

with a Bachelor's degree in Religious Education." The bio asserts that Barton taught math and science before forming Wallbuilders, though it does not say where.

(Wallbuilders takes its ironic name from a passage in Nehemiah 2, which reads, "Ye see the distress that we are in, how Jerusalem lieth waste, and the gates thereof are burned with fire: come, and let us build up the wall of Jerusalem, that we be no more a reproach." Like the Old Testament prophet Nehemiah, Barton apparently sees himself as chosen by God to rebuild his nation's moral foundations.)

According to Steven K. Green, legal counsel for Americans United for Separation of Church and State, the type of bad history promoted by Barton and others is increasingly common in Religious Right circles.

Green, who is working on a Ph.D. dissertation in church-state relations during the 19th century, says Religious Right revision-

ists are trying to re-write American history to suit their political agenda. Green said the effort today is an extension of activity begun by conservative religious figures during the 19th century.

"During the post-Revolutionary period, orthodox ministers criticized the Constitution as being un-Christian and attacked many of the founders—especially Jefferson—for their non-traditional religious views," Green said. "These ministers advocated the continuation of state churches and saw the First Amendment as a threat to their privileged positions. But it wasn't until the mid 19th century that evangelicals began rewriting the history of the founding period to fit their perspective of America as a 'Christian nation.'"

Continued Green, "This type of revisionism is dangerous because it distorts the historical record by removing certain statements and events from their historical context. A distorted fact is always more persuasive than an outright lie." □

DAVID BARTON'S BAD HISTORY

When A Myth Is As Good As A Mile

David Barton makes a number of inaccurate statements in his anti-separationist book *The Myth of Separation* and its accompanying videos. Barton also relies heavily on half truths, often failing to tell the whole story behind selected historical incidents.

Two versions of Barton's hour-long video "America's Godly Heritage" are in circulation. Although the newer edition (1992) omits some of the more egregious errors of the earlier tape, both are similar overall and contain the same information. (A condensed, 12-minute version of the tape titled "Foundations of American Government" is also in circulation.)

Since Barton's materials are being used increasingly by the Religious Right in their war against church-state separation, *Church & State* examined the book and videos carefully and prepared the following analysis of some of Barton's key points.

Barton: The Supreme Court in 1947 lifted the phrase "wall of separation between church and state" from a speech Thomas Jefferson made in 1801. Later in the speech, Jefferson went on to say, "That wall is a one directional wall. It keeps the government from running the church but it makes sure that Christian principles will always stay in government."

Response: This inaccurate claim about Jefferson is undoubtedly Barton's biggest mistake, and he omitted it in the updated version of his tape. But earlier copies remain in wide circulation, and the charge is being recycled repeatedly by the Religious Right.

Barton is wrong on three counts. In truth, Jefferson first used the "wall" metaphor in an 1802 letter to the Danbury Baptist Association. The letter says nothing about the wall being "one

directional" and certainly does not assert that it was intended to keep Christian principles in government.

Barton: Fifty-two out of 55 of the founding fathers were "orthodox, evangelical Christians."

Response: This is a good example of the half truths common in Barton's materials. Most of the founders were members of the Church of England, which can hardly be described as an evangelical body. While it is true that many of the framers were devout Christians, that does not make them theological compatriots of today's Religious Right. (Barton must have again realized his mistake. In the updated version of the tape, he says 52 of the framers were simply "orthodox" Christians and adds, "Many of them were evangelicals.")

Richard V. Pierard, history professor at Indiana State University, calls Barton's claim "ridiculous." According to Pierard, the term "evangelical" did not come into wide use in America until the late 19th century and cannot properly be applied to any religious movement of the colonial period.

"To try to take a later definition and impose it on these people is a historical anachronism," Pierard said.

Barton: Early versions of the First Amendment considered by the Congress prove that all the framers meant to do was prohibit the establishment of a national church.

Response: This charge is an ironic one, because early versions of the First Amendment prove exactly the opposite. Before the language of the First Amendment we know today was settled on, drafts were submitted to Congress explicitly forbidding only the establishment of a national church or one denomination in preference to any other. These were all rejected. If Barton were

correct, and all the framers wanted to do was bar an official Church of the United States, one of these early versions would have sufficed.

Barton: In 1844 the Supreme Court ruled that public schools must include Christian worship.

Response: This is an oversimplified interpretation of a complex Supreme Court decision in a case known as *Vidal v. Girard's Executors*. The controversy centered around the request of Stephen Girard, a wealthy Pennsylvanian whose will instructed that his money be used to set up a school for orphans. Girard, a native of France who was wary of clericalism, stipulated in the will that no members of the clergy could hold office in the school or even visit the campus.

