

American Minute with Bill Federer

The First Amendment: Who Came Up With Its Wording & Who Twisted Its Meaning

President

Reagan stated in a Q & A Session, October 13, 1983:

"The **First Amendment** has been twisted to the point that **freedom of religion** is in danger of becoming **freedom from religion.**"

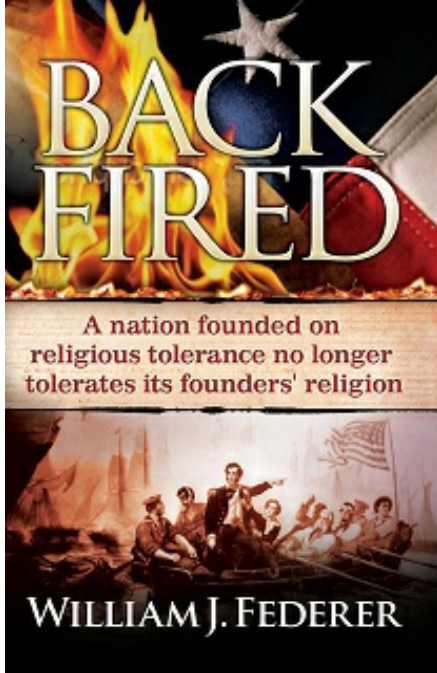


To understand the meaning of the **First Amendment**, it is necessary to know **what preceded it.**

Who proposed **its wording**, who **debated it**, who **passed it**, and who **ratified it** ... [continue reading American Minute here ...](#)

[Download as PDF ...](#)

[BACKFIRED-A Nation Founded for Religious Tolerance No Longer Tolerates the Religion of Its Founders](#)



The **13 colonies** in America were founded by **Christians** of **different denominations**:

- In 1607, **Virginia** was founded by **Anglicans**;
- In 1620, **Massachusetts** was founded by **Pilgrim Separatists & Puritans**;
- In 1624, **New York** was founded by **Dutch Reformed**;
- In 1632, **Maryland** was founded by **Catholics**;
- In 1636, **Rhode Island** was founded by **Baptists**;
- In 1636, **Connecticut** was founded by **Congregationalists**;
- In 1638, **New Hampshire** was founded by **Congregationalists**;
- In 1638, **Delaware** founded by **Lutherans**;
- In 1653, **North Carolina** was founded by **Anglicans**;
- In 1663, **South Carolina** founded by **Anglicans**;
- In 1664, **New Jersey** was founded by **Lutherans**;
- In 1682, **Pennsylvania** was founded by **Quakers**;
- In 1732, **Georgia** was founded by **Protestants**.

Religion in colonial America was described by **New York University Professor Emeritus Patricia U. Bonomi** in her article "Religious Pluralism in the Middle Colonies":

"The **colonists** were about **98 percent Protestant**."

When the **Revolutionary War** began, British Statesman **Edmund Burke** addressed the British Parliament in a speech titled "A Second Speech on the Conciliation with America," March 22, 1775:

"All **Protestantism** ... is a sort of dissent. But the religion most prevalent in **our Northern Colonies** is a refinement on the principle of resistance; it is the dissidence of dissent, and **the protestantism of the Protestant religion.**"

England has a **Bill of Rights** which can be traced back to the **Magna Carta** in 1215.

Following this example, **George Mason** wrote a **Virginia Declaration of Rights** which was adopted by the **Virginia Assembly** on June 12, 1776.

It stated:

"That **all men** are by nature **equally free and independent**, and have **certain inherent rights** ...

16) 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** toward each other."

Mason has since been referred to as the "**Father of the Bill of Rights.**"

His **Virginia's Declaration of Rights** is considered to have been one of the influences on **Jefferson** when wrote the **Declaration of Independence** a few weeks later.

Mason's Virginia Declaration of Rights is assumed to have influenced other state constitutional conventions which adopted similar "**Declarations**" or "**Bill of Rights**":

- **Maryland**, August 14, 1776;
- **Pennsylvania**, September 28, 1776; and
- **North Carolina**, December 18, 1776.

Maryland's state constitutional convention approved State Constitution and a **Bill of Rights** on August 14, 1776, which included:

"DECLARATION OF RIGHTS ... 33) That, as it is the **duty of every man to worship God** in such manner **as he thinks most acceptable to him**; all persons, professing the **Christian religion**, are equally entitled to **protection** in their **religious liberty**; wherefore **no person** ought by any law to be **molested** in his person or estate on account of his **religious persuasion** ... under color of religion, any man ... shall **infringe the laws of morality** ... yet the **Legislature** may, in their discretion, **lay a general and equal tax**, for the **support of the Christian religion** ...

