

## Four U.S. supreme Court Cases Describing America as a “Christian Nation” (1844-1931)

In 1892, Justice Josiah David Brewer writing in *Church of the Holy Trinity vs. U.S.*, the unanimous supreme Court decision which has never been overturned, held as a matter of law, fact, and history that

“...this is a **Christian nation**,” because our laws and public institutions are founded on Biblical principles from the Old and New Testaments. Brewer continues, “this is historically true. From the discovery of this continent to the present hour, there is a single voice making this affirmation...we find everywhere a clear recognition of the same truth...this is a Christian nation.”

There is an official foundation of American law and civil government; a Canon if you will which must include consideration of at least four separate decisions of the U.S. supreme Court which assert that the United States is in law, fact and history and should thus properly be termed officially a “**Christian Nation**” because of the foundation of our laws upon principles of the Ten Commandments and the Old and New Testaments. Those Court decisions include *Vidal v. Girard’s Executors*, 2 How. 127, 197-199 (1844) [cited in *Marsh v. Chambers* and *Abington v. Schempp*]; *Mormon Church v. United States*, 136 U.S. 1 (1889), [also cited in *Abington v. Schempp*]; *Church of the Holy Trinity v. United States*, 143 U.S. 457 (1892); and *U.S. v. MacIntosh* 283 U.S. 605 (1931).

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### **1844, *Vidal v. Girard's Executors*, 43 U.S. 126,132.**

The United States Supreme Court held in a unanimous opinion read by Justice Joseph Story ruled as follows:

*Christianity...is not to be maliciously and openly reviled and blasphemed against, to the annoyance of believers or the injury of the public...It is unnecessary for us, however, to consider the establishment of a school or college, for the propagation of...Deism, or any other form of infidelity.*

*Such a case is not to be presumed to exist in a Christian country...Why may not laymen instruct in the general principles of Christianity as well as ecclesiastics...*

*And we cannot overlook the blessings, which such [lay] men by their conduct, as well as their instructions, may, nay must, impart to their youthful pupils. Why may not the Bible,*

*and especially the New Testament, without note or comment, be read and taught as a divine revelation in the [school] -- its general precepts expounded, its evidences explained and its glorious principles of morality inculcated?...*

*Where can the purest principles of morality be learned so clearly or so perfectly as from the New Testament?*

*It is also said, and truly, that the Christian religion is a part of the common law of Pennsylvania...*

***1890, Church of Jesus Christ of Latter Day Saints v. United States, 136 U.S. 1***

The U.S. Supreme Court ruled that polygamy could not be practiced in the United States, stating that:

*It is contrary to the spirit of Christianity and the civilization which Christianity has produced in the Western world.*

***1892, Church of the Holy Trinity v. United States 143 U.S. 457 (1892)***

This powerful ruling by the U.S. Supreme Court chronicles Christianity's central role in shaping America's political institutions and traditions:

*Our laws and our institutions must necessarily be based upon and embody the teachings of the Redeemer of mankind. It is impossible that it should be otherwise; and in this sense and to this extent our civilization and our institutions are emphatically Christian.*

*No purpose of action against religion can be imputed to any legislation, state or national, because this is a religious people. This is historically true. From the discovery of this continent to the present hour, there is a single voice making this affirmation.*

*The commission to Christopher Columbus...[recited] that 'it is hoped that by God's assistance some of the continents and islands in the ocean will be discovered...'*

*The first colonial grant made to Sir Walter Raleigh in 1584...and the grant authorizing him to enact statutes for the government of the proposed colony provided that they 'be not against the true Christian faith...'*

*The first charter of Virginia, granted by King James I in 1606...commenced the grant in these words: '...in propagating of Christian religion to such people as yet live in darkness...'*

*Language of similar import may be found in the subsequent charters of that colony...in 1609 and 1611; and the same is true of the various charters granted to the other colonies. In language more or less emphatic is the establishment of the Christian religion declared to be one of the purposes of the grant. The celebrated compact made by the Pilgrims in the Mayflower, 1620, recites: 'Having undertaken for the Glory of God, and*

