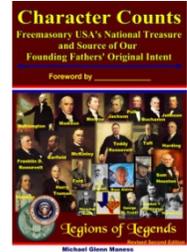




The following is the full chapter originally in the following

Character Counts
Freemasonry USA's National Treasure and
Source of Our Founding Fathers' Original Intent
by Michael G. Maness
www.PreciousHeart.net/fm



in the Revised Second Edition this chapter is condensed to a section

Wall of Separation and Freedom of Conscience



The greatest virtues are those which are
most useful to other persons.

Aristotle 384-322 B.C., Greek Philosopher



- A. Wall of Separation the Original Intent and Danbury Baptists
- B. Barton Wall Building while Tearing Down a Wall (?)
- B. Wall of Separation and Forced Church Attendance Today
- C. Ghost Hunting versus the Wall of Separation
FIRST and FOURTEENTH AMENDMENTS
- D. Faith-Based Favor and the Church's Integrity
- E. Wall of Separation—Professor Leonard Levy
WEDGE 5. Leonard Levy & Thomas Curry—Restriction of Powers
- F. Farewell to Christendom—Bishop Thomas Curry
- G. Freemasonry Freedom of Conscience a National Treasure

A. Wall of Separation the Original Intent and Danbury Baptists

To understand Freemasonry's contribution to the original intent of our USA Constitution and the Wall of Separation between church and state, we must look at what our Founding

Fathers wrote. Whatever their full intent, it cannot be far removed from what they wrote and ratified in 1789-91. That almost sounds obvious, but for the legal disputes over the meaning over the last century.

The First Amendment is unique in history, precious to the USA, and truly has some in the Religious Right stumped. They are so stumped, they have to backtrack to figure what the Founders *intended* because what was written is too complicated or has been too twisted. The debate will continue, doubtlessly and in a way thankfully, because at least no one is doubting the latter half of the First Amendment; freedom of speech was what they intended and still means what they intended. You can *say* what you want, and several have taken this to new marketing levels.

In his booklet *Separation of Church and State* (20p. text, 4.2p. notes; \$3.95), David Barton solves the problem, amazingly enough, because he *claims* the Founders' *intentions* trump Jefferson's metaphor of Wall of Separation between church and state, and that, as if Jefferson was not truly a Founder enough to merit as much consideration as those Barton prefers.

This is all about the integrity of our Founding Fathers, all of them, and not just the Christian ones. Most were educated and experienced.¹ Many were Freemasons. They knew what they were doing. Our Founding Fathers decided to stop rendering to Caesar what was Caesar's. They stopped believing in the right of kings to claim divine rights to oppression, often with the church's support. They decided to follow the driving force of freedom pushing out from their bones, with—for several of them—their faith and fraternity lending support and motivation.

Several have proven that all of the signers of both the Declaration and the Constitution knew the difference between religion in general and the establishment of Christianity. I am surprised that so many today write as though the Founders did *not* have good feeling for and an understanding of a government established church. If anyone in history did, they did.

David Barton and others do not reveal that the Freemasons had been *separating* church and state for fifty years in their lodges prior to 1789. There is a huge difference between person acknowledging a supreme being—even a public official—to the reality of a Supreme Being within a respect for other religions and the full establishment of Christianity. It only takes one person to make that clarification and either establish or not establish Christianity.

¹ Isaac Kramnick and R. Laurence Moore, *The Godless Constitution—A Moral Defense of the Secular State* (W. W. Norton, 1996 & 2005; 224p): 67-68, “Of the fifty-five delegates in Philadelphia nearly 60 percent had attended college.... Nine had gone to Princeton, four to Yale, and three to Harvard. Virtually all ... had family or commercial connections in England and were at home with English ideas and politics.... It should be no surprise, then, that behind the godless Constitution crafted by the framers were ideas about church and state borrowed from the mother country.”

There were several colonies as examples. There were several articulate Freemasons helping with the Constitution, especially the formidable father figures of Washington and Franklin. They could have established anything they liked, but instead, they went in a brand new direction—to freedom.

Presuming the ability of the Founding Fathers' to write well, there are three areas or treasure chests from which we can pull clothes and fully dress the First Amendment in the purity of the meaning the Founders meant for all time, as well as today. We will not perfect the meaning, either, as no suit of clothes can fit skin tight and remain comfortable.

Whatever the full dress and purity of meaning looks like, it will be a fluid outfit, certainly including a hardy portion of clear separation of church and state on the pure meaning of the First Amendment. In the first treasure chest of clothes, there are the varying intents of *all* who contributed prior to 1791; second, there is the written Amendment itself in the context of the entire Constitution; and third, there are the words of those who contributed after 1791. Between the first and second and between the intents and what the authors wrote in the First Amendment, that is the *formative* area. Between the ratified First Amendment in 1791 and the decade or so after, there are the words of those who contributed after 1791, and that is the *retrospective* area. Presuming our Founding Fathers intelligent, there must be little difference between the *formative* and *retrospective* areas.

That means that the Federalist Papers and all the other debates in the *formative* area are just as informative as Jefferson's metaphor to the clothing of the pure meaning of the First Amendment. And Washington's treaty with Tripoli reflecting on the USA's non-establishment upon Christianity rises higher than most statements.² Its specific nature is perhaps the clearest we have, especially when Barton and others lean so heavily upon the Christian faith of Washington—then the deal is sealed—Christian Washington says the USA was *not* founded upon Christianity. Can we close the book on establishment?

We must not separate the *formative* and *retrospective* areas, and we must not merely select a few words from one or the other areas to make the case for the whole outfit of the purity of meaning of the First Amendment.

What then does the First Amendment mean? The first part is as clear as the second part—no establishment of religion means *no*, and free expression of religion is on equal footing with freedom of speech, and the two freedoms are in many ways the opposite of the same coin, the other side being the non-establishment clause.

You are *free* my brother and sister to believe what you please.

What then does the First Amendment mean? It means what it says, but we also know that there is some complication, not as much from the prohibition, but from the two

² *Newsweek* (4-10-06): 54, from Jon Meacham's *American Gospel—God, the Founding Fathers, and the Making of a Nation* (NY: Random House, 2006; 399p.).

freedoms. And though the original intent does certainly inform, primarily from the *formative* area, but also in the *retrospective* area, we must realize that the First Amendment is a living principle with a pure meaning that is still being dressed, not with alterations, but with more fine stitching as we pursue the meaning of our two great freedoms. We will not solve all of the dilemmas here, but we will point to some significant resources that are crucial to a beginning. What we hope to discern here is a few significant main threads that make up both the formative and retrospective areas of the pure meaning of the First Amendment—the fine threading on the place of Freemasonry.

Again, presuming the ability of the Founding Fathers' to write well, the flip side to what they wrote is as clear. Goodness, there is no doubt that they certainly could have written anything they wished. There were some who wanted to write God and Christ into the Constitution in the *formative* area and who interpreted such in the *retrospective* area. In the light of both sides of the coin of presumption regarding our Founders' ability to write well, there remains that the Founders did *not* write God into the Constitution, wrote *in* a prohibition of establishment, and wrote *in* both Freedom of religion and speech. Those very values have been a part of Freemasonry all along, *under* God, and in a fashion of respect for differences unseen anywhere in the fifty years before and after 1789.

Given that both the Enlightenment and Christianity, especially Protestant values, contributed unique elements to the First Amendment's passage, so did Freemasonry. In addition to the unique elements of each, each of the three also gave complementary or interweaving contributions. For instance, each articulated the innate value of individual freedom in slightly different ways, but all three ended with the individual person being the primary source for the king's authority. For the king to be *king*, he must have subjects. And especially the Freemasonry values of liberty, equality, and freedom of conscience uniquely influenced.

However we may make up the full dress the First Amendment's meaning to our Founding Fathers, that dressing must include Freemasonry's influence as another hard-to-track element, but not too terribly hard to track. We will not be able to discern all of the influences. But there are several clear elements of Freemasonry that had direct and unique contributions—that should be remembered—and those contributions interweave in indistinguishable ways with the contributions of the Enlightenment and Christian values.