35) That **no other test** ... ought to be required, on admission to any office of trust ... than such oath of support and fidelity to this State ... and a **declaration of a belief in the Christian religion** ...

FORM OF GOVERNMENT ... 55) That every person, appointed to any office ... shall ... take the following oath; to wit :-

I, A. B., do swear, that I do not hold myself bound in allegiance to the King of Great Britain, and that I will be faithful, and bear true allegiance to the State of Maryland; and shall also subscribe a **declaration of his belief in**

the Christian religion."

Pennsylvania included a **Bill of Rights** with its State Constitution, signed by **Governor Benjamin Franklin**, September 28, 1776:

"DECLARATION OF RIGHTS ... 2) That all men have a natural and unalienable **right to worship Almighty God** according to the **dictates of their own consciences** ... Nor can any man, who **acknowledges the being of a God**, be justly **deprived** or abridged of **any civil right as a citizen** ... And that no authority can ... in any case **interfere with ... the right of conscience** in the **free exercise of religious worship** ...

FRAME OF GOVERNMENT 10) And each member, before he takes his seat, shall make and subscribe **the following declaration**, viz:

I do believe in **one God**, the **Creator** and **Governor of the Universe**, the **Rewarder of the Good** and the **Punisher of the Wicked**. And I do acknowledge the **Scriptures of the Old and New Testament** to be given by **Divine Inspiration**. And **no further or other religious test** shall ever hereafter be **required**."

The **State of North Carolina** had a **Bill of Rights** in their State Constitution, adopted December 18, 1776:

"DECLARATION OF RIGHTS ... 19) That all men have a **natural and unalienable right to worship Almighty God** according to the **dictates of their own consciences** ...

FORM OF GOVERNMENT ... 32) That **no person**, who shall deny **the being of God** or the **truth of the Protestant religion**, or the **divine authority either of the Old or New Testaments**, or who shall hold **religious principles** incompatible with the freedom and safety of the State, **shall be capable of holding any office** ...

within this State."

Patrick Henry had the opportunity to be a **delegate** to the U.S. Constitutional Convention, but **refused**, skeptically saying he "smelled a rat."

George Mason agreed to be a **delegate** to the **U.S. Constitutional Convention** in 1787.

Mason proposed that there be a Preface to the **U.S. Constitution** listing a **Bill of Rights**. His suggestion was defeated and, as a result, **he refused to sign the Constitution**.

Mason with his pen, and **Patrick Henry** with his oratory, were considered "**Anti-Federalists**," as they argued **Virginia**, the largest state, should **not ratify** the **Federal Constitution** as it did **not** have a **Bill of Rights**.

Henry stated at **Virginia's Ratifying Convention** in June of 1788:

"You are not to inquire how your trade may be increased, nor how you are to become a great and powerful people, but **how your liberties can be secured**; for **liberty** ought to be the **direct end of your government**."

Henry continued:

"The **rights of conscience**, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human rights and privileges, **are rendered insecure**, if not lost, by **this change in government**."

Henry then introduced 40 articles guaranteeing rights.

James Madison and the **Federalists** countered with a **promise**, that if **Virginia delegates** ratified the Constitution, the first item the new government would undertake would be to pass **Amendments limiting**

Federal power.

This promise convinced Virginia's delegates to ratify the Constitution on June 21, 1788, being the tenth state to do so.

Once the **U.S. Constitution** was ratified, Virginia's state legislature convened again in the fall of 1788.

There, **Patrick Henry** introduced a resolution to instruct Virginia delegates to call for a general convention of all the States to draw up a **Bill of Rights with Amendments** to the U.S. Constitution.

Henry nominated **two anti-Federalists, Richard Henry Lee and William Grayson**, to be **Virginia's first Senators**.

Madison, who had wanted to be a Senator, then ran for Congress.

He **pledged** to voters during his campaign that he would indeed **push for Amendments**.

When the first Congress met, **Madison** did propose Amendments, but **none of the ones Henry had authored**.

Henry was disappointed, yet nevertheless satisfied that **his and Mason's efforts** were successful in bringing about a **Bill of Rights** to **keep the Federal Government from encroaching on citizens' rights**.

