

## Did America Have a Christian Founding? Separating modern myth from Historical Truth

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(Excerpts and comments by Dr. Jerry Nelson)

Unless otherwise noted, all quotations are from Hall.

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### Introduction "The Problem"

"Scholars and popular authors routinely assert that America's founders were deists who desired strict separation of church and state." Illustrative of this are such notables as Geoffrey Stone of U of Chicago Law School and historian Frank Lambert and even Christian college professor, Richard T. Hughes. Hall writes, "These claims are patently and unequivocally false." **"Did America have a Christian founding? This book reveals that the answer is a resounding yes."** "The problem is not the principle that we should look to the founders for guidance, but the profoundly distorted picture of their views promoted by many scholars, popular authors and judges."

### Why it matters:

**"The founders believe that reflecting on the basic ideas from which the authors of a constitutional order drew was crucial to determining how best to proceed in the present."** "When it comes to the First Amendment's Religion Clauses...progressives and conservatives alike agree, in the words of the liberal Justice Wiley Rutledge, that 'no provision of the Constitution is more closely tied to or given content by its generating history than the Religious Clause of the First Amendment. It is at once the refined product and the terse summation of that history.'"

### What would a Christian founding look like?

It is not simply that the founders *identified themselves* as Christian. "In 1776, every colonist, with the exception of about two thousand Jews, identified himself or herself as a Christian. Approximately 98 percent of them were Protestants, and the remaining 2 percent were Roman Catholic." But this alone is not what we mean by a Christian founding. It is also not that the founders were *orthodox* Christians. While disproportionately many were, there is strong reason to believe others were not. **What is clear is that it is false to say that many or most rejected orthodox Christianity. "A final possibility for the meaning of a 'Christian founding' is that the founders were influenced by Christian Ideas.** I believe that is the most reasonable way to approach the question, 'Did America have a Christian founding?'" **"I contend that an excellent case can be made that Christianity had a profound influence on the founding generation."**

### What constitutes America's Founding?

First, we look at the period from 1620 – 1776: "Puritans separated church and state but they thought the two institutions should work in tandem to support, protect and promote

true Christianity” (there follow, in the book, several illustrations from the colonies). “Few serious scholars deny that the early colonists were committed Christians whose constitutions, laws and practices reflected the influence of their faith (especially New England). But the historical debate becomes far more heated which respect to Christianity’s role in the War of Independence and the establishment of the constitutional order under which our nations still operates.” **“A central argument of this book is that America’s founders drew from their Christian convictions to create a constitutional order that benefits all Americans, not just Christians.”** It will be Hall’s contention that George Washington’s 1790 letter to the “Hebrew Congregation” of Newport, Rhode Island, is illustrative of the idea that “America’s founders did not think religion must be driven from the public square. “

### **Chapter 1 “The Myth of the Founders’ Deism”**

Among others, Hall cites Noll, Hatch and Marsden in The search for Christian America: “The God of the founding fathers was a benevolent deity, not far removed from the God the eighteenth century Deists nineteenth century Unitarians...There were not, in any traditional sense, Christian.” Many scholars and popular authors “leave the distinct impression that most founders, and certainly the important ones, were deists.” And “unlike most Christian, deists did not think God intervenes in the affairs of men and nations.” **In this chapter, I demonstrate that there is virtually no evidence that America’s founders embraced such views.”**

Hall next addresses the views of several founding fathers who are most often referred to as deists.

First addressing those who publicly expressed their views: In **Benjamin Franklin’s** autobiography he regretted the influence the deism of his younger years had on others. Also, “in the 1787 Constitutional Convention, he reflected, that “the longer I live, the more convincing proofs I see of this truth – that God governs the affairs of men.” Yet “it seems reasonable to classify him as a founder who both publicly and privately rejected or questioned some tenets of orthodox Christianity.” **Ethan Allen** published a book advocating deism but it sold few copies and he had no role in American politics. **Thomas Paine** published his The Age of Reason but Paine spent only 20 of his seventy-two years in America and the reaction to Paine’s book was “almost universally negative.” Samuel Adams, John Adams, John Witherspoon, William Paterson, John Jay, Benjamin Rush, Charles Carroll, Zephaniah Swift, Elias Boudinot and Patrick Henry denounced it. “With the exception of Franklin, Allen and Paine, I am unaware of any civic leaders in the era who clearly and publicly rejected orthodox Christianity or embraced deism.”