Moreover, many leaders in the USA favored Christianity after 1789, much like they continued to favor males and the white race, and that reality of their values (good and bad) does not distract from the pure meaning of the First Amendment then or today. Gosh, it was a brand *new* formulation for government relations! It is terrible to think they knew all.

In 1789, there were no other religions of significance, many Christian variants, and there were no female or black voters. Is that what David Barton and others want to *rebuild* or *re-establish*? Of course not, we hope not and he could not market that—and *if* not—then

Barton and others must define or *redefine* their meaning of the Founders' *original* intent. Without *all* or most of the intents of the contributors of the 1700s, we would have only a half-dressed and corrupted intent, even a half-dressed meaning of the First Amendment. The Christian values and the undervalue of women and blacks are tied together as infant and intrinsic values of the Thirteen Colonies in the 1700s. Most of the signers owned slaves and *ordered* their slaves around more than they sang Christians hymns in church, because they *lived* with their slaves. For just as Barton found Christian quotes, there are plenty of other quotes by *most* of the same persons that are racist, misogynist, monarchist, atheist, and even those neutral on all points.

It is a faulty gambit to choose the Christian quotes and exclude the rest. But look see—Barton is the *best* example and most successful—the WallBuilder—and he does exclude the rest. Barton and others do not like bad news and will not share any source that contradicts their mission.

That is what we meant when we said that the First Amendment must have some fluid elements that make up its purest meaning. All new garments need to stretch and loosen to fit well. And Jefferson complemented that dress with the scarf of Wall of Separation between Church and State, and that is among the most outstanding elements in the dress. Today, without the Wall of Separation, the garment of the First Amendment's pure meaning seems shoulder bare and unable to handle the weather. The First Amendment is genius, then, given the times, and we are *still* growing and defining. In every venue, Jefferson's scarf of Wall of Separation is wrapped around the neck of the First Amendment to protect its most precious values—freedom of religion and speech. What a beautiful outfit.

Freedom was a seedling in 1789, and the only way for it to grow is for the whole tree to grow; liberty and equality have to *increase* not decrease. And you know what that means. That means whatever the original intent was, if ever someone could fully cloth the purity of meaning in the First Amendment, that original intent is less important than the growth of the tree of freedom itself, with its two branches of liberty and equality. Whatever the intent was, we do *not* want to retreat back to 1789 where a portion of that intent *then* still included the exclusion of gender and race.

If they had known then, what we know today, they would have included gender and race. But they could not. We have grown, and we cannot ever go back. And Freemasonry was the grand old institution championing freedom and equality like no other then, and in many ways like no other today.

What is also clear—and crucial—is that in 1789 the Founding Fathers were trying to define freedom. They were *not* trying to define Christianity or even as yet trying to define or divine the place of women or blacks in that freedom. In fact, the Founding Fathers were not much better than women or blacks to the Imperial British Empire, but they did lead the way. What is also clear is that few of the Founders were looking for *more* Christianity in

government; only a few wanted to continue the Christian establishment and the favor they enjoyed. The Founders looked beyond their own faith, without sacrificing a gram of their beliefs, to a way and means to *Unite* the States.

Trusting in the free consciences of their fellows, just like Freemasonry had been practicing in trust for fifty years before 1789, the Founding Fathers chose freedom. They truly wanted freedom of conscience. Once freedom slipped off their lips, it became addictive. And that freedom included a freedom *from* religious establishment, and a freedom *to* worship as anyone wished (or not worship).

It was a *new* country devoted to freedom unseen in human affairs.

Our Founding Fathers could have written what they pleased, and many of them prayed. But when they bowed their heads in prayer, it is foolhardy to think that all of the delegates had the same mind of devotion. Some of them may have been humoring the “religious,” while others moderately mingled crop production thoughts with their prayers, and some doubtlessly talked to God while another like Franklin held a respectful eye downward to nothing specific, yet *under* God. Whatever, they met *not* to discuss their religious differences, but to discuss what was most important to *unify* them against the rapacious Christian British Empire.

The unique contributions of Freemasonry include several specific precedents. In 1789, the majority met together to find agreement and not to let their differences divide them. Again, just like Freemasonry practiced then and today. And then *in writing* they chose to leave God out, leave establishment out, and write freedom in *twice*. So much like a lodge, the wrote freedom *twice* and no specific God, all *under* God for the Christian, and in respect for those like Franklin and others who had less religious feeling. Goodness—some of the proceedings were sworn to secrecy, again, just like Freemasonry then and today. That is an extraordinary precedent.

Our Founding Fathers had a strong moral fiber that had been forged and tempered by the white-hot fires of oppressive and bloody injustices from an intolerant Christian monarch. They resolved to fight. There is and should be no doubt whatsoever that if our beloved Founding Fathers had intended to *constitute* Christianity, or any religion, that is what they would have done. Why that is a hard to understand for the Christian establishment folks like Barton is a mystery, and the greater mystery is their inability or lack of desire to address that directly.

The Founders had battled and struggled over what to write, and they wrote what they *intended* to write. No fear there, but a huge desire to *Unite* the States, for they had already signed their own death warrant in the Declaration of Independence. They worked hard. They did not constitute God or Christianity by *intention*. Moreover they *wrote in* that God and any religion could not be established, and they also *intended* and wrote that the free exercise

of religion should not be prohibited—“Congress shall make no law.” In way, what more does one want?

When some quibble about how the Founders never dreamt of a complete absence of God in the public square, so what? Freedom of speech is clear to me, and I have never felt quenched. It would be easier to squeeze apple juice out of an orange than to make fully reasonable the *reading* of Christianity into the written Constitution based upon the ghost of intent and some kind of airy phantom of interchangeability between “religion” and “denomination,” and it becomes sour juice to overwrite the absence of God in the Constitution with some kind God-in-overlay. Goodness, that is a *conjuring* of intent, is it not?

If intentions can be written over the absence of God in our Constitution, then other ghostly *intentions* could as easily overlay the twice-written freedom. If God, who is not written in, can become more important than the twice-written freedom, then *all* of the Constitution and even free speech can be twisted out of the Constitution.

Barton is WallBuilding. Others too. At the expense of freedom!—all without clarifying where the Wall will be erected.

Next to Washington’s declaration that the USA was not founded upon Christianity in the treaty with Tripoli,³ Jefferson’s metaphor of a Wall of Separation between church and state is not only retrospective but also definitive. Downplaying the wall of separation and uplifting Christian phrases are a crooked use of the Christian phrases, because a Christian can look back and *always* see God working. It is necessary that the Christian interpret God’s work into the past, just not necessary for a deist or the law. To claim God guided is fine, and I do declare that is what I believe; moreover, God chose to impel the Founders and their followers to establish freedom, even the freedom to reject God. For devotion to God is best when the people are *free* to be as devote as they wish or have inclination, and any forced or coerced inclination corrupts the purity of such devotion.

The easier and clearer road is to have confidence in what the Founding Fathers actually wrote and confidence that they purposely left God out. A generation later Abraham Lincoln gave his Gettysburg Address. He was right: the USA was “conceived in Liberty, and dedicated to the proposition that all men are created equal,” and then closed, “that this nation, under God, shall have a new birth of freedom—and that the government of the people, by the people, for the people, shall not perish from the earth.”⁴ There is no phantom in those words, but a long-standing understanding that any man can invoke the name of

³ *Newsweek* (4-10-06): 54, and the latter from Jon Meacham’s *American Gospel—God, the Founding Fathers, and the Making of a Nation* (Random House, 2006, with afterword in 2007; 421p): 103 and 262. Jon Meacham was editor of *Newsweek* in 2007.

⁴ See www.LOC.gov/exhibits/gadd/ and en.wikipedia.org/wiki/Gettysburg_Address.

God, in their faith, and still reserve to history that the USA was *founded* not as a Christian nation, but by God's help was *founded* upon liberty and equality for all, even *of, by, and for* the people.

Part of what God wanted, a Christian patriot believes, is that we have a greater country when there is no favor and no persecution. That is pure genius, first on earth, and golden treasure that has been appreciating for 200 years now. Best of all, a Christian believes God ordained this new level of freedom, called *self-government*, for God gets a more sincere devotion when that devotion is freely given.

