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Portrait of the U.S.A.

Chapter Eight: SEPARATING CHURCH AND STATE

Freedom of Religion

Early in their history, Americans rejected the concept of the established or government-favored religion that had dominated -- and divided -- so many European countries. Separation of church and state was ordained by the First Amendment to the U.S. Constitution, which provides in part that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...."

The First Amendment sounds straightforward, but at times it is difficult even for American constitutional scholars to draw a distinct line between government and religion in the United States. Students in public schools may not pray publicly as part of the school day, yet sessions of the U.S. Congress regularly begin with a prayer by a minister. Cities may not display a Christmas crèche on public property, but the slogan "In God We Trust" appears on U.S. currency, and money given to religious institutions can be deducted from one's income for tax purposes. Students who attend church-affiliated colleges may receive federal loans like other students, but their younger siblings may not receive federal monies specifically to attend religious elementary or secondary schools.

It may never be possible to resolve these apparent inconsistencies. They derive, in fact, from a tension built into the First Amendment itself, which tells Congress neither to establish nor to interfere with religion. Trying to steer a clear course between those two dictates is one of the most delicate exercises required of American public officials.

INTERPRETING THE FIRST AMENDMENT

One of the first permanent settlements in what became the North American colonies was founded by English Puritans, Calvinists who had been outsiders in their homeland, where the Church of England was established. The Puritans settled in Massachusetts, where they grew and prospered. They considered their success to be a sign that God was pleased with them, and they assumed that those who disagreed with their religious ideas should not be tolerated.

When the colony's leaders forced out one of their members, Roger Williams, for disagreeing with the clergy, Williams responded by founding a separate colony, which became the state of Rhode Island, where everyone enjoyed religious freedom. Two other states originated as havens for people being persecuted for their religious beliefs: Maryland as a refuge for Catholics and Pennsylvania for the Society of Friends (Quakers), a Protestant group whose members espouse plain living and pacifism.

Even after the adoption of the Constitution in 1787 and the Bill of Rights (which includes the First Amendment) in 1791, Protestantism continued to enjoy a favored status in some states. Massachusetts, for example, did not cut its last ties between church and state until 1833. (As written, the First Amendment applies only to the federal government, not to the states. The Fourteenth Amendment, ratified in 1868, forbids states to "deprive any person of life, liberty, or property, without due process of law." This clause has been interpreted to mean that the states

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must protect the rights -- including freedom of religion -- that are guaranteed by the Bill of Rights.)

In the 20th century, the relationship between church and state reached a new stage of conflict -- that between civic duty and individual conscience. The broad outlines of an approach to that conflict took shape in a number of Supreme Court rulings.

Perhaps the most noteworthy of these was *West Virginia State Board of Education v. Barnette* (1943). The suit stemmed from the refusal of certain members of the Jehovah's Witness religion to salute the American flag during the school day, as commanded by state law. Because their creed forbade such pledges of loyalty, the Witnesses argued, they were being forced to violate their consciences. Three years earlier, the Supreme Court had upheld a nearly identical law -- a decision that had been roundly criticized. In the 1943 case, the Court in effect overruled itself by invoking a different clause in the First Amendment, the one guaranteeing freedom of speech. Saluting the flag was held to be a form of speech, which the state could not force its citizens to perform.

Since then the Supreme Court has carved out other exceptions to laws on behalf of certain religious groups. There remains, however, a distinction between matters of private conscience and actions that adversely affect other people. Thus, members of the Church of Jesus Christ of Latter-Day Saints (Mormons) were jailed in the 19th century for practicing polygamy (subsequently the Mormon Church withdrew its sanction of polygamy). More recently, parents have been convicted of criminal negligence for refusing to obtain medical help for their ailing children, who went on to die, even though the parents' religious beliefs dictated that they refuse treatment because faith would provide a cure.

PROTESTANTS -- LIBERAL AND CONSERVATIVE

Americans have been swept up in many waves of religious excitement. One that occurred in the 1740s, called the Great Awakening, united several Protestant denominations in an effort to overcome a sense of complacency that had afflicted organized religion. A second Great Awakening swept through New England in the early 19th century.