How about those who were privately less than traditional Christians? “**Thomas Jefferson** definitely rejected orthodox Christianity, but he went to great lengths to keep his religious views far from the public. Virtually all the texts that reveal his true beliefs were letters written to family members or close friends, and he often asked that they be kept private... **John Adams** was a lifelong Congregationalist who believed it appropriate for the state to support and encourage Christianity” even though he openly stated he rejected several tenets of Orthodox Christianity.

How about other founders? “Three other founders are regularly referred to as deists: **Washington, Madison and Hamilton**. Yet to my knowledge, no writer has ever produced a public or private journal entry, letter, or essay showing that these men rejected Christianity or embraced deism.”

**“Given the numerous, regular and unqualified claims that “most” founders were deists, it is remarkable how little evidence there is that more than a handful of founders merit that distinction.”** “If deism includes the idea that ‘God set the world in motion and then abstained from human affairs,’ it is possible that only one of these men, Ethan Allen, was a deist. **With the exception of Allen, all the founders regularly called deists are clearly on record speaking and writing about God’s intervention in the affairs of men and nations.**” There are many illustrations from Washington, Adams, Jefferson, Franklin, Madison, Hamilton, and even Paine writing of God’s intervention in the affairs of men and nations.

Even if we accept a definition of deism that sometimes is referred to ‘Providential Deism’ or ‘theistic rationalism,’ and include some such as Madison or Hamilton as *that* kind of deist, “these men were not representative of other founders (and it) suggests little with respect to the founding generation.” “Sydney Ahlstrom, observed that the ‘the religious heritage of three-fourths of the American people in 1776’ was Reformed. “Yale historian Harry Stout stated...the vast majority of colonists were Reformed or Calvinist.”

**“There is little reason to doubt and much evidence to indicate that the following Reformed founders were orthodox Christians: Samuel Adams, Elias Boudinot, Eliphalet Dyer, Oliver Ellsworth, Matthew Griswold, John Hancock, Benjamin Huntington, Samuel Huntington, Thomas McKean, William Paterson, Tapping Reeve, Jesse Root, Roger Sherman, John Treadwell, Jonathan Trumbull, William Williams, James Wilson, John Witherspoon, Oliver Wolcott, and Robert Yates.”** And “they are better representatives of the 50-75 percent of Americans who are reasonably classified as Calvinists than the eight founders regularly called deists.”

## **Chapter 2 “The United States Does Not Have A Godless Constitution”**

Hall cites five authors who state in various ways, “The founders created the first wholly secular state.” Then Hall adds, “If by this they mean simply that God is not featured prominently in the text of the Constitution, they may have a point – albeit a trivial one.” Earlier political documents certainly did feature “God” prominently (Articles of Confederation, Massachusetts Constitution, other state constitutions, etc). William Williams, a signer of the Constitution, proposed a motion to very specifically reference God, but the amendment was not made as were NO other amendments, at that time, because of a fear that the Constitution would not pass if they began making amendments.

Those who believe the Constitution was a godless one rely on two arguments: one that the founders were deists (which was debunked in chapter 1) and that the founders were most heavily influenced by rationalist, Enlightenment ideas.” **Here in chapter 2 Hall will show that this second claim is overstated and misleading AND that instead, will show the founders “drew heavily from Christian ideas when they crafted America’s constitutional order.”**

Matthew Stewart's highly acclaimed book Nature's God "contends that Spinoza, a seventeenth-century rationalist, is the principal architect of the radical political philosophy that achieves its ultimate expression in the American republic, and Locke is its acceptable face." **Hall contends that Stewart's book is "pure fancy."** "More plausible is the contention that America's founders were influenced by Enlightenment thinkers like Locke, Montesquieu, Rousseau, and Adam Smith." Many believe Locke was very influential, "yet with very few exceptions, Locke's works were not available on this side of the Atlantic until 1714... and his "Second Treatise" was not published in America until 1773 and was not republished in the U.S. until 1937." Even though Locke was cited by patriots in their resistance to Britain, the Bible was referenced far more..." "Between 1760 and 1805...22 percent of citations referenced Enlightenment thinkers... (but) by contrast, 34 percent of all citations were to the Bible. And only 2.9 percent were to Locke." "If Locke's works were *late* to arrive on America's shores, the Bible was *virtually omnipresent* from the first days of the Puritans settlements.