The **PREAMBLE** of the **U.S. Bill of Rights** stated:

"The Conventions of a number of **the States**, having at the time of their **adopting the Constitution**, expressed a desire, in order **to prevent misconstruction or abuse of its powers**, that further declaratory and **restrictive clauses should be added.**"

George Mason wrote a proposal for the **wording of the First Amendment**.

Kate Mason Rowland, in *The Life of George Mason*, NY: G.P. Putnam's Sons, 1892, Vol I, p. 244), wrote:

"The bill of rights here given is from the original manuscript in **the handwriting of George Mason**.

'Resolved, that the new constitution of government recommended by the late federal convention ought to be ratified when the following **Declaration of Rights and Amendments** shall be adopted ...

... 20. 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 have an equal, natural, and unalienable **right to the free exercise of religion**, according to the **dictates of conscience**; and that **no particular religious sect, or society of Christians**, ought to be favored or established by law, **in preference to others.**"

Madison drew upon **Mason's proposed wording** when he **introduced the First Amendment** in that first session of the U.S. Congress, June 8, 1789:

"The **civil rights** of none shall be **abridged** on account of **religious belief or worship**, nor shall any **national religion** be established, nor shall the full and equal **rights of conscience** be in any manner, or on any pretext, **infringed.**"

The **debates** of the **First Amendment** are recorded in the ***Annals of Congress***, beginning on August 15, 1789. (*Gales and Seaton's History*, pps. 757-795)

The **House Select Committee**, made up of a member from each state, presented its report to a Committee of the whole Congress on **proposed amendment**.

Mr. Elias Boudinot of New Jersey was in the Chair.

The fourth proposition being under consideration, as follows: Article 1. Section 9. Between paragraphs two and three insert

"no religion shall be established by law, nor shall the equal rights of conscience be infringed."

Mr. Peter Sylvester of New York had some doubts of the propriety of the mode of expression used in this paragraph. He apprehended that it was liable to a construction different from what had been made by the committee.

He **feared** it might be thought to have a **tendency to abolish religion altogether**.

Mr. John Vining of Delaware suggested the propriety of transposing the two members of the sentence.

Mr. Elbridge Gerry of Massachusetts said it would read better if it was, that

"no religious doctrine shall be established by law."

Mr. Roger Sherman of Connecticut thought the amendment altogether unnecessary, inasmuch as **Congress had no authority whatever delegated to them** by the Constitution **to make religious establishments**;

he would, therefore, move to have it struck out.

Mr. Daniel Carroll of Maryland -- As the **rights of conscience** are, in their nature, **of peculiar delicacy**, and **will little bear the gentlest touch of governmental**

hand;

and as many sects have concurred in opinion that **they are not well secured under the present constitution**, he said he was much in favor of adopting the words.

He thought it would tend more towards conciliating the minds of the people to the Government than almost any other amendment he had heard proposed.

He would not contend with gentlemen about the phraseology, his **object was to secure the substance** in such a manner as to satisfy the wishes of the honest part of the community.

Mr. James Madison of Virginia said, he apprehended the meaning of the words to be, that

"Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience."

Whether the words are necessary or not, he did not mean to say,

but they had been **required by some of the State Conventions**, who seemed to entertain an opinion that under the clause of the Constitution, which gave power to Congress to make all laws necessary and proper to carry into execution the Constitution, and the laws made under it, enabled them to make laws of such a nature as might **infringe the rights of conscience and establish a national religion;**

to prevent these effects he presumed the amendment was intended, and he thought it as well expressed as the nature of the language would admit.

Mr. Benjamin Huntington of Connecticut said that he

feared, with the gentleman first up on this subject, that the words might be taken in such latitude **as to be extremely hurtful to the cause of religion.**

He understood the amendment to mean what had been expressed by the gentleman from Virginia; but others might find it convenient to put another construction upon it.

The **ministers of their congregations** to the eastward (states) were maintained by the contributions of those who belonged to their society; the expense of building meetinghouses was contributed in the same manner.

These things were regulated by by-laws.

If an action was brought before a Federal Court on any of these cases, the person who had neglected to perform his engagements could not be compelled to do it; for a support of ministers, or building of places of worship might be construed into a religious establishment.

By the charter of Rhode Island, no religion could be established by law; he could give a history of the effects of such a regulation; indeed the people were now enjoying the blessed fruits of it.

He hoped, therefore, the amendment would be made in such a way as to **secure the rights of conscience, and a free exercise of the rights of religion, but not to patronize those who professed no religion at all.**

Mr. Madison thought, if the word **national** was inserted before religion, it would satisfy the minds of honorable gentlemen.

