

The Supreme Court's Atheistic Interpretation of the Constitution and Its Consequence for the Destruction of America

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—Part III—

Two months after Harold R. McKinnon delivered his speech before the Conference of Federal Judges of the Ninth Circuit, warning that in America “the prevailing teaching of its political and legal philosophers is essentially anti-democratic and totalitarian,” the Supreme Court heard arguments in the case of *Everson v. Board of Education of Ewing Township*.¹ While McKinnon exposed this “prevailing teaching” to be the same as that held by Hitler and the Third Reich, (whose “legal philosophy” by its very nature supported the murder of six million Jews), the Justices deciding the *Everson* case would not be moved. The deceitful conclusion delivered by the Court in *Everson* would set the groundwork for the most diabolical rulings in the history of this highest court in our land.

In the *Everson* verdict, the Court stated its position concerning a “law respecting an establishment of religion and the free exercise thereof,” contained in the First Amendment to the Constitution; “These words of the First Amendment reflected in the minds of early Americans a vivid mental picture of conditions and practices which they fervently wished to stamp out in order to preserve liberty for themselves and for their posterity.” However, the absurdity and dishonesty used in the reasoning applied by the justices, as to “the minds of early Americans,” needs to be exposed. The consequence of the Court’s argument has resulted in the denial by the Federal Government, and especially the Supreme Court, “that there is a moral law which is inherent in human nature and which is therefore immutable and to which all man-made laws to be valid must conform.” In analyzing the Court’s erroneous conclusion, two points of emphasis will be addressed; these points are specifically related to particular writings of Thomas Jefferson and James Madison. First, the Court, whether deliberately or ignorantly, concocted a misinterpretation of Jefferson’s writings, especially his “wall of separation” metaphor in order to redefine the meaning of the First Amendment. Information available confirming the true meaning of the Amendment was rejected or ignored.

Jefferson clearly revealed the thinking behind his controversial “wall of separation between Church and State.” In a letter to Dr. Benjamin Rush, he addressed “Christianity” with regard to the French “X.Y.Z. plot” (1898-1899). It is not necessary to delve into the political and diplomatic incident that led to the following quote. It is only necessary to understand that Jefferson believed this Affair instilled a “delusion” that “had given to the clergy a very favorite hope of obtaining

an establishment of a particular form of Christianity through the United States; and as every sect believes its own form the true one, every one, perhaps, hoped for its own, but especially the Episcopalians and Congregationalists.”² (This letter was written on September 23, 1800.) Jefferson, having been active in the controversy over the Episcopalian establishment in Virginia, wrote *A Bill for Establishing Religious Freedom*.³ (The *Everson* decision included a reference to this work.) The best way to understand Jefferson’s *Bill* is by the process that eventually resulted in its approval. Jefferson drafted his *Bill* in 1777; it was introduced to the Assembly in 1779, but it was not adopted until 1786, and then only by the efforts of James Madison.⁴ It is logical to conclude that Madison and Jefferson were in agreement on the issue of religious establishment. (This will be considered when Madison’s writing is reviewed further down in this article.)

One year and four months after his letter to Dr. Rush, Jefferson wrote a letter in response to the Danbury Baptist in Connecticut, which contains his famous, or infamous, “wall of separation between Church and State” metaphor.⁵ The situation in Connecticut was similar to that in Virginia, only this time it concerned the establishment of the Congregationalists. The true meaning of Jefferson’s metaphor is revealed in the definition of the word “Church.” The accurate definition, which is found in the dictionary used in America at the time Jefferson wrote his letter, is: “1. The collective body of Christians. 2. The body of Christians adhering to one particular opinion, or form or worship.”⁶ The word “Church” is strictly related to Christianity and cannot be accurately applied to any other religion. It is logically impossible to conclude that Jefferson’s metaphor relates to anything other than Christian denominationalism. If that were not the case, then it would mean, only the Christian religion, in general, would be the subject of “separation.” Such an understanding would not only be foolish, but it also would have defeated the ratification of the First Amendment.

Second, in addition to Jefferson’s writings, the Court in deciding the *Everson* case gave special attention to James Madison’s *Memorial and Remonstrance Against Religious Assessments* (June 20, 1785).⁷ Justice Black in writing the opinion of the Court referred to Madison’s work as “his great Memorial and Remonstrance.” When one studies Madison’s *Memorial and Remonstrance* it is easy to concur with Black’s appraisal. However, this is where any other agreement with Black must end. Black not only completely missed the meaning of Jefferson metaphor he also revealed an absolute lack of understanding the substance of Madison’s *Remonstrance*. What does Madison’s work foretell concerning the First Amendment’s declaration that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof?” There are three terms that required an explanation: establishment, religion, and free exercise.

