-1900) not only gave us the Superman who would reign over Europe from '33 to '45, but he also pronounced "God is Dead".² He had died of science and rationalism.

The Pledge of Allegiance was written by a Baptist Minister, Francis Bellamy in 1892. It did not originally contain the words, "Under God", and there were a few other differences which need not concern us here. As late as 1954, partially in response to the threat of Communism, and in response to a campaign by the Knights of Columbus,³ President Eisenhower introduced "Under God" into the Pledge.

On June 26, 2002, the 9th Circuit Court of Appeals ruled that the Pledge of Allegiance could not be recited in Public Schools⁴, because the words "Under God" were "an endorsement of religion". The Court said "The Pledge, as currently codified, is an impermissible government endorsement of religion because it sends a message to unbelievers 'that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.'" Fifteen years earlier, the idea that atheists are outsiders had actually been advocated.

"No, I don't know that Atheists should be considered as citizens, nor should they be considered as patriots. This is one nation under God." George Herbert Bush, Presidential Nominee for the Republican party; August 27, 1987.

The Constitutional argument over religion is broader than the question of atheism. From the opposite side, Christian fundamentalists consider that the United States was formed as a

²The Gay Science, Nietzsche

³The Pledge of Allegiance, A Short History Copyright 1992 by Dr. John W. Baer

⁴*Newdow v. U.S. Congress*

Christian Nation. In fact that question was put to rest in 1796 in the Treaty of Tripoli. Article 11 reads,

“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.” So much for the supremacy of any religion in the Constitutional sense.

Our government has not divorced itself from God, in much the same way that Masonic ritual by incorporating quotes from Scripture and the New Testament is not divorced from religion. Our dollar bill says “In God We Trust”. It first appeared on coins⁵ by Act of Congress in 1864. In 1957 it was added to the one dollar silver certificate. It remained unchallenged until Aranow v The United States. To express how attitudes have changed, this case was also appealed to the 9th Circuit which, in 1970 held, "It is quite obvious that the national motto and the slogan on coinage and currency, 'In God We Trust'--, has nothing whatsoever to do with the establishment of religion. Its use is of a patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise."

Other issues in the establishment problem have not yet been heard. Unlike the Starship Enterprise every military base and major ship in the armed forces has a chaplain as does our Congress. Will we deliver soldiers into harms way without spiritual preparation because there will be no one to give it? Will we place our nation in the hands of a President who affirms the oath of office without the support of a Bible?

In ABINGTON SCHOOL DIST. v. SCHEMPP, 374 U.S. 203 (1963), a school prayer case, the Court took notice that "[w]e are a religious people whose institutions presuppose a

⁵US Department of the Treasury Fact Sheet

Supreme Being.” It further said, “The fact that the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself.”⁶

Nevertheless, we all know what happened to school prayer. At the conclusion of *Abington*, the opinion left us with this: “The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. Though the application of that rule requires interpretation of a delicate sort, the rule itself is clearly and concisely stated in the words of the First Amendment.”

In short, the First Amendment is a hands off directive. But then that gets us back to Masonry as well. What Freemasonry and the First Amendment share is that both have an establishment clause. Neither may superimpose religion upon its constituents. The difference is that while Freemasonry demands belief in a single Deity, the Constitution recognizes none. It must tolerate the religion of the polytheist, and the absence of religion of the atheist.

In light of the neutrality of government and the direction in which our courts appear to be heading, with a lesson from Freemasonry and a lesson from John Locke, we can chart our way through this problem. Freemasonry has enabled men of different religions to come together and meet on the focal point of their beliefs, without allowing the full range of their religions to bring them into discord with one another. That focal point is of course a belief in one God. We do not cast off our religions when we enter the lodge room; we simply agree that out of courtesy or respect for the man sitting next to us, who may practice a different religion, we will not

⁶Abington at 212

express our religions in the lodge room. It makes us no less a Christian, a Jew, or a Moslem to be in a tyled lodge. By analogy, taking the matter of government a step beyond Masonry, when we sit in a civic temple, whether it is a state house, a classroom, a courthouse or a national park, out of courtesy or respect for the polytheist or the atheist, with whom we share the focal point of citizenship, government holds us back from the expression of spiritual beliefs. We simply refrain. So much for the lesson from Freemasonry.