He believed that the people feared **one sect might obtain a preeminence, or two (Anglican & Congregational) combine together, and establish a**

religion to which they would **compel others to conform**.

He thought if the word **national** was introduced, it would point the amendment directly to the object it was intended to prevent.

Mr. Samuel Livermore of New Hampshire was not satisfied with that amendment; but he did not wish them to dwell long on the subject.

He thought it would be better if it was altered, and made to read in this manner, that **Congress shall make no laws touching religion, or infringing the rights of conscience**.

Mr. Elbridge Gerry of Massachusetts did not like the term **national**, proposed by the gentleman from Virginia, and he hoped it would not be adopted by the House.

It brought to his mind some observations that had taken place in the conventions at the time they were considering the present Constitution.

It had been insisted upon by those who were called **anti-federalists, that this form of Government consolidated the Union**; the honorable gentleman's motion shows that he considers it in the same light.

Those who were called **anti-federalists** at that time complained that they had injustice done them by the title, because they were in favor of a Federal Government, and the others were in favor of a national one; **the federalists** were for **ratifying the constitution as it stood**, and **the others** not until **amendments were made**.

Mr. Madison withdrew his motion, but observed that the words "**no national religion shall be established by law**," did not imply that the **Government was a national one**;

the question was then taken on Livermore's motion, and passed in the affirmative, thirty-one for, and twenty against it.

The House agreed and accepted the first five words of this version.

On August 20, 1789, **Fisher Ames of Massachusetts** suggested:

"Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience."

The **House** accepted this and sent it to the **Senate**.

On September 3, 1789, the **Senate** proposed several versions in succession:

"Congress shall not make any law infringing the rights of conscience, or establishing any religious sect or society."

"Congress shall make no law establishing any particular denomination of religion in preference to another, or prohibiting the free exercise thereof, nor shall the rights of conscience be infringed."

"Congress shall make no law establishing one religious society in preference to others, or to infringe on the rights of conscience."

At the end of the day, September 3, 1789, the **Senate** accepted:

"Congress shall make no law establishing religion, or prohibiting the free exercise thereof."

On September 9, 1789, the **Senate** agreed on the

version:

"Congress shall make **no law establishing articles of faith or a mode of worship**, or prohibiting the **free exercise of religion.**"

A joint House and Senate committee gave the final wording, September 24, 1789:

"**Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.**"

The Amendment was **a limit on the Federal Government only**, as confirmed at **North Carolina's Ratifying Convention**, July 30, 1788, by **Governor Samuel Johnston**:

"The people of **Massachusetts** and **Connecticut** are **mostly Presbyterians ...**

In **Rhode Island**, the tenets of the **Baptists**, I believe, prevail.

In **New York**, they are divided very much; the most numerous are the **Episcopalians** and the **Baptists**.

In **New Jersey**, they are as much divided as we are.

In **Pennsylvania**, if any sect prevails more than others, it is that of the **Quakers**.

In **Maryland**, the **Episcopalians** are most numerous, though there are other sects.

In **Virginia**, there are **many sects ...**

I hope, therefore, that gentlemen will see there is **no cause of fear that any one religion shall be exclusively established.**"

Supreme Court Justice Joseph Story, nominated by President James Madison, explained in his *Commentaries on the Constitution of the United States*, 1833:

"In some of the States, **Episcopalians** constituted the predominant sect; in other, **Presbyterians**; in others, **Congregationalists**; in others, **Quakers** ...

The whole power over **the subject of religion** is left **exclusively to the State governments**, to be acted upon according to their own sense of justice **and the State Constitutions.**"

Justice Joseph Story wrote in *A Familiar Exposition of the Constitution of the United States*, 1840:

"The real object of the **First Amendment** was not to countenance, much less to advance Mohammedanism, 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 a hierarchy the exclusive patronage of the national government."

Bouvier's Law Dictionary (Philadelphia, J.B. Lippincott Co., 1889) gave the definition of "RELIGION":

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof' ...

By **establishment of religion** is meant the setting up of state church, or at least **conferring upon one church of special favors** which are denied to others ...

The **Christian religion is, of course, recognized by the government**, yet ... the **preservation of religious liberty is left to the States** ...

This provision and that relating to religious tests are limitations upon the power of the (Federal) Congress only."

After World War II, the **religious affiliation** in the **United States** was **94 percent Christian**, made up of **70 percent Protestant** and **24 percent Catholic**. **Jewish faith** comprised approximately **2 percent**.