In a rebuttal against *A Bill establishing a provision for Teachers of the Christian Religion*, Madison stated in his *Remonstrance* that the “legal establishment” of “religion” would call for “its incorporation with Civil policy.” In this regard it would be an “ecclesiastical establishment” or an “established clergy,” under, and by, the authority of the State; and, this in effect would be an “ecclesiastical” merging of the State and a “particular sect of Christians.” (As that was the context of the argument.) Concerning this arrangement, Madison warned: “It degrades from the equal rank of citizens all those whose opinions in religion do not bend to those of the legislative authority.” And, just as important, “the bill is adverse to the diffusion of the light of Christianity.” It is “an unhallowed perversion of the means of salvation.” The desire “of those who enjoy this

precious gift, ought to be that it may be imparted to the whole race of mankind.” Because, “those who are strangers to the light of [revelation] continue in darkness,” and “remain under the dominion of false Religions.” (Brackets in original.)

Concerning the meaning of “religion” and “free exercise,” Madison, as he noted in his *Remonstrance*, quoted directly from George Mason’s *Virginia Declaration of Rights* (June 12, 1776), specifically Mason’s 16th Article, which reads:

That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.⁸

The issues of “religion” and “free exercise,” as defined and embraced by Madison, are directly related to “the mutual duty of all to practice Christian forbearance, love, and charity towards each other,” which is also a part of “the duty which we owe to our Creator.” Madison concurred with Mason that this Article is an aspect of the “*basis and foundation of Government*,” as stated in the title of Mason’s *Declaration*. (It remains a part of the Virginia Constitution to this day.) Who else but authentic Christians can be expected to “practice Christian forbearance, love, and charity towards each other”? That it is “the mutual duty of *all*” to engage in this specific practice is telling. Yet, according to Madison and Mason this mandate is in no way a conflict with the fact that “*all* men are equally entitled to the free exercise of religion, according to the dictates of conscience.” How can this be? Madison and Mason in addressing “religion” referred to Christianity alone; that is “religion” in the singular. If this were not the case their writings would be internally contradictory, incoherent, and nonsensical.

Mason in his *Will*, written three years prior to his *Declaration of Rights*, reveals that “Creator” is to be understood in the context of Christian theism.⁹ The recognition of “religion” in relation to “Creator” and the truth that the “Creator” is Jesus Christ cannot be ignored. Religion, Creator and Christianity are all inseparably linked together. For those who may question Madison’s agreement that Jesus Christ is the Creator, a brief survey of his knowledge of this truth should remedy any doubt. When Madison graduated from the College of New Jersey at Princeton, he remained there “another year in order to study Hebrew and Divinity,”¹⁰ “apparently for the ministry under the direction of John Witherspoon.”¹¹ These studies included the *Introductory Lectures on Divinity* delivered by Dr. Witherspoon, President of the College, (and a signer of the Declaration of Independence). In these *Lectures* Witherspoon impressed upon the mind of Madison the great, irrefutable Biblical doctrine confirming the Divinity of Christ that “Creation is ascribed to Christ, John 1:3.”¹² To reject Christ as Creator would necessitate rejecting the authority of the Holy Bible, and at the same time renounce Christ’s Divinity, which Madison would not do.

Madison possessed an “elevated strain of religious sentiment;” “searched the Scriptures daily and diligently,” and “faithfully observed” the “oracles of Divine Truth.”¹³ Based upon these “oracles of Divine Truth” Madison noted, “Christ’s divinity appears by St. John, ch, XX v. 28.”¹⁴ All of the pages of Madison’s notes on the Bible have not been found, however, it is known that Madison

laid importance upon William Burkitt's *Expository Notes with Practical Observations on The New Testament of Our Lord and Saviour Jesus Christ*.¹⁵ Reading Burkitt's *Expository Notes* it would have been impossible for Madison to miss Burkitt's statement concerning John 1:3:

Observe here, The argument which St. John uses to prove Christ to be God; it is taken from the work of creation. He that made all things, is truly and really God; but Christ made all things, and nothing was made without him; therefore is Christ truly and really God. . . . That Christ, as God, being the Creator and Maker of all things himself, is excluded from being a creature, or any thing that was made.¹⁶

It is obvious that Madison was very well-informed to the fact, as all Biblically astute Christians should know, that Christ is the Creator. The truth is, "That religion, or the duty which we owe to our Creator" can only be understood correctly in relation to Jesus Christ, who is also the Author of Christianity. Christianity, then, is the only religion that expresses "the duty" owed. No other religion can approximate this duty, which, as stated previously, includes the necessity "of all to practice *Christian* forbearance, love, and charity towards each other."