The First Amendment should not be used to favor Christianity, and that is how David Barton starts his *Original Intent*, chapter 3, "The Misleading Metaphor," referring to Thomas Jefferson's letter to the Baptist Association of Danbury, Connecticut. The good folks of Danbury were scared—afraid—and wrote to Jefferson on October 7, 1801. Barton even notes that Jefferson was an anti-federalist like most Baptists who championed limits on governmental powers. The Baptists expressed concern that one day the government might intrude upon religious liberty and clip free expression, even their freedom of worship. That had been their *life* in the colonies. Barton quotes how Jefferson had the same concern. Jefferson wanted to assure the Baptists, said Barton, that "free exercise of religion would *never* be interfered with by the government."⁵ Barton used Jefferson as a positive authority there.

President Thomas Jefferson told the Danbury Baptists (1-1-1802):

Gentlemen,—... Believing with you that religion is a matter which lies solely between man and his God; that he owes account to none other for his faith or his worship; that the legislative powers of government reach actions only and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion or prohibiting the free exercise thereof.," thus building a **wall of separation between Church and State**. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right to opposition to his social duties. I reciprocate your kind prayers for the protection and blessing of the common Father and Creator of man, and tender you for yourselves and your religious association assurances of my high respect and esteem.⁶

⁵ David Barton, *Original Intent* (2004, 1st 2000; 534p.): 45, bold italic emphasis his.

⁶ David Barton, *Original Intent* (2004, 1st 2000; 534p.): 45-46, from Thomas Jefferson, *Writings of Thomas Jefferson* (The Thomas Jefferson Memorial Association, 1904; Vol. XVI, pp. 281-282). Bold mine.

Barton construes natural rights to be those that “God Himself had guaranteed to man in the Scriptures.”⁷ Jefferson understood that God, not the government, was the Author and Source of our rights.

After that, Barton’s finds Jefferson’s words no longer useful, and so he minimizes the metaphor of Wall of Separation, while trying to build another wall. But Barton’s wall is confusing. Or is Barton just trying to move Jefferson’s Wall of Separation out to include himself and his businesses and exclude all others? Clarifying that would make a nice and needed pamphlet.

Yet we must give the title of Founding Father to Thomas Jefferson, no matter how others may downplay the Wall of Separation. Jefferson’s Wall is just as much a matter of *original* intent as it was a retrospective interpretation and a true clarifying of the informative area that led to the absence of God in the Constitution. The Wall of Separation is a master metaphor and a jewel, and more clear than most any Christian interpretation of our Founders’ original intent, for the Christian *must* see God’s work in the past, even if the Founders had failed, even in exile and even if death had taken them all. A Christian looking back and interpreting the genius of the First Amendment *must* say God was in it, but must also see that God also chose to exclude his name in the Constitution. The Wall of Separation is a powerfully clear metaphor and the most popular metaphor from all of the original source material. The Wall metaphor is a part of our history that needs clarification, not denial or minimizing.

Best of all, no institution practiced or valued a greater respect for a separation between church and state than Freemasonry did, then or today.



B. Barton Wall Building *while* Tearing Down a Wall (?)

Let me show you how Barton wonderfully supports us. In his *Original Intent*, Barton artfully sets into place a series of paving stones that lead up to his pivotal chapter 8, “Rewriting Original Intent.” In his chapter 1, Barton quotes the first amendment and indicates the problems of application caused by the Supreme Court, and then closes with a quote from Supreme Court Justice William Rehnquist on the metaphor on the wall of separation between church and state. Barton said,

The public’s current understanding (actually, misunderstanding) of the religious provisos of the First Amendment has been shaped by a phrase which does not even appear in the Constitution!

⁷ David Barton, *Original Intent* (2004, 1st 2000; 534p.): 46.

Yet, while all must truthfully concede that these words are not actually found in the Constitution, many nevertheless still argue that they accurately reflect the intent of the Framers—that is, while the words [wall of separation between church and state] are not there, the concept of a complete separation was frequently demonstrated during the Founding Era. Is this assertion correct?⁸

What a great question that is—*is this assertion about complete separation between church and state correct?* That question is the fulcrum upon which much rests today, and people want to curse or thank Jefferson for it; and a lot pivots upon the word *complete*. All agree that there needs to be some separation, for “congress shall make no law” is clear. What we are debating is the extent of separation inside of the rock-solid context of “no law” and the issues of freedom of speech interlacing between “no law” and the degree of separation.

In chapter 2, Barton takes us on less-well-paved and at times a gravel road that essentially says our beloved Constitution needs to be interpreted on the basis of the *original* intent of the framers. That is partially obvious: if the words in the Constitution cannot make a clear application to a problem today, look at what the Founding Fathers *intended* by the words.

Commenting on the first amendment, it was Thomas Jefferson who used the words *wall of separation* between church and state. Certainly Jefferson’s words are as important as the words of all of the other Founding Fathers. Barton makes a case that Christianity was the intent, quoting several, noting that many of the “Founders had entered the Revolution” to “ensure that all Christian denominations were placed on an equal footing.”⁹ Is that so? They left God out of the Constitution to place “all Christian denominations” on “equal footing”? That’s hard to swallow.

Goodness, if it was a Christian nation, you need to declare it *Christian*. Our Founders were not squeamish, and there was no ACLU or even any Muslims to confound them. At the very minimum, they could have included God in the Constitution, and that could have included all flavors of Christians and Muslims and others. Barton gives reverence to Catholics, but it is a strained reverence, and he totally ignores Freemasonry and skirts the Enlightenment encyclopedias.

Can you see the mixing of his rebuilding of “religious” foundations—WallBuilding—with Christian establishment? That is not sloppy work, just underhanded. Barton knows what he is doing. There is barely room for Catholics, and no room for other religions. He does not say that; it’s subtle, but there. Outside Christianity, there were no religions of significance in the Colonies. But there are today. No Freemason confused his fraternity with

⁸ David Barton, *Original Intent* (2004, 1st 2000; 534p.): 20. Parentheses his.

⁹ David Barton, *Original Intent* (2004, 1st 2000; 534p.): 29.

being a religion like the critics do today. Yet more of the Founding Fathers were Freemasons than they were a part of any other single outfit!

Remember the paving stones on Barton's path that led to the re-establishing of a Christian nation—what he calls WallBuilding. I say that because Barton is doing some fancy historical revisionism on the *original* intent of the Founding Fathers in their writing of the Constitution. Barton quotes several other outstanding people who are *not* Founding Fathers, including Justice Story in his 1871 *Commentaries* who said the First Amendment was not meant “to countenance, much less advance, Mahometanism, or Judaism, or infidelity, by prostrating Christianity; but to exclude all rivalry among Christian sects.”¹⁰ Here, Barton all but admits the exclusion of all other religions, but he just does not go there.

Then Barton quotes Benjamin Rush who indicates a preference for religion to be taught in school:

Such is my veneration for every religion that reveals the attributes of the Deity, or a future state of rewards and punishments, that I had rather see the opinions of Confucius or Mohamed inculcated upon our youth than see them grow up wholly devoid of a system of religious principles. But the religion I mean to recommend in this place is that of the New Testament.¹¹

That is a nice quote, but does not fit his WallBuilding LLC business or his Wallbuilder Presentations non-profit. Barton just uses it to support the teaching of Christianity in the schools, because in his dozens of booklets, there still remains to be seen anything substantial by Barton on freedom of religion. But still, the quote of Benjamin Rush says something more than Barton intends; Rush states the precise qualifications for entrance into Freemasonry: “attributes of the Deity, or a future state of rewards,” the *only* requirements to enter. Do not think that a light connection then or today, for those have been the public requirements for 300+ years, and Freemasonry was the only institution in 1789 that had those *and* a respect for conscience.



C. Wall of Separation and Forced Church Attendance Today

I scream at the idea of compulsory church attendance. And I cannot tell you precisely what I think of the idea of being taxed to support the city's Christian denominational preference or have to get a certificate showing proof of my attendance at a minority church to avoid the city denominationally-specific religious tax. Yet that was the law in many

¹⁰ David Barton, *Original Intent* (2004, 1st 2000; 534p.): 31.