**"With few, if any, exceptions, every founding-era statesman was committed to the proposition that republican government required a moral citizenry, and that religion was necessary to morality.** James Hutson of the Library of Congress suggests that this argument was so widespread that it should be called the "Founding generations' syllogism."" And "when America's founders spoke about 'religion', virtually all of them - even those most influenced by the Enlightenment - meant Christianity. The great Chief Justice John Marshall wrote, for example, that in America 'Christianity and religion are identified. It would be strange indeed, if with such a people, our institutions did not presuppose Christianity.'" John Adams, among many others, understood the relationship of religion and freedom and Adams wrote, 'Religion and morality alone...can establish the principles upon which freedom can securely stand,' and 'our constitution was made only for a moral and religious people, it is wholly inadequate to the government of any other.'" And "few founders were more insistent on the importance of religion and morality than George Washington" as noted in several speeches or letters as in his 1783 "Circular Letter to the States upon his resignation as commander-in-chief of the Continental army and in his Farewell Address.

**Unlike Plato's Republic and Rousseau's utopianism, Christianity's influence on America's Constitution was in the founders' view of humanity. Christianity's belief in the corruption of human nature led to the unique checks and balances of the Constitution.** "The founders thought that *limiting the power of the national government* was necessary but not sufficient to prevent corruption and tyranny. They were committed to *separating power* between the legislative, executive and judicial branches. They believed as well that each branch must have the ability to check the other." "In the words of Louis Hartz, America's founders 'refused to join in the great Enlightenment enterprise of shattering the Christian concept of sin, replacing it with an unlimited humanism, and then emerging with an earthly paradise as glittering as the heavenly one that had been destroyed.'"

#### **Natural Law and Natural Rights: Bills of Rights**

"Scholars have spilled a great deal of ink debating the origins of the idea that individuals have rights that governments may not violate." The "Christian conception of natural law was being articulated as early as the twelfth century." "By the late eighteenth century, most Americans were committed to the ideas, as expressed in the Declaration of Independence,

that ‘all men are created equal, that they are endowed *by their Creator* with certain unalienable rights; the among these are life, liberty and the pursuit of happiness.’” James Wilson was one of Washington’s first appointments to the Supreme Court. “In his lectures, Wilson sounded like Saint Thomas Aquinas when he observed that there are two types of law: divine and human... and “like Aquinas, he thought that human law ‘must rest its authority, ultimately, upon the authority of that law which is divine.’” And he argued that natural rights are based on natural law which exists prior to government.

### **Is liberty without limit?**

James Wilson (Supreme Court justice appointed by Washington) “made what everyone present would have considered to be a commonsensical observation: **‘Without liberty, law loses its nature and its name, and becomes oppression. Without law, liberty also loses its nature and its name, and become licentiousness.’**” “The founders distinguished between liberty and licentiousness; they thought the former deserved protection, but not the latter.” What a contrast with the 20<sup>th</sup> Century justices finding a “right” to public profanity, burning of the American flag, pornography, etc. “An *originalist understanding* of the First Amendment does not require states or the national government to protect licentiousness.”

### **Chapter 3 Thomas Jefferson, James Madison and the First Amendment**

Hall begins by citing several authors who contend Jefferson and Madison were strict church and state separationist. For example, he quotes R. Freeman Butt from his book The American Tradition in Religion and Education: “(Jefferson’s) words ‘a wall of separation between church and state’ are not simply a metaphor of one private citizen’s language; they reflect accurately the intent of those most responsible for the First Amendment.”