Madison's support for Jefferson's *Bill for Establishing Religious Freedom* cannot be construed as a conflict with his agreement with Mason's *Declaration of Rights*, or his own *Memorial and Remonstrance* without questioning his integrity. Jefferson, in his *Bill*, after referring to "the Holy Author of our religion [Christianity]," which can only be attributed to Jesus Christ,¹⁷ declared that the *Bill* to which he was averse would "corrupt the principles of that *very* religion [Christianity] it is meant to encourage." The entire context of Jefferson's rebuttal dealt with his antipathy to a state mandated tax to support religion. He explained: "that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness." In this context "pastor," (like "Church" in regard to the Danbury Baptist), can only be accurately understood in relation to Christianity. Jefferson's concern was identical to what Madison contented would be an "ecclesiastical establishment," which would entail "its incorporation with Civil policy." However, it needs to be understood that this whole issue revolved around denominationalism within Christianity, which involved freedom of conscience. The establishment of religion required taxation for the support of a particular Christian denominational doctrinal position, expounded by an ordained clergy, the consequence being the violation of individual religious liberty. The State forcing individuals to give monetary support to a clergyman with whom they disagreed.

There is a vast difference between establishment, and acknowledgment of, and need for, the basic principles of Christianity, with its inherent morality—which at their foundation is the instruction, to love God and to love your neighbor. Any consideration that the right of conscience levels all religions to the same plain would be a gross error. Justice Story elaborated on the correct meaning of the religious clauses in First Amendment in his *Commentaries on the Constitution of the United States*. Two of his insights are particularly pertinent:

Indeed, the right of a society or government to interfere in matters of religion will hardly be contested by any persons, who believe that piety, religion, and morality are intimately

connected with the well being of the state, and indispensable to the administration of civil justice. . . . And at all events, it is impossible for those, who believe in the truth of Christianity, as a divine revelation, to doubt, that it is the especial duty of government to foster, and encourage it among all the citizens and subjects. This is a point wholly distinct from that of the right of private judgment in matters of religion, and of the freedom of public worship according to the dictates of one's conscience.¹⁸

The real object of the amendment was, not to countenance, much less to advance Mahometanism, or Judaism, or infidelity, by prostrating Christianity; but to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical establishment, which should give to an hierarchy the exclusive patronage of the national government. It thus cut off the means of religious persecution, (the vice and pest of former ages,) and of the subversion of the rights of conscience in matters of religion, which had been trampled upon almost from the days of the Apostles to the present age.¹⁹

There is no dissonance between Story's declarations and Madison's and Mason's concurrence on the importance of Christianity. There is another inquiry that is essential to this discussion, "how did Jefferson and Madison respond to their concerns regarding religion and the State?" The most telling example is found in their respect for the "Ordinance of 1787."²⁰ How did these two gentlemen approach this document, especially with regard to its First and Third Articles? Article I, concerning freedom of religion reads, "No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territories." Article III, concerning state supported education of religious and moral instruction in public schools reads, "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

There are two points that immediately stand out. First, according to the Federal Government, there is nothing in Article I and the first part quoted from Article III that is inconsistent with, or contrary to, the Constitution of the United States, including the Bill of Rights. The first Article assumes the worship of God, and that different "religious sentiments" were to be expected, but what does "religious sentiments" mean? The third Article explains the meaning of the first article; it addresses religion in the singular, (the polytheistic interpretation framed by the *Everson* decision was and is nonsensical). It is inconceivable to believe that Madison would endorse the instruction of any religion other than the general non-sectarian principles of Christianity, as he considered all other religions to be false. And, since *absolute* morality is derived from Christian principles, the teaching of true morality in schools would necessitate the acknowledgment of the source from which absolute morality is understood. It is certain that the Framers of the Constitution and Bill of Rights did not mean to denounce the importance of the influence of Christian morality on social order.