¹¹ David Barton, *Original Intent* (2004, 1st 2000; 534p.): 31, in Benjamin Rush, *Essays, Literary, Moral and Philosophical* (Philadelphia: Thomas & Samuel F. Bradford, 1798): 8, “Of the Mode of Education Proper in a Republic.”

towns of colonial America prior to the Revolutionary War. *Compulsory* church attendance! Whoever thought that would make for better or more devoted Christian believers was a lunatic.

Listen—we are nearly through—so please see two harbingers of that lunacy today. The recent religious fiasco surrounding the Air Force Academy has ominous overtones for the radical fundamentalist Christian. Simply because he is in the majority, and usually a *he*, the fundamentalist feels no compunction to misuse authority, harass, and make very unpleasant the life of anyone who is *not* a fundamentalist Christian. Ayesha N. Khan and Richard B. Katskee of Americans United legal team uncovered more and sent their report to Defense Secretary Donald H. Rumsfeld and others. Among several of the grosser abuses: “when cadets declined to attend chapel after dinner during Basic Cadet Training, they were made to suffer humiliation by being placed by upperclass cadet staff into a ‘Heathen Flight’ and marched back to their dormitories.”¹² Rob Boston reported that former three-year Regan White House attorney-advisor Mikey Weinstein was told by his son that he had been called a [expletive] Jew and that he could hardly stand the harassment any more. At that, the elder Weinstein initiated his own investigation that snowballed into a Colorado Springs newspaper report and Yale Divinity School study. Then Americans United got involved. Only *after* exposure of years of abuses—where the privileged class *was* the fundamentalist Christian—did the Air Force conduct a review and incorporate training.

Furthermore, Rob Boston reported that Academy Chaplain Captain Melinda Morton was pressured by the Air Force Chief Chaplain Whittinton to deny details of what went on as told to *USA Today*, reflecting that she did not think she had “much of a future in the Air Force”; she was relieved of her duties at the academy. Worse, even as the controversy spread, the Pentagon announced that one-star Brigadier General Johnny Weida, Academy Commandant of Cadets and participant in much of favoritism, is being promoted to two stars.¹³

Only after *repeated* exposure and not until *many* clear and present abuses were exposed did this get addressed. It was not a concern until the abuses multiplied and escalated. Then an academy chaplain speaks up and is relieved, and the general in charge is promoted even *as* the exposure unfurls. This is the 21st century in the United States of America. U.S. Air

¹² Ayesha N. Khan, Legal Director, Richard B. Katskee, Assistant Legal Director, “Report of Americans United for Separation of Church and State on Religious Coercion and Endorsement of Religion at the United States Air Force Academy,” Americans United for Separation of Church and State, 5-28-05, 14p. On “Heathen Flight,” pg. 2. See www.au.org/pdf/050428AirForceReport.pdf.

¹³ Rob Boston, “Kingdom of Heaven: Fundamentalist Christian Crusade At Air Force Academy Sparks Official Military Investigation,” *Church and State* 58-6 (June 2005): 8-11 (128-131).

Compare, Pam Zubeck, “Air Force deems chaplain’s call appropriate,” *GAZETTE* (Colo. Springs), Apr. 27, 2005, which also obtained a copy of the July 2004 Yale report.

Force Cadets are being trained only *now* with a new 50-minute program called Respecting the Spiritual Values of all People only after the academy exposure. Up until the exposure forced notice like a crown of thorns—until that very time—the cadets were compelled to pay heavy psychological taxes to the federal-state church, a clear church-state coalition under a brigadier general. Dissident cadets were marked as inferior people and forced to march in “heathen flights” and denied equality and liberty and equal rights compared to their more favored fundamentalist cadets and overseers.

That *is* compulsory church attendance in the 21st century with a necktie. Only the U.S. Constitution prevented some of the cadets from being run out of the country—or beaten. And the brigadier general who permitted, participated, and charged many, well ... let’s see ... what do we do? He is promoted?

Is the U.S. *still* being charged \$400 for Ace Hardware \$15 hammers?

What is next? ... Oh, let me show you more about Frankenstein politics.

David Barton and other researchers of his ilk of the Religious Right pretend to contribute to Christian original intent in our beloved U.S. Constitution without a droplet on the vast array of established Christianity throughout the colonies prior to 1789. Many in the Religious Right pretend that the constituting of the United States was meant to be the establishment of a Christian nation, like the absence of *God* in our beloved Constitution was a mistake. They pretend like they do not know (or hide) just how profusely established the Christian religion was in the colonies. Christians banished, jailed, or killed other *Christians* who did not share the exact same *Christian* views.

Our beloved U.S. Constitution was a departure and not an establishment of Christianity. Congress shall make “no law” is clear.

David Barton would have done a service if he had merely addressed the historical sections and rationales of Leonard W. Levy or Thomas J. Curry on the First Amendment.¹⁴ Without mention of them, Barton’s agenda becomes confusing or deceptive—occulting at least. Whichever and regardless, the likes of Levy and Curry cannot be ignored and at the same time claim, as Barton does, to discern a Christian *original* intent of our beloved U.S. Constitution.¹⁵ We will show you below how Barton, the Religious Right, and several SBC experts lambasting Freemasonry reveal their own original intent to revise history in how they treat Freemasonry—and deception bleeds through on every page of their work.

¹⁴ Leonard W. Levy’s *The Establishment Clause: Religion and the First Amendment* (1986; 236p.), Levy’s *Original Intent and the Framers’ Constitution* (2000, 1st 1988; 525p.), and Thomas J. Curry’s *The First Freedoms: Church and State in America to the Passage of the First Amendment* (1986) vis-à-vis David Barton’s *Original Intent* (2000, 2004; 534p.).

¹⁵ Leonard W. Levy, *The Establishment Clause: Religion and the First Amendment* (1986; 236p.) and *Original Intent and the Framers’ Constitution* (2000; 1st 1988; 525p.).

Intent is a ghost of a term by very definition, fickle and opposing absoluteness absolutely. Truly, *intent* is without content and without concreteness except for those who can divine or soothsay or read the very minds of men dead for 200 years. *Intent* cannot be clarified except by reading between the lines of a thousand pages and the debates on the 18th century over what the Founding Fathers actually wrote. David Barton fishes out a few Christian statements and hops over valleys to construe a Christian intent with a big bibliography.

In all of David Barton's fishing and hopping, we cannot conceive that Barton merely missed the actual history of the Constitutional Conventions themselves. *No sir*, David Barton shows us enough table dressing to confirm he has been in the historical kitchen. That leaves us with Barton trying to deceive us with respect to what actually took place, and he especially deceives us regarding Freemasonry. There are no records of several states' ratifications, and the records that do exist are scanty—but there nevertheless. There is no *intent* without considering Freemasonry. Freemasons Benjamin Franklin, George Washington, and especially James Madison—the Father of the Constitution—were pivotal by all accounts.



D. Ghost Hunting versus the Wall of Separation

Freedom of religion and freedom of speech go hand in hand; you have to have both for either one to be meaningful. Yet, there are levels of profanity that—I think—should be outlawed. But how do you determine fairly what is *profane*? Freedom of speech should not be a freedom to harass, and laws against harassment should not mean that you (or I) should be prevented from strongly voicing disdain. Few people complain about positive speech, so we must say that one of the main reasons for freedom of speech is the freedom to complain; freedom of speech *must* include the *right* to vehement disagreement under the protection of the law.

We have struggled with freedom for 200+ years, and we shall struggle longer, I do hope and pray. On the complexity, see one of the nation's leading First Amendment lawyers, Floyd Abrams, *Speaking Freely—Trials of the First Amendment*. After examining several cases on free speech, in the American versus British legal systems today, Abrams incisively said that his team “would have lost every single one of those cases in England.”¹⁶ That is in England *today*!

¹⁶ Floyd Abrams, *Cato's Letter: a Quarterly Message on Liberty*, “Not under My First Amendment,” CATO Institute (Fall 2005; 3:4): 6; see www.CATO.org and Abrams book that was the substance of this letter: *Speaking Freely—Trials of the First Amendment* (NY: Viking, 2005; 306p). Abrams is one of the nation's leading First Amendment lawyers.

