



## THE TRUTH ABOUT...

# Separation of Church and State

Contrary to popular opinion, the term “separation of church and state” is found nowhere in the United States Constitution.

**While the First Amendment clearly forbids the creation of a national denomination, it says nothing about the so-called “separation of church and state.”**

■ The term “separation of church and state” was first used by Thomas Jefferson in a letter to the Danbury Baptists in 1801, when he responded to their concerns about state involvement in religion. Jefferson’s letter had nothing to say about limiting public religious expression, but dealt with government’s interference in the public expression of faith.

■ It was U.S. Supreme Court Justice Hugo Black who first inserted the term “separation of church and state” into American jurisprudence in his majority opinion of *Everson v. Board of Education* (1947). He wrote: “The First Amendment has erected a wall between church and state. The wall must be kept high and impregnable. We could not approve the slightest breach.”

■ Black’s opinion was based on a previous misreading of Jefferson’s 1801 letter in the U.S. Supreme Court decision

*Reynolds v. United States* (1878). Black also confused his history. In the opinion, he wrote that the Danbury letter was “almost as an authoritative declaration of the scope and effect of the First Amendment.”

■ The First Amendment states: “Congress shall make no law respecting an establishment of religion; or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.” No mention is made of a “wall between church and state.”

■ The true purpose of the First Amendment was to prohibit the federal government from establishing a national church, like the Church of England, or require that sectarian policy be forced on an individual state or on the federal government. While the amendment does recognize a “differentiation between church and the government, it does not mean that they could not cooperate with each other.”

■ In 2001, Daniel Dreisbach, Associate Professor of Justice, Law and Society at American University, wrote that Black was

wrong to apply the term “separation of church and state” to the First Amendment. The danger of Black’s argument, according to Dreisbach, is that it gives constitutional reasons to “separate religion, religious values, and religious organizations from public life.” He continues: “If we can’t talk about religion in any meaningful way in public schools, religious citizens can’t communicate their faith in public life. [The public square] must be ‘sanitized’ of religious messages, and we are left with a strictly secular public life.”

■ The American Civil Liberties Union (ACLU) and its allies, along with other groups hostile to religious freedom, have used Black’s wording to:

- Deny churches the right to rent public school facilities for Sunday worship services.
- Have public displays of the Ten Commandments removed from public buildings.
- Prohibit students from praying at graduation ceremonies or football games.
- Threaten fixed income housing project residents with eviction for displaying signs about prayer in their apartment windows.
- Tell an eight-year-old girl that she cannot pass out handmade Valentines that read “Jesus Loves You.”

- Tell pastors that they do not have the right to speak freely from their pulpits applying Scripture and church teaching to candidates and elections.

■ In 2005, the U.S. Court of Appeals for the Sixth Circuit, in ruling in favor of a public display of the Ten Commandments, wrote: “The ACLU’s argument contains...fundamental flaws... [It] makes repeated reference to ‘the separation of church and state.’ This extra-constitutional construct has grown tiresome. The First Amendment does not demand a wall of separation between church and state.”

**For almost four decades, the ACLU’s distortion of the “separation of church and state” went nearly unchallenged. Since 1994, Alliance Defending Freedom has taken the ACLU and its allies head-on to expose this distortion and restore the original intent of U.S. Constitution with regard to religious freedom. Since its inception, Alliance Defending Freedom has helped to win many groundbreaking cases in defense of religious freedom and expression. The result is that the so-called “wall of separation,” erected by Hugo Black and others, is slowly starting to crumble. With your prayers and support, Alliance Defending Freedom will continue to tear down the “wall of separation.”**



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