The true and only meaning on this subject is consistent with the deliberations and writings of the Founders and Framers. All conflicts were directly related to denominational infighting within Christianity. Second, religion (non-sectarian Christianity) and morality, "shall forever be encouraged," in schools established by the States. These are absolutely "necessary to good

government and the happiness of mankind.” Under the Constitution, the statement, “shall forever be encouraged,” can never, legally, be eradicated or overturned. Such action would lead to an *evil* government and the *misery* of mankind; example: the current state of America. Concerning another contention, Story spoke to those who think the “Ordinance of 1787” was not constitutional:

No one has ever doubted the authority of congress to erect territorial governments within the territory of the United States, under the general language of the clause, “to make all needful rules and regulations.” Indeed, with the ordinance of 1787 in the very view of the framers, as well as of the people of the states, it is impossible to doubt, that such a power was deemed indispensable to the purposes of the cessions made by the states. . . . What shall be the form of government established in the territories depends exclusively upon the discretion of congress. Having a right to erect a territorial government, they may confer on it such powers, legislative, judicial, and executive, as they may deem best. They may confer upon it general legislative powers, subject only to the laws and constitution of the United States.²¹

Four months after President Thomas Jefferson penned his letter to the Danbury Baptist Association in Connecticut, he signed into law, “The Enabling Act for Ohio,” (April 30, 1802). Fourteen years later, James Madison, as President, signed into law, “The Enabling Act for Indiana,” (April 19, 1816). (It is to be noted, these signings took place after the ratification of the Constitution of the United States and the Bill of Rights.) Both of these Acts required the prospective states to adhere to the “Ordinance of 1787” including its religious and moral educational requirements. The Act Madison signed was even more emphatic than the Act Jefferson signed, as it stated concerning the articles that they, “are declared to be irrevocable between the original states and the states of the territory.”²² (Emphasis added.)

It would be the height of deceit, for these two men who fought so hard for the cause of religious liberty, to sign into law that which would counter all of their efforts. In fact, they signed these Acts because they, emphatically, were not in conflict with their efforts. The religion clauses in Article I and the first part of Article III were embraced by the Framers of the Constitution of the United States. They were never in conflict with the establishment and free exercise clauses of the First Amendment, and would not be so now, future, unconstitutional court decisions notwithstanding.

Madison, in Congress, deliberating on the wording of what would become the First Amendment, suggested the word “national” be “inserted before religion.” The reason was, “He believed that the people feared one sect might obtain a pre-eminence, or two combine together, and establish a religion to which they would compel others to conform.” And, “He thought if the word national was introduced, it would point the amendment directly to the object it was intended to prevent.”²³ According to Madison, the First Amendment had one purpose and one purpose only, to restrict the Federal Government from establishing a national religion founded on a particular Christian denominational doctrinal position. His suggestion was made on August 15, 1789, one year and eight days prior to Jefferson’s letter to Dr. Rush. The meaning of “sect” in Jefferson’s and Madison’s writings relate specifically to denominations within Christianity. Black’s assertion that “The First Amendment has erected a wall between church and state. That wall must be kept high and

impregnable. We could not approve the slightest breach,” is, historically and thus accurately, only applicable to Madison’s concern for the Federal Establishment of a particular Christian denomination.

After reviewing all of the facts, it is impossible for any rational thinker to conclude that the writings of Jefferson and Madison presented in the *Everson* case actually supported the Court’s opinion. The “establishment” clause cannot be used to place Christianity on the same level as all other religions and no religion. Black’s misrepresentation and abuse of Jefferson’s metaphor reflected a personal desire rather than the truth. His assertion that the Federal Government cannot “prefer one religion over another” is an absurdity. His statement actually requires the Government to rebuke the Founders and Framers and install itself as GOD by filling the void it self-consciously created.

Black and the other Justices in agreement with the definition of religion stated in the *Everson* decision did not interpret the Constitution of the United States, they consorted to a lie. This set a very dangerous precedent concerning religion and its moral component in the public square. The subsequent horrific court decisions this deception has spawned expose the consequences of a morally unfettered Supreme Court. Tragically for our nation, the Court has, falsely and unconstitutionally, been emboldened to run amok. All Court decisions that rely on *Everson*, concerning the religion clauses in the First Amendment, are clearly bogus and fraudulent.