Things began to change with **Justice Hugo Black**. His *Everson v. Board of Education* decision in 1947, **removed religion from under States' jurisdiction** and **redefined Jefferson's phrase "wall of separation between church and state."**

Black's only judicial experience had been **one year as a police court judge** before being nominated to the Supreme Court by **Franklin Roosevelt**. He had been a **Democrat Senator** (and former KKK member) from Alabama.

As incredulous as it may seem, **Justice Black** had not read the above **debates of the First Amendment** till *after* he issued his *Everson* decision.

Professor Daniel L. Dreisbach of the Department of Justice, Law & Society at **American University** in Washington, D.C., wrote in *Thomas Jefferson and the Wall of Separation between Church and State* (New York University Press, 2002):

"Significantly, **Hugo Black's** biographer reported that **the justice did not peruse the proceedings of the First Congress**, which **debated** the provision now known as the **First Amendment** until '*after Everson was decided.*'"

Dreisbach was citing Roger K. Newman's book, *Hugo Black: A Biography* (NY: Pantheon Books, 1994, p.

365) which stated:

"After *Everson* was decided, he received a letter suggesting he read the *Annals of Congress*, the proceedings of the first Congress. "Get volume 1 and let's see what was said," Black scribbled on the letter."

Many would consider it incomprehensible that **the Justice** who wrote the decision **redefining the First Amendment never read beforehand the proceedings of the Congress that debated and passed it.**

Roger K. Newman's book contains what other **Justices** thought of **Hugo Black's** style:

"He essayed an almost exclusively *legislative* history. This befitted his background, but **did not tell anywhere near the whole story.** A constitutional amendment, not a statue, was being enacted.

But **Black neglected the ratification process in the states,** and when legislators vote on a proposal they cannot escape the enveloping atmosphere.

Black also ignored that, as well as the Amendment's historical antecedents ...

Black's was an advocate's history: he proved too much and **ignored or swept away all doubtful evidence.** Try as he did, **he could not get advocacy out of him ...**

'Hugo is trying to change the world and misreading history in the attempt, just making things up out of whole cloth,' Justice Frankfurter told his clerk ...

Black's history was open to valid criticism ...

Privately, **Frankfurter** 'referred to **Black** in very personal terms,' recalled television reporter Martin Agronsky ...
'**(but) Black's Klan connection** was always in the back of his mind. **He didn't trust Black**' ...

Justice Stanley Reed made a similar point in his kind way. '**Black will put something in this opinion** that he plans to pull out five opinions down the road," he told a clerk, 'so **you better be very careful** about the future implications of **what you see in the things that he circulates.**'

Much of the same thing came from **Justice Bill Douglas** ... '**You have to watch Hugo. He's tricky.**'"

Reagan said February 25, 1984:

"Sometimes I can't help but feel the **First Amendment is being turned on its head.**"

Reagan told the Alabama Legislature, MARCH 15, 1982:

"To those who cite the **First Amendment** as reason for **excluding God** from more and more of our institutions and every-day life, may I just say:

The **First Amendment of the Constitution** was not written to protect the people of this country from religious values; it **was written to protect religious values from government tyranny.**"

Reagan stated in a Radio Address, 1982:

"The **Constitution** was never meant to prevent people from praying; its declared purpose was to **protect their freedom to pray.**"

On September 25, 1982, **Reagan** said:

"Unfortunately, in the last two decades we've

experienced an onslaught of such **twisted logic** that if Alice were visiting America, she might think she'd never left Wonderland.

We're told that it somehow violates the rights of others to permit students in school who desire to pray to do so.

Clearly this infringes on the freedom of those who choose to pray, the freedom taken for granted since the time of our Founding Fathers ..."

He continued:

"To prevent those who believe in God from expressing their faith is an outrage ..."

The relentless drive to eliminate God from our schools ... should be stopped."

Reagan told the Annual Convention of the National Religious Broadcasters, January 30, 1984:

"I was pleased last year to proclaim 1983 the **Year of the Bible**. But, you know, a group called the **ACLU** severely criticized me for doing that. Well, **I wear their indictment like a badge of honor.**"

Reagan stated on the National Day of Prayer, May 6, 1982:

"Well-meaning Americans **in the name of freedom have taken freedom away**. For the sake of religious tolerance, **they've forbidden religious practice.**"

On March 15, 1984, the **U.S. Senate voted down** children **praying in public schools**.