Girard's heirs challenged the bequest, but the Supreme Court, in a unanimous opinion, refused to nullify the stipulation. The will, the justices noted, had barred only clergy, not religious instruction entirely. The court also noted that the religious freedom provisions of the Pennsylvania Constitution were broad enough to provide "complete protection of every variety of religious opinion...and must have been intended to extend equally to all sects, whether they were Jews or infidels."

Barton: In 1854 a small religious group asked Congress to officially establish a system of separation of church and state in the United States, but Congress refused.

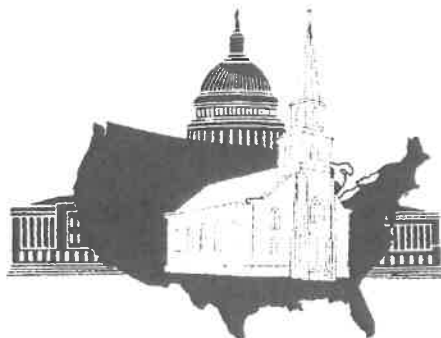
Response: This is an example of Barton taking an obscure incident from U.S. history and, through distortion, giving it an exaggerated sense of importance. What actually happened is quite different from what Barton describes. A religious group did not ask Congress to establish church-state separation. Rather, a Baptist association from North Carolina and several citizens from Kentucky presented Congress with "memorials" (petitions) asking them to abolish congressional and military chaplains. In 1854 the House and Senate Judiciary Committees issued reports denying the petitions.

While there is language in the reports referring to the United States as a "Christian" nation, it is clear from the context that the committees saw the country as "Christian" only in a social sense, not a legal one.

Far from rejecting church-state separation, the Senate committee report specifically *affirms* the doctrine by stating that the First Amendment prohibits the government from giving any denomination financial "endowment at the public expense, peculiar privileges to its members or disadvantages or penalties upon those who should reject its doctrines or belong to other

THE MYTH of SEPARATION

*What is the correct relationship
between Church and State?*



*An examination of the
Supreme Court's own decisions*

by
David Barton

communions...."

Elsewhere the Senate document reads, "We are Christians, not because the law demands it, not to gain exclusive benefits, or to avoid legal disabilities, but from choice and education...."

(Not surprisingly, Barton never mentions that congressional committees in the latter half of the 19th century twice *rejected* proposed constitutional amendments that would have had the United States officially recognize the authority of Jesus and forthrightly state that America is a Christian nation.)

Barton: In the late 19th century "Christian principles in government" were challenged at the Supreme Court, but the justices upheld them and pointed out that Thomas Jefferson supported mixing Christianity and government.

Response: This is an extremely bad interpretation of 1878's *Reynolds v. United States* decision, in which the Supreme Court ruled that Mormons do not have a religious freedom right to practice plural marriage. *Reynolds* was a free exercise case; it had nothing to do with a challenge to "Christian principles in government." Furthermore, while the justices do quote from Jefferson's letter to the Danbury Baptists that contains the "wall of separation between church and state" metaphor, they say nothing about Jefferson favoring Christian principles in government.

Clearly the justices could make no such assertion about Jefferson, as he never said anything even remotely akin to what Barton alleges. In reality, Jefferson specifically *denied* that Christianity is the basis of the common law and regarded efforts to declare it so as anti-separationist propaganda. In an 1824 letter to John Cartwright, Jefferson observed, "The proof...is incontrovertible; to wit, that the common law existed while the Anglo-Saxons were yet pagans, at a time when they had never heard the name Christ pronounced, or knew that such a character existed. What a conspiracy this, between Church and State!"

Barton: *Everson v. Board of Education*, a 1947 Supreme Court parochial school aid case, was the first court ruling upholding church-state separation.

Response: Barton's assertion is incorrect. The U.S. Supreme Court had dealt with the church-state issue several times before *Everson* was decided. Many of these decisions upheld the separation concept.

For example, by 1947 the high court had already ruled that Jehovah's Witnesses could not be compelled to salute the flag in public schools. In the early 1900s the high court decided a series of cases giving members of some religious groups the right to

refuse the military draft in wartime, granting them conscientious objector status on the basis of religious belief. In 1925, the court ruled unanimously that states could not force children to attend public schools if their parents would rather send them to religious institutions. In addition, numerous state courts and lower federal courts had grappled with the church-state issue prior to 1947.

Barton: The Supreme Court's decision in the 1962 case *Engel v. Vitale*, which banned government-sponsored prayer in public schools, cited no historical or legal precedents and relies on a legal theory that the justices made up out of whole cloth.