Hall writes, “Until 1947, the amendment restricted only *the federal government* but in the case of *Everson v. Board of Education*, the Supreme Court decided it *applied to states as well*.” Since then jurists and activists have argued that this precluded “state aid to religious schools, accommodations that protect religious citizens, and the inclusion of the words ‘under God’ in the Pledge of Allegiance.”

Interestingly, “both the majority and the dissenting opinions in *Everson* insisted that the Establishment Clause must be interpreted in light of the founders’ views. Justice W. Rutledge observed that ‘no provision of the Constitution is more closely tied to or given content by its generating history than the Religious Clause of the First Amendment. It is at once the refined product and the terse summation of that history.’” Since then, other justices, including Hugo Black have argued that the founders’ views are controlling. In *Everson*, Black and Rutledge presented an argument that has been very influential since; it is called “*Everson’s syllogism* and it goes as follows: 1. The Establishment clause must be interpreted in light of the founders’ views. 2. Thomas Jefferson and James Madison represent the founders. 3. Jefferson and Madison desire strict separation of church and state. 4. Therefore, the Establishment clause requires strict separation of church and state.”

Hall provides much evidence that this syllogism is fundamentally flawed. “First of all it ignores the contributions that literally hundreds of other founders made to drafting, debating, and ratifying the First Amendment. And in this chapter Hall challenges “the conventional wisdom, shared by even serious jurists and scholars, that Jefferson and Madison had significant influence on the men who drafted and ratified the First

Amendment. Secondly, Hall writes, “I contend that although Jefferson and Madison wanted to separate church and state more thoroughly than most founders, even they did not embrace the sort of strict separation desired today by groups such as the ACLU and Americans United for Separation of Church and State.”

It is somewhat telling that Americans United... was originally called “Protestants and Other Americans United for Separation of Church and State.” It was begun as an anti-Catholic (and *obviously not anti-religion*) organization. It is also important to note that Jefferson had almost no role in the crafting of the First Amendment. “He was not even in the United States when it was drafted...” And there are no records of him participating in any of the debates or otherwise influencing them. But supporters of such a strict separation note that Jefferson drafted the 1777 Virginia Statute for Religious Freedom (adopted in 1786). Many scholars write that this was the single most important precursor to the First Amendment.

The Virginia Statute was approved before the First Amendment but “to assume that for this reason the former influenced the latter is to commit any number of historical fallacies.” “Most states adopted new constitutional provisions and/or laws concerning religious liberty and church-state relations.” Anyone who wants to pretend that the Virginia Statute was the seminal influence “needs to provide evidence to support their claim. In this case, the evidence is slight indeed.” “The only serious engagement with the Virginia Statute was an attack on it...” Those who attacked it reminded their readers that “it must unquestionably be the duty of every man to contribute to the support of some religious society or other of those that prevail in the country he lives in, at least as far as good order shall require, however his private opinion may differ from those of the generality as to the belief thereof.” The point Hall makes is not that every response was right but that Jefferson’s idea was not well accepted. And “there are no records of the Virginia Statute being referenced in any of the debates over these measures, nor was language borrowed from it for other statutes.” Again, “there is no record of civic officials utilizing the Virginia Statute as a model for a constitutional provision or law prior to the adoption of the First Amendment.” On the contrary, the Massachusetts Article III and Virginia’s Article XVI “had more influence in the 1780’s that did the Virginia Statute for Religious Freedom.”

Contrary to the idea of a strict separation of church and state, the Confederation Congress authorized paying for chaplains and once the Constitution was ratified, the new Congress appointed and paid for chaplains. “The new national government also reauthorized the Northwest Ordinance, issued calls for prayer and fasting, and provided for military chaplains. In no instance is anyone recorded as objecting to these acts because they violated the letter or spirit of the Virginia Statute.” *It is not that the Virginia Statute had no influence but that it had nowhere near the influence usually asserted.* “Jurists and scholars often speak as if church and state were completely and thoroughly separated after the Virginia Statute was passed, but even as he was drafting this law, Jefferson penned statutes stipulating when governors may issue calls for prayer and fasting... and punish disturbers of Sabbath. More broadly, Virginia remained in the business of mixing church and state even in the immediate aftermath of the passing of the statute.” Halls’ conclusion is that “there is little reason to conclude that Jefferson influenced the views of the men who drafted, debated and ratified the First Amendment.”