First Amendment. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.¹⁷

~ **First Amendment Tied to Fourteenth Amendment** ~

Fourteenth Amendment. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.¹⁸

FIRST and FOURTEENTH Amendments

The closest we can get to fleshing out the ghost of *intent*—the closest—is to look at the written proceedings of the national and state Conventions, when they wrote anything at all. Some portions of the constitutional conventions were sworn to secrecy, just like a Freemasonry lodge, but that is never revealed either. Those proceedings are Leonard W. Levy’s and Thomas J. Curry’s mighty strengths.

Our precious Constitution shoots in three directions at the same time against Christian establishers; this is not *intent* but what they wrote: one, they did not put God in; two, they prohibited the establishment of religion; three, they legalized free expression of both speech and religion.

The greatness of our First Amendment is that the Founders *established* the right of all to grieve the very government *with* government protection—genius. The twin freedoms to worship and speak are linked together, because freedom of conscience was dear to our Founding Fathers, including the *intention* that a man like Franklin can be truly free to *not* be a Christian and *still* be considered an equal leading Founding Father. Genius! Why? Because they intended to establish the USA on freedom of religion and speech, and those revolve around freedom of conscience.

Three works among many provide indispensable sources:

Daniel Dreisbach’s *Thomas Jefferson and the Wall of Separation Between Church and State* (NYU Press, 2003, 294p.)

Lenni Brenner’s *Jefferson and Madison on the Separation of Church and State* (Barricade Books, 2004, 656p.)

¹⁷ The Constitution of the United States, 1789.

¹⁸ The Constitution of the United States, 1789.

Forrest Church's *So Help Me God—The Founding Fathers and the First Great Battle Over Church and State* (Harcourt, 2007, 544p.)

The lead organization is
Americans United for Separation of Church and State¹⁹

Does anyone in America today want to return to the days of *compulsory* church attendance? Is there anyone in America today who thinks that *compulsory* is good for anyone or even good for the favored church? Baptists were *jailed* and unlicensed preachers were *jailed* even up to 1774! Why do some want to hide that, on one hand, and then wish to lift up Christian piety in the 1700s as an *example* to return to and something to re-establish? In the early 1700s, it was their Christian belief that ran other Christian people out of town.

Distinguished Professor Leonard W. Levy recounts,

Massachusetts law required that a Baptist obtain a certificate proving that he regularly attended a church of his own denomination to be exempt from ministerial and church taxes, which the towns enacted for the support of public worship led by “learned and orthodox” ministers (Congregationalists); but he had to pay a tax of four pence (the tea tax was only three pence per pound) for a copy of the certification or legal document that he needed to prove his tax-exempt status. “All America are alarmed at the tea tax; but we [Baptists] have no such liberty,” [Reverend Isaac] Backus complained, and, he added, conscience prevented payment of the certificate tax: government had no lawful authority over religion.... Backus spoke for the Baptist minority that felt persecuted by the Congregational majority. John Adams spoke for the Congregational majority when he stated that the establishment to which he gave his support was “but a slender one” that did not infringe religious liberty.

The Reverend Ezra Stiles, president of Yale College, who agreed with Adams, also ignored the fact that Massachusetts imprisoned Baptists and any others who refused to support obedience to the government in matters of support for religion. In Virginia and other southern colonies, Stiles observed, Baptists “not only pay ministerial Taxes for building churches but are imprisoned for preaching in unlicensed Houses.”²⁰

¹⁹ Their site, www.AU.org, is full of first-rate material. You do not have to agree with everything to see the clarity of its primary mission.

²⁰ Leonard W. Levy (1923-2006), Andrew W. Mellon All-C Claremont Professor of Humanities and Chairman of the Graduate Faculty of History at Claremont Graduate School, California, *The Establishment Clause* (1986; 236p.): 2, quoting from Alvah Hovey, *A Memoir of the Life and Times of Reverend Isaac Backus* (1858): 215-221, from a copy of “Petition to the General Court, Dec. 2, 1774”; second quote from Ezra Stiles, *The Literary Diary of Ezra Stiles* (1901, 3 vols): vol. I, 475. Levy was also the editor-in-chief of the four-volume *Encyclopedia of The American Constitution* and Pulitzer Prize for History in 1969, a famed expert on the Constitution and author of 40 books.

Did you know that many of the colonies tolerated multiple establishments of religion? Did you know that those in the majority in a given town voted upon what Christian church they would support with their taxes?

What are the *re-establishers* wanting to re-build?

What kind of re-build are we talking about? That might be nice for Christians, especially if the country voted to establish *national* pastors like Rick Warren, Joel Osteen, Max Lucado, T. D. Jakes, or Billy Graham—men with hearts of gold. But that is not good for dissenters. And it could and would—down the line—lead to jail time for Universalists, Muslims, Buddhists, and atheists; even Baptists, Methodists, or churches of Christ. It would all depend upon the leadership of the national pastor or national religious committee. Establishment all too often leads to Taliban.

But the point is very simple. Our Founding Fathers *already* dealt with the problem, and erected a Wall of Separation by choosing not to include God in the Constitution, and choosing to establish freedom of religion and freedom of speech, because freedom of conscience was important to personal integrity as well as important to sincere devotion. And Freemasonry was the institutional precedent like no other.



E. Faith-Based Favor and the Church's Integrity

If anything is axiomatic and obvious, it's this: at the very point of favor to one, all others are in disfavor. If one is *tolerant* of another, the very word *tolerant* implies inferior to the *tolerated*. The Constitution made religious pluralism legal. George Washington could be a Christian with the same inalienable rights as non-Christian Benjamin Franklin. They did not have to agree with each other to be friends, and they did not *tolerate* each other; rather, in a pluralistic country, they genuinely respected the freedom of conscience of each other. The USA became the first institution of freedom in the world, the first post-*tolerant* and first truly pluralistic nation on earth history—just like Freemasonry had been for many decades before the USA, the only real institutional precedent.

If anything is axiomatic and obvious—I repeat—it is this: at the very point of favor to one, all others are in disfavor. For a perfect example, listen to this.

The White House provided the AP [Associated Press] with a list of “faith-based” organizations receiving funds and the amount they received. According to the list, the federal government gave more than \$1.7 billion to “faith-based groups in 2003.”²¹

²¹ K. Hollyn Hollman, “Hollman Report,” *Report from the Capitol* 60:2 (02-2005; Baptist Joint Committee): 6.

Though over 80% of those had received money in the past, presumably under the old rules of constitutional guidelines, yet two of the programs accounted for about half: Head Start and the other Housing and Urban Development. That is not leveling the playing field, and how one gets into the faith-based cash drawer is still unclear. What does “level playing field” mean? Whatever “level playing field” truly means, it is obvious that the meaning itself is still confusing, though that should have been the first item the Feds clarified. In a country *founded* upon liberty and equality and justice for *all*, “level playing field” should be the clearest of all and made *level* for all. Moreover, “The White House admitted to the AP that the list contains organizations that do not identify themselves as faith-based but merely had names sounding religious.”²² Talk about confusing! Not only is that sloppy governmental reporting, it is deceptive, twists the meaning of faith-based itself, circumvents the program’s purpose, and makes our case concrete.

It is a mighty pompous policy that pretends to have the divine power and wisdom and scrutiny to give support to *all* religions equally, as nonpreferentialists claim to be possible. Who believes that anyone except Jesus has such a grand capacity as that? And for Jesus, it *still* took a miracle to feed just 5,000.

At least, that means that those churches with the legal machinery and grant-writing finesse *shall be* in favor—like big church schools and Sun Myun Moon’s marriage program. All the other shoe-string soup kitchens are left out, in some cases because they had no tuxedo to attend the local faith-based government “information” dinner. In other cases the soup-kitchen supervisor was too busy cooking soup to come, or missed the invite because he or she does not read the national newspaper advertisements regularly. I have not seen any TV or newspaper ads or information seminars. How does one apply? Is not the faith-based money *supposed* to be available to all? But here we are: how in the world can the government give to all religions fairly? That is a monstrous question for a small country or even a single small American state. When the mission of giving fairly to all religions is directed to the mighty USA, that is truly an impossible mission.