Not all of New England's clergymen, however, were sympathetic to the call for revival. Some had abandoned the Calvinist idea of predestination, which holds that God has chosen those who will be saved -- the "elect" -- leaving humans no ability to affect their destinies through good works or other means. Some ministers preached that all men had free will and could be saved. Others took even more liberal positions, giving up many traditional Christian beliefs. They were influenced by the idea of progress that had taken hold in the United States generally. Just as science adjusted our understanding of the natural world, they suggested, reason should prompt reassessments of religious doctrine.

Liberal American Protestantism in the 19th century was allied with similar trends in Europe, where scholars were reading and interpreting the Bible in a new way. They questioned the validity of biblical miracles and traditional beliefs about the authorship of biblical books. There was also the challenge of Charles Darwin's theory of evolution to contend with. If human beings were descended from other animals, as most scientists came to believe, then the story of Adam and Eve, the biblical first parents, could not be literally true.

What distinguished 19th-century liberal Protestants from their 20th-century counterparts was optimism about the human capacity for improvement. Some of the early ministers believed that the church could accelerate progress by trying to reform society. In the spirit of the gospels, they began to work on behalf of the urban poor. Today's liberal clergymen -- not just Protestants but Catholics and others, too -- may be less convinced that progress is inevitable, but many of them have continued their efforts on behalf of the poor by managing shelters for homeless people, feeding the hungry, running day-care centers for children, and speaking out on social issues. Many are active in the ecumenical movement, which seeks to bring about the reunion of Christians into one church.

While liberal Protestants sought a relaxation of doctrine, conservatives believed that departures from the literal truth of the Bible were unjustified. Their branch of Protestantism is often called

"evangelical," after their enthusiasm for the gospels of the New Testament.

Evangelical Christians favor an impassioned, participatory approach to religion, and their services are often highly charged, with group singing and dramatic sermons that evoke spirited responses from the congregation. The South, in particular, became a bastion of this "old-time religion," and the conservative Baptist church is very influential in that region. In recent decades some preachers have taken their ministry to television, preaching as "televangelists" to large audiences.

In 1925 the conflict between conservative faith and modern science crystallized in what is known as the Scopes trial in Tennessee. John Scopes, a high school biology teacher, was indicted for violating a state law that forbade teaching the theory of evolution in public schools. Scopes was convicted after a sensational trial that featured America's finest criminal lawyer of the time, Clarence Darrow, for the defense and the renowned populist and former presidential candidate, William Jennings Bryan, for the prosecution.

Since then the Supreme Court has ruled that laws banning the teaching of evolution violate the First Amendment's prohibition of establishing religion. Subsequently the state of Louisiana tried a different approach: It banned the teaching of evolution unless the biblical doctrine of special creation was taught as an alternative. This, too, the Court invalidated as an establishment of religion.

Despite the Supreme Court's clear rulings, this and similar issues pitting reason versus faith remain alive. Religious conservatives argue that teaching evolution alone elevates human reason above revealed truth and thus is antireligious. And even some thinkers who might otherwise be considered liberals have argued that the media and other American institutions foster a climate that tends to slight, if not ridicule, organized religion. Meanwhile, the trend toward removing religious teaching and practices from public schools has prompted some parents to send their children to religious schools and others to educate their children at home.

CATHOLICS AND RELIGIOUS SCHOOLS

By the time of the Civil War, over one million Irish Catholics had come to the United States. In a majority Protestant country, they and Catholics of other backgrounds were subjected to prejudice. As late as 1960, some Americans opposed Catholic presidential candidate John F. Kennedy on the grounds that, if elected, he would do the Pope's bidding. Kennedy confronted the issue directly, pledging to be an American president, and his election did much to lessen anti-Catholic prejudice in the United States.

Although Catholics were never denied access to public schools or hospitals, beginning in the 19th century they built institutions of their own, which met accepted standards while observing the tenets of Catholic belief and morality. On the other hand, the Catholic Church does not require its members to go to church-run institutions. Many Catholic students attend public schools and secular colleges. But Catholic schools still educate many Catholic young people, as well as a growing number of non-Catholics, whose parents are attracted by the discipline and quality of instruction.