Unlike Jefferson, “Madison was a member of the First Federal Congress and a significant advocate for the First Amendment.” It seems to be true that Madison’s ‘Memorial and Remonstrance Against Religious Assessment’ was instrumental in defeating Patrick Henry’s general assessment bill (taxing citizens to support churches) “but there is little evidence that it affected other debates over religious liberty and church-state relations in the era.” “Americans were turning against religious establishment. But, as we shall see in detail later, they were questioning them because they believed they hurt rather than helped Christianity. Many Americans remained comfortable with other forms of state encouragement of religion.” Regarding Madison’s “Memorial and Remonstrance..,” Hall demonstrates that other documents and petitions were far more numerous and with much greater support than Madison’s. “Why then do jurists and scholars regularly turn to the document as the key for understanding the First Amendment? From 1947 to 2011, Supreme Court justices cited the “Memorial” in twenty-four Religious Clause cases, and the petition was reprinted in full as an appendix in two of them.” To challenge the claim that Madison’s Memorial influenced the men who drafted and ratified the First Amendment is not to say that he did not play an important role in crafting this amendment. Madison forcefully advocated a bill of rights in the First Federal Congress at a time when many of his colleague thought one to be unimportant or unnecessary.” **But it is “dishonest to ignore the role a host of founders played in drafting, debating and approving the First Amendment. And yet that is exactly what the Supreme Court justices have done.”**

**Jefferson’s ‘Danbury Baptist Association statement writing of a “wall of separation between church and state,’** has been seized upon by many, if not most, who desire to remove religion from the public square. Hall writes, “as appealing as the wall metaphor is to contemporary activists, it obscures more than it illuminates.” Interestingly, Jefferson did not originate the metaphor nor, to our knowledge, did he ever use it again. Even two days after he wrote it, he attended church services *in* the US capitol. He also made the capitol available to others to hold services. He encouraged a solemn day of thanksgiving and prayer to Almighty God. He also drafted bills stipulating that a governor may appoint days for public fasting and prayer. When creating a national seal, Jefferson suggested one ripe with biblical images and his motto for the new nation was to be “Rebellion to tyrants is obedience to God.” “Most remarkable for someone supposedly committed to a ‘wall of separation,’ Jefferson in 1803 sent a treaty concerning the Kaskaskia Indians to the Senate for approval. The third article of the treaty stipulated that ‘Whereas the greater part of the said tribe have been baptized and received into the Catholic Church, to which they are much attached, the United States will give annually, for seven years, one hundred dollars toward the support of a priest of that religion who will engage to perform for the said tribe the duties of his office and also to instruct as many of their children as possible, in the rudiments of literature. And the United States will further give the sum of three hundred dollars to assist the said tribe in the erection of a church.” **“So much for a high and impregnable wall of separation between church and state!” Even Jefferson did not try to remove religion from the public square.**

**Chapter 4 “The Founders Believed Civic Authorities Should Protect, Promote and Encourage Religion and Morality.”**

**The founders did not favor establishment of religion because they thought it would harm religion rather than help it. But they clearly wanted to preserve space for religion to flourish and even to promote it.** Whether we think government should actively promote religion or not it is clear from historical documents that most founders would have thought it right and good to do so. One of many examples is from Roger Sherman who was directly (unlike Jefferson) involved in drafting the First Amendment: “As the happiness of a people, and the good order of civil society, essentially depend upon piety, religion, and morality, it is the duty of the civil authority to provide for the support and encouragement thereof; so as that Christians of every denomination, demeaning themselves peaceably, and as good subjects of the State, may be equally under the protection of the laws: and as the people of this State have in general, been of one profession in matters of faith, religious worship, and mode of settling and supporting the ministers of the Gospel, they have by law been formed into Ecclesiastical Societies, for the most convenient support of their worship and ministry; and to the end that other denominations of Christians who differ from the worship and ministry so established and supported may enjoy free liberty of conscience in the matters aforesaid.” **“This preamble illustrates well the common view among America’s founders that Christianity was necessary for public happiness and political prosperity.”** Hall then proceeds to show how several states had laws that not only promoted religion but even suggested punishments for those who disregarded religion. And again, in contrast to the minimal influence Jefferson had in the First Amendment, Hall demonstrates the pro-religion views of many of the founders who believed government had a vested interest in promoting religion as foundational to a free people

