



AMERICA, A CHRISTIAN NATION



By Supreme Court Justice David J. Brewer

Editor's Note: Most public officials as well as American citizens do not realize that Supreme Court Justice Brewer, who served from 1890 to 1910, wrote a lengthy opinion establishing the legal logic that America is a Christian nation.

We classify nations in various ways, as, for instance, by their form of government. One is a kingdom, another an empire, and still another a republic. Also by race. Great Britain is an Anglo-Saxon nation, France a Gallic, Germany a Teutonic, Russia a Slav. And still again by religion. One is a Mohammedan nation, others are heathen, and still others are Christian nations.

This Republic is classified among the Christian nations of the world. It was so formally declared by the Supreme Court of the United States. In the case of Holy Trinity Church vs. United States, 143 U. S. 471, that Court, after mentioning various circumstances, added, "these and many other matters which might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation." (Unanimous opinion, Feb. 29, 1892.)

But in what sense can it be called a Christian nation? Not in the sense that Christianity is the established religion or that the people are in any manner compelled to support it. On the contrary, the Constitution specifically provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Neither is it Christian in the sense that all its citizens are either in fact or name Christians. On the contrary, all religions have free scope within our borders. Numbers of our people profess other religions, and many reject all. Nor is it Christian in the sense that a profession of Christianity is a condition of holding office or otherwise engaging in the public service, or essential to recognition either politically or socially. In fact the Government as a legal organization is independent of all religions.

Nevertheless, we constantly speak of this Republic as a Christian nation—in fact, as the leading Christian nation of the world. This popular use of the term certainly has significance. It is not a mere creation of the imagination. It is not a term of derision but has a substantial basis—one which justifies its use. Let us analyze a little and see what is the basis.

Its use has had from the early settlements on our shores and still has an official foundation. It is only about three centuries since the beginning of civilized life within the limits of these United States. And those beginnings were in a marked and marvelous degree identified with Christianity....

Christianity Inspired Colonies

It is not exaggeration to say that Christianity in some of its creeds was the principal cause of the settlement of many of the colonies, and co-operated with business hopes and purposes in the settlement of the others. Beginning in this way and under these influences it is not strange that the colonial life had an emphatic Christian tone....

In Delaware, by the Constitution of 1776, every officeholder was required to make and subscribe the following declaration: "I, A. B., do profess faith in God the Father, and in Jesus Christ His Only Son, and in the Holy Ghost, one God, blessed forevermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by divine inspiration."

New Hampshire, in the Constitutions of 1784 and 1792, required that senators and representatives should be of the "Protestant religion," and this provision remained in force until 1877.

The fundamental Constitutions of the Carolinas declared: "No man shall be permitted to be a freeman of Carolina, or to have any estate or habitation within it that doth not acknowledge a God, and that God is publicly and solemnly to be worshipped."

The Constitution of North Carolina, of 1776, provided: "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 or place of trust or profit in the civil department within this State." And this remained in force until 1835, when it was amended by changing the word "Protestant" to "Christian," and as so amended remained in force until the Constitution of 1868. And in that Constitution among the persons disqualified for office were "all persons who shall deny the being of Almighty God."...

Christianity Fundamental to Office Holding

In Maryland, by the Constitution of 1776, every person appointed to any office of profit or trust was not only to take an official oath of allegiance to the State, but also to "subscribe a declaration of his belief in the Christian religion." In the same State, in the Constitution of 1851, it was declared that no other test or qualification for admission to any office of trust or profit shall be required than the official oath "and a declaration of belief in the Christian religion; and if the party shall profess to be a Jew the declaration shall be of his belief in a future state of rewards and punishments." As late as 1864 the same State in its Constitution had a similar provision, the change being one merely of phraseology, the provision reading, "a declaration of belief in the Christian religion, or of the existence of God, and in a future state of rewards and punishments."

Mississippi, by the Constitution of 1817, provided that "no person who denies the being of God or a future state of rewards and punishments shall hold any office in the civil department of the State."

Another significant matter is the recognition of Sunday. That day is the Christian Sabbath, a day peculiar to that faith, and known to no other. It would be

impossible within the limits of a lecture to point out all the ways in which that day is recognized. The following illustrations must suffice: By the United States Constitution the President is required to approve all bills passed by Congress. If he disapproves he returns it with his veto. And then specifically it is provided that if not returned by him within ten days, "Sundays excepted," after it shall have been presented to him it becomes a law. Similar provisions are found in the Constitutions of most of the States, and in thirty-six out of forty-five is the same expression, "Sundays excepted."

By decisions in many States a contract made on Sunday is invalid and cannot be enforced. By the general course of decision no judicial proceedings can be held on Sunday. All legislative bodies, whether municipal, State or national, abstain from work on that day. Indeed, the vast number of official action, legislative and judicial, recognize Sunday as a day separate and apart from the others, a day devoted not to the ordinary pursuits of life.