Catholics have long recognized that the separation of church and state protects them, like members of other religions, in the exercise of their faith. But as the costs of maintaining a separate educational system mounted, Catholics began to question one application of that principle. Catholic parents reasoned that the taxes they pay support public schools, but they save the government money by sending their children to private schools, for which they also pay tuition. They sought a way in which they might obtain public funds to defray their educational expenses. Parents who sent their children to other private schools, not necessarily religious, joined in this effort.

The legislatures of many states were sympathetic, but the Supreme Court ruled unconstitutional most attempts to aid religious schools. In 2002, however, the Court upheld one city's voucher program, which gives financial aid to students who attend private -- not necessarily religious -- schools, ruling that the program assists families and does not sanction religious education.

LAND OF MANY FAITHS

Like Catholics, Jews were a small minority in the first years of the American republic. Until the late 19th century, most Jews in America were of German origin. Many of them belonged to the Reform movement, a liberal branch of Judaism that had made many adjustments to modern life. Anti-Semitism, or anti-Jewish prejudice, was not a big problem before the Civil War. But when Jews began coming to America in great numbers, anti-Semitism appeared. Jews from Russia and Poland, who as Orthodox Jews strictly observed the traditions and dietary laws of Judaism, clustered in city neighborhoods when they first arrived in the United States.

Usually, Jewish children attended public schools and took religious instruction in special Hebrew schools. The children of Jewish immigrants moved rapidly into the professions and into American universities, where many became intellectual leaders. Many remained religiously observant, while others continued to think of themselves as ethnically Jewish, but adopted a secular, nonreligious outlook.

To combat prejudice and discrimination, Jews formed the B'nai Brith Anti-Defamation League, which has played a major role in educating Americans about the injustice of prejudice and making them aware of the rights, not only of Jews, but of all minorities.

By the 1950s a three-faith model had taken root: Americans were described as coming in three basic varieties -- Protestant, Catholic, and Jew. The order reflects the numerical strength of each group: In 2000 Protestants of all denominations comprised about 56 percent of the population; Catholics, 27 percent; and Jews, 2 percent.

Today the three-faith formula is obsolete. According to the 2000 *Yearbook of American and Canadian Churches*, U.S. Muslims account for approximately 1.5 percent of the population. It is estimated that the number of mosques in the United States -- today, about 1,200 -- has doubled in the last 20 years. Buddhism and Hinduism are growing with the arrival of immigrants from countries where these are the majority religions. In some cases, inner-city Christian churches whose congregations have moved to the suburbs have sold their buildings to Buddhists, who have refitted them to suit their practices.

PRINCIPLES OF TOLERANCE

America has been a fertile ground for new religions. The Mormon and Christian Science Churches are perhaps the best-known of the faiths that have sprung up on American soil. Because of its tradition of noninterference in religious matters, the United States has also provided a comfortable home for many small sects from overseas. The Amish, for example, descendants of German immigrants who reside mostly in Pennsylvania and neighboring states, have lived simple lives, wearing plain clothes and shunning modern technology, for generations.

Some small groups are considered to be religious cults because they profess extremist beliefs and tend to glorify a founding figure. As long as cults and their members abide by the law, they are generally left alone. Religious prejudice is rare in America, and interfaith meetings and cooperation are commonplace.

The most controversial aspect of religion in the United States today is probably its role in politics. In recent decades some Americans have come to believe that separation of church and state has been interpreted in ways hostile to religion. Religious conservatives and fundamentalists have joined forces to become a powerful political movement known as the Christian right. Among their goals is to overturn, by law or constitutional amendment, Supreme Court decisions allowing abortion and banning prayer in public schools.

While some groups openly demonstrate their religious convictions, for most Americans religion is a personal matter not usually discussed in everyday conversation. The vast majority practice their faith quietly in whatever manner they choose -- as members of one of the traditional religious denominations, as participants in nondenominational congregations, or as individuals who join no organized group. However Americans choose to exercise their faith, they are a

spiritual people. Nine out of ten Americans express some religious preference, and approximately 70 percent are members of religious congregations.

[Chapter 9: The Social Safety Net >>>>](#)