“In 1962, the US Supreme Court declared teacher-led prayer in public schools to be unconstitutional. It is ironic that when justices heard oral arguments in this case, the day’s session opened with the prayer, ‘God save the United States and this Honorable Court.’” “Throughout the early republic, presidents, members of congress, and federal justices promoted religion and morality in official and unofficial ways. A few founders, it is true, objected to some practices (e.g. Jefferson and presidential calls for prayer), but these were exceptions not the rule.”

“America’s founders did not want a national church, and many were coming to oppose establishments at the state level as well. Yet, without an exception of which I am aware, they agreed with George Washington that of ‘all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.” **“An originalist understanding of the First Amendment permits the national and state governments to promote religion, and even to specifically encourage and support Christianity. But that does not mean they should do so today.”** “With all this, **the historical record is clear: in no manner did the founders conceive of a government from which religion – Christianity above all – was precluded. In fact, the founders believed it is necessary for the two to be intermingled and mutually supportive.”**

## **Chapter 5 “Christianity, Religious Liberty and Religious Exemptions”**

It seems that many today believe that religious toleration arose most of all from the Enlightenment not from Christianity. Hall writes, “I contend that an important reason Americans embraced religious liberty was because of their Christian convictions. Biblical and theological arguments played key roles in defining and supporting what many founders



called ‘the sacred rights of conscience.’” William Penn, for example, thought “that religious liberty helped Christianity flourish, and he was also convinced that it promoted virtue, stability, and even trade. Arguments similar to Penn’s were adopted by numerous Americans in the eighteenth century.” “One of the most important founding era arguments in favor of religious liberty was based on the theological principle that humans have a duty to worship God as their consciences dictate.” They believed and wrote that **‘the free exercise of religion is a right, not a privilege granted by the state.’** “By the end of the revolutionary era, every state offered significant protection of religious liberty.” The reason the federal constitution did not was not that founders were opposed but because they believed this was a states issue not a federal one.

#### **“What does the free exercise clause protect?”**

“Arguments begin when a person’s religious convictions conflict with general laws or policies aimed at advancing the common good.” “America’s founders were well aware of these sorts of conflicts, and they developed eminently reasonable solutions for them. If the law in question promotes the common good, and thus should not simply be repealed, their solution was to craft religious exemptions or accommodations to protect religious citizens.” “What is often missing from public discussions of (these kind of conflicts today) is an acknowledgment that it is possible for legislators to craft exemptions to neutral laws and still meet important policy goals. “ “However since the turn of the century an increasing number of ‘progressive’ jurists, politicians, and academics have turned their backs on the founders’ commitment to protecting the sacred rights of conscience. This is a mistake.”

In the founding era, statesmen made accommodations as demonstrated in their approach to “oaths” (think Quakers) when they allowed “affirmations” to substitute. They accommodated pacifists by creating alternative service. But “since the turn of the century, some jurists, politicians, scholars and activists have abandoned the founders’ commitment to accommodating religious citizens... particular worrisome is the contention that religion is not ‘special.’” “In the 2016 the US Commission on Civil Rights issued a report that said religious accommodation should be virtually nonexistent.”

**“America’s founders were profoundly influenced by Christianity, but they did not design a constitutional order only for fellow believers.”** “All who would live up to the founders’ ideal for freedom of conscience must insist that, except in the most extreme circumstances, every American has a right to live according to his or her religious convictions, no matter how unpopular they may be... The moment we start picking which convictions we choose to protect and which we do not, is the moment we abandon the founders’ commitment to defending the ‘sacred rights of conscience.’”

Conclusion to the Book:

“I trust this book has **put to rest the myth that the founders desired to build a high and impregnable wall of separation between church and state.** Believers and civic leaders alike are free to bring their faith into the public square.”