Can you see?—we are *still* working on freedom of religion and freedom of speech today.



The integrity of the church rests upon its freedom from government sponsorship. The church can best prosper when those who join, join willingly and with the least political or business or monetary incentives. I want people to come to my church because God is *the* reason and most attractive element. Period. The very micro-second that partisan politics is

²² K. Hollyn Hollman, “Hollman Report,” *Report from the Capitol* 60:2 (02-2005; Baptist Joint Committee): 6.

allowed in the church, that church ceases to be a *church*. Only an abysmal understanding of human nature would think any church or churchman could duly avoid being confused with yet another political caucus at the very second partisan politics entered the door. Said in another way, there is no man or woman alive of such noble and pure sentiment capable of fairly and absolutely dissecting their own human heart, much less that of any political candidate.²³

Without that divine ability, there is no way for any church to carry on its holy mission and at the same time give its holy endorsement to any political candidate. And any endorsement is a holy one, for the church is God's work on earth.

Thank God for our Founding Fathers' genius who constituted against official church-state coalitions. Thank God for guiding them then. And no thanks to the church-state coalitions who were usually more interested in their own self-preservation than they were in the commoners' freedom. The government should not support or detract from religion, and that was constituted. The government should protect us and our church's rights to life, liberty, and the pursuit of happiness—and not interfere.

A truly free church will prosper best in a truly free society. The true church needs no government to keep her alive, and that should be especially so in the USA where the original intent of our Constitution was *protection* of religious and civil liberty. Religious and civil liberty is the USA guarantee and comfort the sincere believer in the true church, no matter how you define what is absolutely and exclusively *true* for you.

The church has prospered in the USA like she has not at any other time in its history, truly prospered in membership, world clout, and of course in property and wealth, and other religions have prospered, too. Who will supply the footnote here on the trillions of dollars of assets and billions of dollars of cash flows of both the Catholic and Protestant churches, plus the billions in the other religions? *Prosper* is an understatement. This gargantuan prosperity of the church itself is one indicator of God's blessings upon the Constitution and its original intent to charter a new institution of freedom and justice for all.



F. Wall of Separation—Professor Leonard Levy

If the government tears down the Wall of Separation between church and state and favors a particular faith (or denomination), our entire constitution changes, and the man of that faith is also unduly favored. Likewise, there is no man so good or noble that such favor would not corrupt, if even a little. And there are plenty of bad men who would use and milk

²³ Do we need a list of works on the doctrine of sin or the Fall here? I think not. The list would be longer than this book if we included most of the best of most of the faiths, and consume an entire discipline in itself.

that favor for every cent of influence they could buy or lie to obtain. They do it today, with what separation exists.

If what separation that exists today is torn down, and the Wall torn completely down, well then ... look to the hills, for the new-found political prophets will descend upon Washington D.C. with new words from God. Everyone will be quoting Scripture to get their hands into the pork barrel, and Christianity will be the loser as more charlatan Christians will prostitute themselves than do today. And sometimes the charlatan *sounds* better than the genuine article.

Outside and sometimes inside the D.C. beltway politics, few things are more important in the USA than freedom of religion and of speech. And an essential element of our Constitution cannot be distilled much more than Jefferson's metaphor, Wall of Separation between church and state.

What is clear—among the vast ocean of literature—is that Freemasonry was there from the beginning in England, Europe, and North and South America. And, still, Freemasonry is ignored by the Religious Right today with respect to our USA's foundations. Worse, when some of the Religious Right do talk about Freemasonry, they are no more focused than are the critics' Frankenstein concoctions. And now—unique to date—we have one person who has done both, in juxtaposing Christian establishment with corkscrewing Freemasonry—David Barton and his WallBuilding businesses.

Among the top two hundred Founding Fathers, the single group that most of them belonged to was Freemasonry. That is an extraordinary fact. Except for the actual ministers of the gospel, most of the Fathers—including George Washington—do not appear to be anything like 21st century evangelicals. Some were solid and devout Christians, but some were deists and others were never found in church. Most of them frequented the taverns—*most*.

We need to be careful with our precious Constitution and the First Amendment. We do not need or want an established religion, and that was our Fathers' original intent. We are evolving. Our Fathers were not so naïve to think that they had settled forever all of the problems. Leonard W. Levy wisely stated part of our future in 1986:

We should not want the ban on establishment of religion to mean only what it meant in 1789 or only what its framers intended.... Two hundred years of expanding the meaning of democracy should have some constitutional impact. We are not bound by the wisdom of the Framers; we are bound only to consider whether the purposes they had in mind

still merit political respect and constitutional obedience. History can only be a guide, not a controlling factor.²⁴

The Constitution is precious but not solid, for we are still working on the fuller meaning of liberty and equality for all. So Levy continues,

If we followed the framers of the Constitution blindly, we would be duplicating the method of the *Dred Scott* decision by freezing the meaning of words at the time they became part of the Constitution.²⁵....

Those who profess to be broad separationists ought to understand that popular government will continue to aid religion and show respect for it, and that not every accommodation with religion, deriving from incidental assistance, is necessarily unconstitutional.... Trying to insure that the wall of separation is really impregnable might be futile and dangerously counterproductive. Indeed, the cracks in the wall might be more numerous than at present without seriously harming it or the values it protects. A moment of silence in the public school for meditation or prayer ... would not really make much difference, if they were not omens that the cause of religion would be still further promoted by government. Accommodationists seem insatiable and use every exception as precedents for still more exceptions. The moral majority does not compromise. Consequently passionate separationists who see every exception as a disaster, tend to run around ... screaming, "The wall is falling...." It really is not and will not, so long as it leaks just a little at the seams. If it did not leak a little, it might generate enough pressure to break it....

Despite continuing complaints about the wall of separation between government and religion, that is the policy embodied by the establishment clause. The Constitution erected that wall.... Because the domains of religion and government remain separated, religion in the United States, like religious liberty, thrives mightily, far more than it did 200 years ago when the vast majority of Americans were religiously unaffiliated....

[Quoting from Roger Williams in 1644] "When they have opened up a gap in the hedge or *wall of separation* between the garden of the church and the wilderness of the world, God hath ever broke down the wall itself, removed the candlestick, and made His

²⁴ Leonard W. Levy, *The Establishment Clause* (1986; 236p.): 175-176, with quote from Roger Williams from *A Letter to Mr. John Cottons* (1643), in *The Complete Writings of Roger Williams* (1963, 391p.) following the modernized version by Perry Miller, *Roger Williams: His Contribution to the American Tradition* (1962): 98.

²⁵ The *Dred Scott* case was argued in 1856-57 in the U.S. Supreme Court, which considered the whole issue of Federal power over slavery in the territories, including the free territory of Illinois in which Dred Scott wanted to remain, freed from the slavery of his Missouri origin. They ruled that Congress had no constitutional power to prohibit slavery, which helped inflame the anti-slavery issues growing in the North.

garden a wilderness, as to this day. And that therefore if He will ever please to restore His garden and paradise again, it must of necessity be walled in peculiarly unto Himself from the world....”

Thus, the wall of separation had the allegiance of a most profound Christian impulse as well as a secular one.... The wall of separation ensures the government’s freedom from religion and the individual’s freedom of religion. The second probably cannot flourish without the first.

Separation has other bountiful results. Government and religion in America are mutually independent of each other.... Government maintains a benign neutrality toward religion without promoting or serving religion’s interests in any significant way except, perhaps, for the policy of tax exemption.... The joint chiefs of staff supposedly begin their meetings with prayer, as do our legislatures. The incantation, “God save the United States and this honorable Court” and the motto “In God We Trust” and its relatives are of trifling significance in the sense that they have little genuine religious content. Caesar exploits, secularizes, and trivializes, but leaves organized religion alone. Free of government influence, organized religion in turn does not use government for religious ends. Thus, history has made the wall of separation real. The wall is not just a metaphor. It has constitutional existence.... Despite its detractors and despite its leaks, cracks, and its archways, the wall ranks as one of the mightiest monuments of constitutional government in this nation.²⁶

Liberty and equality turn on freedom of conscience, and only a slightly-permeable but solid wall of separation can truly insure freedom of conscience. And that is the meaning of the First Amendment *now* in the retrospective area.

