EXTENSIONS OF REMARKS

THE TRUE INTENT OF THE FIRST AMENDMENT

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. QUILLEN. Mr. Speaker, my good friend and constituent W.W. Belew, of Bristol, TN, is a prominent businessman and an inspiration to his community and church. Bill kindly sent me a copy of the following article from Reader's Digest that I believe every Member of Congress should read. We have just finished the season when high schools around the Nation hold their annual graduation exercises, and students everywhere were again denied their rights to include religious references at this important time in their lives. The reason for this is the unfortunate and harmful decision of our judicial system to take religion entirely out of any public enterprise. I believe that this decision is wrong, and the article sent to me by Mr. Belew clearly states why. I look forward to being able to vote for a constitutional school prayer amendment soon to rectify this situation, and I am hopeful that my colleagues will join me in this endeavor.

[From the Reader's Digest, Dec. 1994]

THE SUPREME COURT IS WRONG ABOUT RELIGION

(By M. Stanton Evans)

A rabbi prays at a Rhode Island high-school graduation ceremony. This brings a lawsuit, and a court prohibits invocations at such ceremonies. In Morrow, Ga., a school-board attorney advises a class officer to delete reference to God from her commencement remarks—because it is unconstitutional. A federal judge abolishes the Good Friday holiday in Illinois public schools.

Over three decades ago the Supreme Court declared that prayer in the public schools was unconstitutional—a violation of the First Amendment, which states that ''Congress shall make no law respecting an establishment of religion.'' Since then traditional religious beliefs and customs have retreated before a secular onslaught by our courts.

Was the First Amendment really intended to build a ''wall of separation'' between church and state? History is clear: it was not. The Founding Fathers wanted to protect religion from federal-government interference, not diminish its influence in our public life.

What were the religious convictions of the framers?

Some historians, as well as members of the Supreme Court, have implied that the Founding Fathers were religious skeptics. In fact, the vast majority of those who gathered in Philadelphia to create the Constitution were church-going believers.

They included Presbyterian Hugh Williamson, a former preacher from North Carolina; Roman Catholics such as Daniel Carroll of Maryland; Quakers John Dickinson of Delaware and Thomas Mifflin of Pennsylvania.

Ben Franklin asserted, ''The longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men.'' George Washington, for his part, had urged his troops ''to live and act as becomes a Christian soldier,'' and wrote in his Farewell Address that ''reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.''

What were the public customs at the time of the First Amendment?

The providence of God was openly and officially acknowledged. Most states had religious requirements to hold office. South Carolina, for instance, said no one was eligible for the legislature ''unless he be of the Protestant Religion.''

The term ''establishment of religion'' had a definite, agreed-upon meaning: an official church, vested with privileges denied other churches and supported by the public treasury. Such was the Church of England in Great Britain—and churches in nine of the 13 Colonies at the outset of the American Revolution.

Because of growing religious diversity, however, pressure mounted within the Colonies to disestablish these churches. In 1785, James Madison co-sponsored a bill in Virginia to disestablish the Protestant Episcopal Church and prohibit taxes from being used to support any church. He did not act out of animosity to religion, but mainly at the request of other denominations who felt unfairly treated. Nor did he intend to erect a ''wall of separation'' between church and state: on the same day, he introduced a bill ''for appointing days of public fasting and thanksgiving.''

What was the federal policy?

Religious belief was officially sanctioned. Days of prayer and appeals for divine assistance were common. The Continental Congress appointed a chaplain and provided for an opening prayer as one of its first items of business.

When the Continental Congress passed the Northwest Ordinance, governing territories beyond the Ohio River, one of its goals was the promotion of religion. One lot in each parcel of land in the territories was to be ''given perpetually for the purposes of religion.'' And in 1780, in the midst of Revolutionary conflict, the Congress also took steps to print an American Bible, as the supply from England had been cut off.

How was the First Amendment written?

After his election to the House of Representatives, Madison proposed a Bill of Rights on June 8, 1789. It assured that ''the civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established.''

In debating the bill the House made it clear that its objective was to prevent Congress from establishing a ''national'' religion that would threaten the religious prerogatives of the states.

The specific First Amendment language adopted—''Congress shall make no law respecting an establishment of religion''—was worked out by a six-man committee, including two members of Connecticut's state-established Congregational Church. The meaning was clear. Congress was forbidden to legislate for or against church establishments. It could neither set up a national church, nor interfere with the established churches in the states.

Official support for religion persisted well after adoption of the First Amendment. The established church of Massachusetts, for example, lasted until 1833, when it was abolished by the state itself, not the Supreme Court.

In recent times, the Supreme Court has ''applied'' the First Amendment's establishment clause to the states. Thus, what was once prohibited only to the Congress is now also prohibited to the states. Yet even if this approach is valid, it hardly warrants banishing religion from public life.

The Court has prohibited prayer in state-sponsored schools, yet Congress itself has engaged in officially sponsored, tax-supported prayer, complete with paid official chaplains, from the very outset. The day after the House approved the First Amendment's establishment clause, September 25, 1789, it called for a day of national prayer and thanksgiving—the precursor to our present national holiday.

President Washington said: ''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.''

The Supreme Court's term ''wall of separation'' comes from a letter Jefferson wrote to Baptist officials in Danbury, Conn. In it, he affirmed his view that establishing or disestablishing a church was not a question for the federal government. In his second inaugural address, Jefferson stated that in matters of religion, he had ''left them, as the Constitution found them, under the direction and discipline of State or Church authorities acknowledged by the several religious societies.''

Later, Jefferson told a clergyman that his views were based on the states' rights Tenth Amendment as well as on the First: ''Certainly no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the general government. It must then rest with the states as far as it can be in any human authority.''

The conclusion seems irresistible: that no wall of separation between religious affirmation and civil government was intended by the First Amendment. The wall of separation was between the federal government and the states.

The Constitution, including the First Amendment, was the work of believers in God who expressed their faith through public prayer. We have come to a day when a child's mention of God in a graduation address or the presence of a Nativity scene in a public place triggers threats of legal action. This is a gross distortion of our Constitutional history and a dishonor to our Founders.

TRIBUTE TO MAUMEE VALLEY GUIDANCE CENTER ON THE OCCASION OF THEIR 35TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding organization located in Ohio's