President Ronald Reagan said:

"I am deeply disappointed that, although a majority of the

Senate voted for it, the **school prayer amendment fell short.**"

Reagan stated in a radio address, February 25, 1984:

"Former Supreme Court Justice Potter Stewart noted if religious exercises are held to be impermissible activity in schools, **religion** is placed at an artificial and **state-created disadvantage.**

Permission for such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a **refusal to permit them** is seen **not as the realization of state neutrality**, but rather as the **establishment of a religion of secularism.**"

Attorney General William Barr stated in an interview with Cardinal Timothy Dolan (Sirius XM; *The Federalist*; WND.com, 2/1/20):

"I feel today **religion is being driven out of the marketplace of ideas** and there's a organized **militant secular effort to drive religion out of our lives ...**

To me the problem today is not that religious people are trying to impose their views on nonreligious people, it's the opposite — it's that **militant secularists are trying to impose their values on religious people** and **they're not accommodating the freedom of religion of people of faith.**"

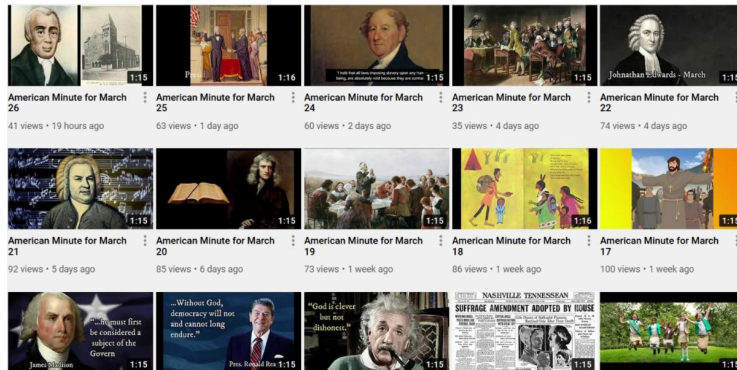
Reagan stated at an Ecumenical Prayer Breakfast, August 23, 1984:

"The frustrating thing is that **those who are attacking religion** claim they are doing it **in the name of tolerance** and freedom and open-mindedness.

Question: Isn't the real truth that **they are intolerant of religion?**"

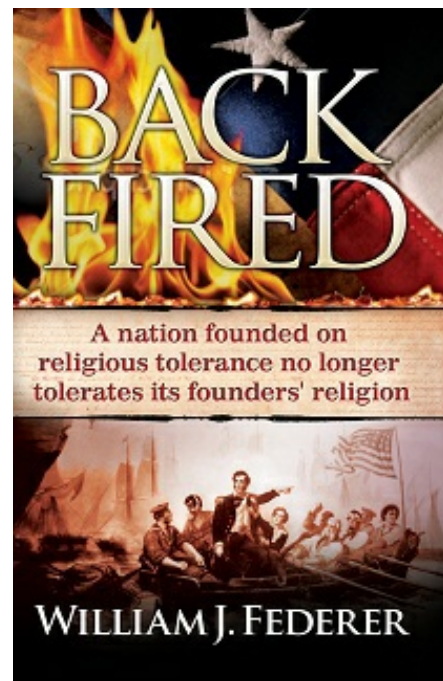
[Download as PDF ... Wording of the First Amendment & Who Twisted It](#)

[Read as American Minute blog post](#)



Rumble
YouTube
Spotify

[BACKFIRED-A Nation Founded for Religious Tolerance No Longer Tolerates the Religion of Its Founders](#)



Schedule Bill Federer for interviews & speaking: 314-502-8924 wjfederer@gmail.com

American Minute is a registered trademark of William J. Federer. Permission is granted to forward, reprint, or duplicate, with acknowledgment.

www.AmericanMinute.com

Please consider a donation to American Priorities. Thank you!

Understanding the Culture (part 1)

Understanding the Culture (part 2)

Understanding the Culture (part 3)

Interview on Bill O'Reilly "Shock & Awe" Program

Interviews on The Eric Metaxas Show

Bott Radio Network, Encounter with Judy Redlich, Pilgrim
History

700 Club - Miraculous Milestones in Science, Medicine &
Innovation

700 Club - Socialism (episode 1)

700 Club - Socialism (episode 2)

700 Club - Miracles in History (episode 1)

(episode 2)

(episode 3)

Miracles in American History-Volume TWO (D.James Kennedy
Ministry)

Faith in History TCT

Archives

CBN "Liberty" Special

Sign up for Reading Plan: Old and New Testaments in a Year