Freemasonry was there from the beginning, as Freemasons had been chopping the wood for the furnace of freedom for 50+ years in the colonies. Our Founding Fathers founded a government upon principles that were an inherent part of Freemasonry in a fashion before they were formulated in the colonial churches. Henry Leonard Stillson noted that Freemasonry judges itself, “by its own Constitution and Landmarks, which are unchangeable, and which are founded on equal justice to all.”²⁷ The core principles of the

²⁶ Leonard W. Levy, *The Establishment Clause* (1986; 236p.): 175-176, with quote from Roger Williams from *A Letter to Mr. John Cottons* (1643), in *The Complete Writings of Roger Williams* (1963, 391p.) following the modernized version by Perry Miller, *Roger Williams: His Contribution to the American Tradition* (1962): 98.

²⁷ Henry Leonard Stillson, et al, editor, *History of the Ancient and Honorable Fraternity of Free and Accepted Masons and Concordant Orders* (Boston & NY: The Fraternity Publishing Company, 1904; 904p.): 227, by Charles E. Meyer.

USA were core in Freemasonry, and more than in most of the churches in the colonies, especially the church of England that was a *part* of the fleets sailing to the USA to re-take it.

Freemasonry was and is *the* example of a democratic institution *separate* from the church and *under* God. That *separation* from the church and *under* God—and not a religion—is the most public aspect of Freemasonry, next to the tradecraft of character counting.

No other Protestant denomination can claim as much consistency in polity and governing principles today, the few have continued; and most cannot because their denomination did not exist in 1791. In that light, Freemasonry is the only institution that held the values of liberty and equality and freedom of conscience as constitutionally precious long before and after 1791 in a fashion greater than every Christian denomination.

Equating patriotism with Christianity is a big market today. And that amalgamation is—dare I say—a sacrilege to Christianity. Both Christianity and patriotism are cheapened when they are linked or wedded to partisan politics. The use of George Washington's picture as illustrative of the founding of America as a Christian nation is *the* example of abuse. George Washington was more honorable and not like any evangelical we know today.

Leonard W. Levy and the first hundred pages of his *The Establishment Clause—Religion and the First Amendment* should be the standard starting point of all discussions. Listen—as I studied this as an innocent myself, I could not believe it, but Levy published in 1986! My problem is that I had to *discover* Levy on my own, like a lot, because several experts in the Religious Right never reveal what they ought to. And those experts becomes corrupt if they knew of works like Levy's and occulted them, still, as Barton may have done.

The first fifty pages of Levy demand attention and rattle the brain with good sense. He lays out the history prior to, during, and up to ratification of our precious First Amendment, from the original sources, and he indicates precisely what was recorded and not recorded, pro and con. Establishment of religion was the order of the day in many colonies, but not all. Everyone knew what establishment of Christianity meant: in England it meant a state church, and in America there were multiple establishments. And some like Rhode Island did not establish anything, also, by design.

WEDGE 5. Leonard Levy & Thomas Curry—Restriction of Powers

Leonard W. Levy's and Thomas J. Curry's works are milestones of Constitutional contribution.²⁸ More than any in the Religious Right and David Barton, they sifted the original sources and focused less on the ghost of original intent and more upon the history of the Constitution itself. Whatever may have been the influence of Christianity or Freemasonry, all led our Founders to the First Amendment being all about **restriction** of power and **away** from governmental empowerment. Character counting is the hammer that drives the wedge of Levy and Curry's credibility between the critic's Frankenstein and the honor of Freemasonry in its ancient advocacy of freedom.

Levy and Curry do not mention Freemasonry, and they do not need to in order for their case to be made. Levy gives a masterly cogent history of the formulation of the First Amendment, and so then the Bill Rights was historically—*intentionally*—given to restrict the powers of government. Because the Constitution gave no authority over religion to begin with, many felt a bill of rights truly superfluous. But to insure that a later government would not change, the Bill of Rights was added to further restrict any later government.

After the history, Leonard W. Levy gives us a precise statement on the First Amendment being explicitly restrictive. Levy presents the history *without* speculating much upon the ghost of intention swirling around the Constitutional conventions. However Christianity or Freemasonry may have influenced the minds of our Founding Fathers, there is enough *history* present to document that they were men of integrity. After 80 pages of historical proofs and uncanny precision, Levy condenses his pith.

The history of the drafting of the establishing clause does not provide us with the understanding of what was meant by “an establishment of religion.” To argue, however, as proponents of a narrow interpretation do, that the amendment permits congressional aid and support to religion in general or to all denominations without discrimination, leads to the impossible conclusion that the First Amendment added to Congress' power. **Nothing supports such a conclusion.** Every bit of evidence goes to prove that the First

²⁸ Professor Leonard W. Levy's *The Establishment Clause—Religion and the First Amendment* (1986; 236p.) and Bishop Thomas J. Curry's *Farewell to Christendom: The Future of Church and State in America*. (Oxford Univ. Press, 2001; 143p.): 4.

Amendment, like the others, was intended to restrict Congress to its enumerated powers.²⁹

Or more powerfully in his next book on original intent, Levy says,

the clearest proposition about the establishment clause is that it limits power by placing an absolute restriction on the United States: “Congress shall make no law . . .” Reading an empowerment from that is about as valid as reading the entrails of a chicken for the meaning of the establishment clause or for portents of the future.³⁰

Those quotes may appear as mere claims here. But after 80 pages in the first quote and 150 in the second, they are no longer claims; they are demanding conclusions.³¹



G. Farewell to Christendom—Bishop Thomas Curry

Bishop Thomas J. Curry casts this squarely inside the Christian framework in his book, *Farewell to Christendom—The Future of Church and State in America*. Between those who wish to re-establish some form of a Christian state and those who oppose Christian establishment—accommodationists (or the more feared Christian radical establishers) and the separationists—Bishop Curry has kindly and thoroughly challenged.³² Curry proceeds to clarify how the First Amendment is a self-denying ordinance restraining government, “a

²⁹ Leonard W. Levy, *The Establishment Clause—Religion and the First Amendment* (1986; 236p.): 84-85, and “Because Congress possessed no power under the Constitution to legislate on matters concerning religion, Congress has no such power even in the absence of the First Amendment. It is therefore unreasonable, even fatuous, to believe that an express prohibition of power—“Congress shall make no law respecting an establishment of religion”—vests or creates the power, previously nonexistent, of supporting religion by aid to all religious groups. The Bill of Rights, as Madison said, was not framed “to imply powers not meant to be included in the enumeration.”

³⁰ Leonard W. Levy, *Original Intent and the Framers’ Constitution* (1988, 2000; 525p.): 175, quoting Hamilton from *The Federalist Papers* #84 (1961, 2003; intro and notes by Charles R. Kesler, ed. Clinton Rossiter): 513.

³¹ Alexander Hamilton, *The Federalist Papers* #84 (1961, 2003; notes Charles R. Kesler): 513, in this context and on the First Amendment, Hamilton said, , “I will not contend that such a statement would confer a regulating power; but it is evident that it would furnish, to men disposed to usurp, a plausible pretense for claiming that power.”

³² Thomas J. Curry, Auxiliary Bishop of Archdiocese of Los Angeles, *Farewell to Christendom: The Future of Church and State in America*. (NY: Oxford Univ. Press, 2001; 143p.): 4, “This dominant literalism is characterized by a preponderance of assumptions that the First Amendment was enacted by a people whose ways of thinking matched those of modern Americans and who dealt with the same Church-State issues that prevail in America today. As a result, studies of the amendment often treat it as a statement intended to provide answers at the time to specific questions in a distant future rather than as a proclamation of principle by a people unable to envision its application beyond the limits of their own experience.”

mandate that the State will exercise no power in religious questions, that ‘Congress shall make no law’ in the domain of human experience”); therefore,

Religious freedom proceeds from government’s leaving people to decide on their own religious beliefs and practices. Some would, with the best of intentions for society, now have government return to the practice of sponsoring and promoting religious beliefs and observances. Others, equally well intentioned, would guard against the abuses of the established religions of the past by endowing government with power to corral religion, to locate the Church behind a wall or barrier of the State’s making.