Response: Even a brief perusal of the *Engel* opinion shows that Barton is again wrong. In fact, Justice Hugo Black's majority opinion in *Engel* cites the history of the First Amendment and the early colonial experience with state-established religion. The concurring opinion by Justice William Douglas cites several previous church-state cases.

Barton: Religious practices in public schools had never been challenged in the courts prior to 1962.

Response: 1962's *Engel* case was the first time the U.S. Supreme Court took up school prayer, but several state supreme courts had ruled on the issue prior to that. For example, the Wisconsin Supreme Court struck down government-sponsored prayer in schools in 1892; the Nebraska Supreme Court followed suit in 1902, and the Illinois Supreme Court removed mandatory worship from public schools in 1910.

These are just a few examples. A 1960 survey by Americans United found that only five states had laws on the books requiring daily Bible reading in public schools. Twenty-four states allowed "optional" Bible reading. Eleven states had banned the practice as unconstitutional. (The remaining states had no laws on the subject.)

Aside from these specific distortions, Barton relies on a variety of semantic tricks to mislead the viewers of his video. For example, the Texas activist uses the terms "Supreme Court" and "court" interchangeably throughout, which could lead an uninformed listener to believe that several low-level court decisions at odds with separation of church and state are actually Supreme Court rulings.

One such case is 1958's *Baer v. Kolmorgen*, which Barton cites as an example of how "the court" backed Christianity in public schools prior to *Engel*. In reality, the case, which was decided by a New York state appellate court, not the U.S. Supreme Court, was only tangentially related to the religion in schools issue. The ruling upheld the display of a Nativity scene at a public school during Christmas break. The creche was permissible, said the court, because the students were not attending the institution at the time. This hardly amounts to a Supreme Court blessing of Christian instruction in public schools.

Barton also relies on sweeping generalizations that overlook the facts. For instance, he claims that by 1963 the Supreme Court had "completely removed religion from public schools." Barton ignores 1952's *Zorach v. Clauson* decision, in which the high court upheld religion classes during the school day off school property, because the ruling clashes with his ideological agenda. He also ignores Justice Tom Clark's comment in 1963's *Abing-*

ton School District v. Schempp case, which banned state-mandated Bible reading in public schools. "It certainly may be said," Clark observed, "that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment."

Finally, some of the arguments Barton makes are simply so convoluted or bizarre that they can be dismissed out of hand. For example, he claims that the doctrine of separation of powers—the constitutional principle that provides for "checks and balances" among the three branches of the federal government, springs from the biblical book of Jeremiah, 17:19. This is, to say the least, a creative interpretation of the passage, which reads, "Thus said the Lord unto me: Go and stand in the gate of the children of the people, whereby the kings of Judah come in, and by which they go out, and in all the gates of Jerusalem."

(Likewise, Barton asserts that our country's three branches of government were inspired by Isaiah 33:22. The passage reads, "For the Lord is our judge, the Lord is our lawgiver, the Lord is our king; he will save us.")

But Barton's most twisted argument centers on religion in public schools. Atheism, he argues, is actually a religion that holds that there should be no worship. Therefore, he insists, the absence of government-backed religious exercises in public schools is actually a violation of separation of church and state!

Barton also touts what he calls the "three percent" majority. His argument rests on public opinion polls indicating only 3 percent of the U.S. population identifies itself as atheist or agnostic. Therefore, Barton asserts, removing state-sponsored prayer from schools imposes the will of that 3 percent on the other 97 percent.

Barton conveniently ignores the fact that opposition to government-sponsored religious exercises in public schools is not limited to unbelievers. In fact, over the years the devoutly religious have been major opponents of government-mandated worship in schools. Clergy have filed and supported some of the most important religion-in-schools cases in the courts. Today many denominations maintain official policies opposing government prayer in schools.

It is true that some public opinion polls have shown support for "prayer in schools" reaching as high as 80 percent. These numbers usually result from poorly worded questions that fail to make it clear that "prayer in schools" as the phrase is used by the Religious Right equals *government-sponsored prayer*.

Support drops sharply when the proper distinctions are made. For example, a 1989 survey by *Parents* magazine found 68 percent of respondents agreeing with the statement, "Although no prayer should be said aloud, there should be a minute of silence each day so that students could pray silently, meditate, or do nothing if they prefer." Only 17 percent favored the statement, "A prayer should be said aloud once a day in public schools and students should be required to participate," which reflects the pre-1962 situation that Barton backs.

—RB