The lesson from Locke is a bit more subtle. Locke toppled Kings by redefining the power of the monarchy as an expression of the will of the people, and in so doing made the King the subject of his people. Power flowed upward rather than downward. The Preamble to the Constitution begins with the words: "We the People". It ends with the words "do ordain and establish this Constitution for the United States of America". Until these words were written, no modern government had ever been brought into this world without God's ordination. But then none of our founding fathers claimed descent from the House of David. The Godliness of Americans is not imposed upon us as an exercise of governmental authority, but as a government of the people, the Godliness inherent in us, we bring to the government through the power of our vote. An elected official will always be able to take the oath of office on a Bible. While government will not provide the Bible; the elected official will use his or her own, as an expression of their sincerity in taking that oath. God does not have appear in the doctrine of our government to be present in the exercise of our government.

In the 5th century St. Augustine wrote the City of God. It stood for the proposition that the temporal rule of the King is subject to the celestial rule of the Church. He lived at a time when the church was still concerned with paganism, and was in a power struggle to impose Christianity on the Roman world. He was the product of a pagan father and Christian mother, who spent his youth as an irreligious libertine. For him it was all about control. The Jeffersonian separation of church and state, 13 centuries later, was a reaction to that proposition. But the City of God gives us something else. It differentiates temporal power from spiritual power. In short,

government performs functions that are not within the ambit of religion; preparing man for salvation.

In conceptualizing this paper, I had thought to propose that this government was formed with Deity stamped into its very fabric, just as Masonry was so formed. Then government could exist “Under God”, but for the sake of insuring religious freedom, would avoid engaging in the definition of God or the means of serving God, much the same way we don’t in the lodge room. But such an idea is naive. In my research I find that our Supreme Court has already approached the problem from that point of view, and rejected it. We no longer exist in 1791. One of the problems I faced with this theory is that there is no “bright line”, no way to say how far to go. If we claim to be a government with belief in God, we next ask whether one God or more than one can apply for adoration privileges. If we limit it to One God, then where no Jew, or Moslem, or Mormon or Adventist, or Witness, or Baptist, or Husite, or Bahai sat in on the Continental Congress, would their beliefs be recognized under the government of an American God? The framers, who were from the viewpoint of religion a fairly homogeneous body, were smarter than that. They recognized, as I have come to recognize that they could not presume to define or otherwise limit the freedom of religion. It was a subject that had to remain off limits to government.

Bear in mind, that this government, at least until Keynesian government was introduced in the FDR years, was never the backbone of this nation. The backbone has always been in the houses of worship, in the private service clubs, in the Lodges. That is what the Supreme Court in *Abington* was talking about when it described “ a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind.” Our patriotic lodges as beacons of an undifferentiated belief in a single God, and our members as men of diverse religious principals will champion God and religion. It is for us, and not our government to advocate belief in God, while disparaging none in how that belief is expressed.

If some day government takes the words “Under God” out of the Pledge of Allegiance

and “In God We Trust” from the Dollar bill, or takes down the Ten Commandments, and the Christmas tree from the Courthouse Square, then it does so, not because it commands the religion of our private lives, but because it cannot command the religion of our private lives and therefore cannot express religion in our public lives. It is a bitter pill for us as Masons who “before entering upon any great or important undertaking, first invoke the blessing of Deity,” to find Deity missing from that government to which we are so inextricably tied. But if freedom and liberty have any meaning, then we are not free to impose what we believe on those who would reject it.

“In Germany they came first for the Communists and I didn't speak up because I wasn't a Communist. Then they came for the Jews and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics and I didn't speak up because I was a Protestant. Then they came for me--and by that time no one was left to speak up.” Rev. Martin Niemöller, 1937.

In the end, I have come to the realization that government, in protecting the atheist, is protecting me.