God's Name Prevails

While the word "God" is not infrequently used both in the singular and plural to denote any supreme being or beings, yet when used alone and in the singular number it generally refers to that Supreme Being spoken of in the Old and New Testaments and worshipped by Jew and Christian. In that sense the word is used in constitution, statute and instrument. In many State Constitutions we find in the preamble a declaration like this: "Grateful to Almighty God." In some he who denied the being of God was disqualified from holding office. It is again and again declared in constitution and statute that official oaths shall close with an appeal, "So help me, God." When, upon inauguration, the President-elect each four years consecrates himself to the great responsibilities of Chief Executive of the Republic, his vow of consecration in the presence of the vast throng filling the Capitol grounds will end with the solemn words, "So help me, God." In all our courts witnesses in like manner vouch for the truthfulness of their testimony. The common commencement of wills is "In the name of God, Amen." Every foreigner attests his renunciation of allegiance to his former sovereign and his acceptance of citizenship in this Republic by an appeal to God.

These various declarations in charters, constitutions and statutes indicate the general thought and purpose. If it be said that similar declarations are not found in all the charters or in all the constitutions, it will be borne in mind that the omission oftentimes was because they were deemed unnecessary, as shown by the quotation just made from the opinion of the Supreme Court of Louisiana, as well as those hereafter taken from the opinions of other courts. And further, it is of still more significance that there are no contrary declarations. In no charter or constitution is there anything to even suggest that any other than the Christian is the religion of this country. In none of them is Mohammed or Confucius or Buddha in any manner noticed. In none of them is Judaism recognized other than by way of toleration of its special creed. While the separation of church and state is often affirmed, there is nowhere a repudiation of Christianity as one of the institutions as well as benedictions of society.

In short, there is no charter or constitution that is either infidel, agnostic or anti-Christian. Wherever there is a declaration in favor of any religion it is of the Christian. In view of the multitude of expressions in its favor, the avowed separation between church and state is a most satisfactory testimonial that it is the religion of this country, for a peculiar thought of Christianity is of a personal relation between man and his Maker, uncontrolled by and independent of human government.

Notice also the matter of chaplains. These are appointed for the army and navy, named as officials of legislative assemblies, and universally they belong to one or other of the Christian denominations. Their whole range of service, whether in prayer or preaching, is an official recognition of Christianity. If it be not so, why do we have chaplains?

Christ Honored in All States

If we consult the decisions of the courts, although the formal question has seldom been presented because of a general recognition of its truth, yet in *The People vs. Ruggles*, 8 John. 290, 294, 295, Chancellor Kent, the great commentator on American law, speaking as Chief Justice of the Supreme Court of New York, said: "The people of this State, in common with the people of this country, profess the general doctrines of Christianity, as the rule of their faith and practice."

The New York Supreme Court, in *Lindenmuller vs. The People*, 33 Barbour, 561, held that:

"Christianity is not the legal religion of the State, as established by law. If it were, it would be a civil or political institution, which it is not; but this is not inconsistent with the idea that it is in fact, and ever has been, the religion of the people. This fact is everywhere prominent in all our civil and political history, and has been, from the first, recognized and acted upon by the people, as well as by constitutional conventions, by legislatures and by courts of justice."

In *Arkansas, Shover vs. The State*, 10 English, 263, the Supreme Court said:

"Sunday or the Sabbath is properly and emphatically called the Lord's Day, and is one amongst the first and most sacred institutions of the Christian religion. This system of religion is recognized as constituting a part and parcel of the common law, and as such all of the institutions growing out of it, in any

If now we pass from the domain of official action and recognition to that of individual acceptance we enter a field of boundless extent, and I can only point out a few of the prominent facts:

Notice our educational institutions. I have already called your attention to the provisions of the charters of the first three colleges. Think of the vast number of academies, colleges and universities scattered through the land. Some of them, it is true, are under secular control, but there is yet to be established in this country one of those institutions founded on the religions of Confucius, Buddha or Mohammed, while an overwhelming majority are under the special direction and control of Christian teachers.

The Bible, the Guide of Life

You will have noticed that I have presented no doubtful facts. Nothing has been stated which is debatable. The quotations from charters are in the archives of the several States; the laws are on the statute books; judicial opinions are taken from the official reports; statistics from the census publications. In short, no evidence has been presented which is open to question.

I could easily enter upon another line of examination. I could point out the general trend of public opinion, the disclosures of purposes and beliefs to be found in letters, papers, books and unofficial declarations. I could show how largely our laws and customs are based upon the laws of Moses and the teachings of Christ; how constantly the Bible is appealed to as the guide of life and the authority in questions of morals; how the Christian doctrines are accepted as the great comfort in times of sorrow and affliction, and fill with the light of hope the services for the dead. On every hilltop towers the steeple of some Christian church, while from the marble witnesses in God's acre comes the universal but silent testimony to the common faith in the Christian doctrine of the resurrection and the life hereafter.

But I must not weary you. I could go on indefinitely, pointing out further illustrations both official and non-official, public and private; such as the annual Thanksgiving proclamations, with their following days of worship and feasting; announcements of days of fasting and prayer; the universal celebration of Christmas; the gathering of millions of our children in Sunday Schools, and the countless volumes of Christian literature, both prose and poetry. But I have said enough to show that Christianity came to this country with the first colonists; has been powerfully identified with its rapid development, colonial and national, and today exists as a mighty factor in the life of the Republic.