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Notes

1. *Everson v. Board of Education*, 330 U.S. 1 (1947)
2. Thomas Jefferson Randolph, ed., 2nd ed. *Memoir, Correspondence, and Miscellanies, From the Papers of Thomas Jefferson* (Boston: Gray and Bowen, 1830), 3.441.
3. Paul Leicester Ford, col., ed. *The Writings of Thomas Jefferson* (New York: G. P. Putnam’s Sons, 1893), 237-239.
4. Paul Leicester Ford, col., ed., *The Works of Thomas Jefferson*, Federal Edition (New York: G. P. Putnam’s Sons, 1904), 1.71.
5. *The Writings of Thomas Jefferson*, H. A. Washington, ed. (New York: Riker, Thorne & Co., 1845), 8.113.
6. Samuel Johnson, *A Dictionary of the English Language*, 6th ed. (London: J. F. and C. Rivington, 1785), s.v. “Church.”
7. Gaillard Hunt, ed., *The Writings of James Madison* (New York: G. P. Putnam’s Sons, 1901), 2.183-191.
8. *The Code of Virginia*, George Mason, “A Declaration of Rights made by the Representatives of the good people of Virginia, assembled in full and free Convention, which rights do pertain to them and their posterity as the basis and foundation of government.” [Virginia Bill of Rights] (Richmond: Published Pursuant to An Act of the General Assembly of Virginia, 1849), 32-34.
9. Kate Mason Rowland, *The Life of George Mason* (New York: G. P. Putnam’s Sons, 1892), 2.457. “My soul I resign into the hands of my Almighty Creator whose tender mercies are over all his works, who hateth nothing that he hath made, and to the Justice and Wisdom of whose dispensation I willingly and cheerfully

- submit; humbly hoping from his unbounded mercy and benevolence thro' the merits of my blessed Saviour a remission of my sins." (March 20, 1773)
10. "On the Naming of Madison Hall," *Madison Hall Notes*, Vol. II, No. 14 (December 8, 1906): 1.
 11. *The Encyclopedia Britannica* (New York: The Encyclopedia Britannica Company, 1911), 17.284.
 12. *The Works of Rev. John Witherspoon*, "Introductory Lecture on Divinity" (Philadelphia: William W. Woodward, 1801), 4.72
 13. William C. Rives, *History of the Life and Times of James Madison* (Boston: Little, Brown and Company, 1859), 1.33-34.
 14. *Ibid*, 1.34.
 15. *The Papers of James Madison*, 16 March 1751–16 December 1779, ed. William T. Hutchinson and William M. E. Rachal (Chicago: The University of Chicago Press, 1962) 1:51–60.
 16. William Burkitt, *Expository Notes with Practical Observations on The New Testament of Our Lord and Saviour Jesus Christ* (New-Haven, CT: Abel Morse, 1794, First published in 1700 in England), 306.
 17. There are many examples, but two are sufficient. The first ancient, the second contemporary with Jefferson: "Now who is the Author of our religion but he who is styled the Author and Finisher of our faith, viz. Jesus Christ, the Righteous?" Michael Altham, "A Vindication of the Church of England from the Foul aspersions of Schisms and Heresy, Unjustly Cast Upon Her by the Church of Rome," [A.D.1687] *A Preservative Against Popery*, Edmund Gibson, col., John Cumming, ed. (London: The Society's Office, 1848), 1.370. Junius (a pseudonym) writing to Lord Chief Justice Mansfield, concerning the legal issue of when one accused of a crime deserves bail, referred to the ministry of Jesus using the descriptive, "the holy author of our religion." *Letters of Junius*, "Letter 68," January, 1772 (London: Henry Sampson Woodfall, 1772), 2.346. Compare
 18. Joseph Story, *Commentaries on the Constitution of the United States* (Boston: Hilliard Gray, and Company, 1833), 3.722-723.
 19. *Ibid*, 3.728.
 20. Albert Bushnell Hart, ed., *Liberty Documents*, "The Ordinance of 1787" (New York: Longmans, Green, and Co., 1921), 228-236.
 21. Story, *Commentaries on the Constitution of the United States*, 3.195-196.
 22. *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States*, 2nd ed. (Washington: Government Printing Office, 1877), 1.498.
 23. *The Debates and Proceedings in the Congress of the United States*, Joseph Gales, com. (Washington: Gales and Seaton, 1834), 1.758.