*advancement of the Christian faith...a voyage to plant the first colony in the northern parts of Virginia...'*

*The Fundamental Orders of Connecticut, under which a provisional government was instituted in 1638-1639, commence with this declaration: 'And well knowing where a people are gathered together, the Word of God requires that to maintain the peace and union...there should be an orderly and decent government established according to God...to maintain and preserve the liberty and purity of the Gospel of our Lord Jesus which we now profess...of the said Gospel [which] is now practiced amongst us.'*

*In the Charter of Privileges granted by William Penn to the province of Pennsylvania, in 1701, it is recited: '...No people can be truly happy, though under the greatest enjoyment of civil liberties, if abridged of...their religious profession and worship...'*

*Coming nearer to the present time, the Declaration of Independence recognizes the presence of the Divine in human affairs in these words:*

*'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights...appealing to the Supreme Judge of the world for the rectitude of our intentions...And for the support of this Declaration, with firm reliance on the Protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.'*

*We find everywhere a clear recognition of the same truth...because of a general recognition of this truth [that we are a Christian nation], the question has seldom been presented to the courts...*

*There is no dissonance in these declarations. There is a universal language pervading them all, having one meaning; they affirm and reaffirm that this is a religious nation. These are not individual sayings, declarations of private persons: they are organic utterances; they speak the voice of the entire people.*

*While because of a general recognition of this truth the question has seldom been presented to the courts, yet we find that in *Updegraph v. the Commonwealth*, it was decided that, Christianity, general Christianity, is, and always has been, a part of the common law...not Christianity with an established church...but Christianity with liberty of conscience to all men.*

*And in *The People v. Ruggles*, 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...We are a Christian people, and the morality of the country is deeply engrafted upon Christianity, and not upon the doctrines or worship of those impostors [other religions].'*

*And in the famous case of *Vidal v. Girard's Executors*, this court observed: 'It is also said, and truly, that the Christian religion is a part of the common law...'*

*If we pass beyond these matters to a view of American life as expressed by its laws, its business, its customs and its society, we find everywhere a clear recognition of the same truth. Among other matters note the following: The form of oath universally prevailing, concluding with an appeal to the Almighty; the custom of opening sessions of all deliberative bodies and most conventions with prayer; the prefatory words of all will, 'In the name of God, amen', the laws respecting the observance of the Sabbath, with the general cessation of all secular business, and the closing of courts, legislatures, and other similar public assemblies on that day; the churches and church organizations which abound in every city, town and hamlet; the multitude of charitable organizations existing everywhere under Christian auspices; the gigantic missionary associations, with general support, and aiming to establish Christian missions in every quarter of the globe.*

*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...we find everywhere a clear recognition of the same truth.*

*The happiness of a people and the good order and preservation of civil government essentially depend upon piety, religion and morality.*

*Religion, morality, and knowledge [are] necessary to good government, the preservation of liberty, and the happiness of mankind.*

### **1931, U.S. v. MacIntosh 283 U.S. 605**

The applicant for naturalization here is unwilling to become a citizen with this understanding. He is unwilling to leave the question of his future military service to the wisdom of Congress, where it belongs, and where every native-born or admitted citizen is obliged to leave it. In effect, he offers to take the oath of allegiance only with the qualification that the question whether the war is necessary or morally justified must, so far as his support is concerned, be conclusively determined by reference to his opinion. [283 U.S. 605, 625] When he speaks of putting his allegiance to the will of God above his allegiance to the government, it is evident, in the light of his entire statement, that he means to make his own interpretation of the will of God the decisive test which shall conclude the government and stay its hand. **We are a Christian people** (Holy Trinity Church v. United States. [143 U.S. 457, 470](#), 471 S., 12 S. Ct. 511), according to one another the equal right of religious freedom, and acknowledging with reverence the duty of obedience to the will of God. But, also, we are a nation with the duty to survive; a nation whose Constitution contemplates war as well as peace; whose government must go forward upon the assumption, and safely can proceed upon no other, that unqualified allegiance to the nation and submission and obedience to the laws of the land, as well those made for war as those made for peace, are not inconsistent with the will of God.