In reality, the First Amendment is about the government’s lack of power. It is no more a mandate to promote religion than it is one to create a boundary defining the sphere or activity of religion. Rather, it embodies a new way of arranging government, the full understanding of which is still emerging. The gravitational force of Christendom, built up over more than fifteen hundred years, remains strong.... the great American experiment still challenges religious believers to realize that the denial of government power over the Church resulted not from a depreciation of religious belief but from a profound appreciation that religion was too important to be left to politicians, too precious and necessary to a vibrant society to be made the tool of government manipulation.³³

The *Farewell to Christendom* as his title indicates is about the end of Christendom that came with the First Amendment of our beloved USA Constitution in 1791, and that end was seconded with the Roman Catholic *Declaration on Religion* at the Second Vatican Council in 1965.³⁴

By *Christendom* and its end, Thomas J. Curry is referring to the dominating forces of Christianity since the time of Constantine’s 4th century embrace of Christianity and then official proclamation of toleration of Christianity within the empire; the official establishment of Christianity would follow under later Emperors.³⁵ From then and until 1791, there was one form of establishment after another that has been the cause of many

³³ Thomas J. Curry, *Farewell to Christendom* (2001; 143p.): 5.

³⁴ Austin Flannery, O.P., ed., *Vatican Council II: The Conciliar and Post Conciliar Documents* (Collegeville, MN: Liturgical Press, 1975): 799-812.

³⁵ Kenneth Scott Latourette, *A History of Christianity* (1953; 1,516p.): 91-92, for story by Eusebius on the vision of a cross to Constantine who was charged from heaven to “Conquer by this”; p.92, “The policy of Constantine was one of toleration.... not make Christianity the sole religion of the state. That was to follow under later Emperors. He continued to support both paganism and Christianity.... To the end of his days he bore the title of *pontifex maximus* as chief priest of the pagan state cult.” Curry references Peter Brown, *The Rise of Western Christendom* (1996), Douglas John Hall, *The End of Christendom and the Future of Christianity* (1997), and Stanely Hauerwas, *After Christendom? How the Church Is to Behave if Freedom, Justice, and a Christian Nation Are Bad Ideas* (1999).

bloody battles. From there and for 100 careful pages, Bishop Curry clarifies the powerful and far-reaching influence of the First Amendment. Like Leonard W. Levy and in a likewise incisive conclusion, Curry says,

Failure to comprehend Americans' steadily widening and deepening understanding of the meaning of free exercise of religion has led historians and judges back to the pragmatic tradition of toleration....

Virtually all participants in the modern Church-State controversy imply that, consistent with the Free Exercise provision of the First Amendment, government may exercise power in religious matters if it does not coerce or prefer. They differ solely as to whether the No Establishment provision prohibits such an exercise of power. Only when they rediscover that Free Exercise means freedom from government sponsorship of religion or exercise of power in religious matters will they be able to connect accurately with the amendment's founding history.

In the *absence* of an appreciation of this radical, Reformation-inspired, religious conviction, the pull of Christendom reasserts itself. People are prompted to call upon government to assist religion. They contend that in failing to sponsor it, government demonstrates hostility toward it. Again, this argument proceeds from the notion represented in the Massachusetts Constitution of 1780 that since religion is useful to society, the State should sponsor it. In that context, religion is perceived as a moral system embodying a collection of tenets. However, for those who understand or experience religion as a matter of conviction, as a profound and personal relationship with God, use of the heavy hand of government to impose a utilitarian, moralistic view of religion is a fundamental violation of their right to the free exercise of it. Government's use of religion as a social tool, the imposition of a notion of religion "approved by" politicians or public officials, and the direction of contrived prayers to a composite god all vulgarize religion and deaden the spirit of true religious faith.³⁶

Those powerful lines help Thomas J. Curry bring his succinct treatise near to its close. Then addressing the absoluteness of the Wall of Separation, Curry affirms that when the government refrains from interference in religion the government also respects the God-given freedom of individuals to follow their own conscience and chosen religious beliefs and practices.

When the Wall of Separation was absolute, that has led to governments evaluating laws in the light of whether the laws advance or impede religion, thereby the government assuming "to itself both competency and supremacy in religious matters" has "brought untold misery to humankind" when those regimes have "imposed their own orthodoxies and

³⁶ Thomas J. Curry, *Farewell to Christendom* (2001; 143p.): 112-113, italic emphasis mine.

ideologies.”³⁷ That fearsome absoluteness of the Wall of Separation has led regimes to determine “where, when, and how religion would be exercised”; they have used government “power to confine it and prevent it from competing with ‘official truth.’”³⁸ The more absolute the metaphor of Wall of Separation becomes, in totalitarian language between Church and State, that metaphor strengthens the position of the most radical Christian and Religious Right to move more to religious establishment. Be very afraid—so the Religious Right warn—until the government returns to State sponsorship of the Christian religion in particular, the State will continue to promote atheism.

All too often, the Religious Right does not value of the Wall of Separation and fears it may be absolute, and that often fails to understand just what the First Amendment. So Thomas J. Curry wisely opines:

Understanding that the First Amendment *prohibits* government from exercising power in religious matters—either by promoting government-sponsored religious exercises or, conversely, by walling off religion from the public sphere—will liberate America from the numbing controversies that have troubled it for decades. For religious believers, a clear comprehension of government’s lack of competence and authority in religious matters will lead to a rediscovery that religion is above all a matter of the spirit, not of the secular authority. Only those who possess a deep religious conviction founded in that spirit can bring to public life the religious values that have helped sustain—and will continue to nurture—the public realm. For those who serve the government, the realization that the First Amendment is designed to deprive them of power in religious matters will help them understand that it does not confer upon them authority to deny the free exercise of religion to individuals or groups, to determine what advances religion, to pronounce on the truth or falsity of religion, or, above all, to impose ideologies of their own using government authority.³⁹ [*Italics mine.*]

For those who love liberty and equality and religious freedom, those quotes from Levy and Curry are demanding. From the Christian perspective—even the Catholic, Protestant, and Anglican—those quotes have deep roots inside of mainline Christianity’s value of human dignity and true freedom of conscience. Those quotes derange the tyrant and bigot alike.



H. Freemasonry Freedom of Conscience a National Treasure

These are Freemasonry principles that encourage the Freemason to pursue his own conscience *under* God as that man believes. Any clarity to the pure meaning of the First

³⁷ Thomas J. Curry, *Farewell to Christendom* (2001; 143p.): 114.

³⁸ Thomas J. Curry, *Farewell to Christendom* (2001; 143p.): 114.

³⁹ Thomas J. Curry, *Farewell to Christendom* (2001; 143p.): 115.

Amendment must include Freemasonry.⁴⁰ Beyond mere *intent*, then, there are Freemasonry *precedents*. If anything happened in 1791, it was the movement away from government empowerment or persecution of conscience. The First Amendment was about restriction, not empowerment: “Congress shall make no law,” and a move toward freedom of religion and speech. Freedom meant *freedom* of conscience or it meant nothing at all in 1791, and no other institution supported freedom of conscience like Freemasonry. And with more consistency than any of the few Christian denominations that existed before 1791, that continues today in Freemasonry, making it a truly *National Treasure* on the freedom of conscience.



The following is the full chapter originally in the following

Character Counts
Freemasonry USA's National Treasure and
Source of Our Founding Fathers' Original Intent

by Michael G. Maness

www.PreciousHeart.net/fm

in the Revised Second Edition this is condensed to a section



⁴⁰ Leonard W. Levy, *Original Intent and the Framers' Constitution* (1988; Chicago: Ivan R. Dee, 2000; 525p.): 284-285, “Without records of the past that permit a reconstruction of it, we would have no way of ascertaining original intent. We cannot answer any question concerning the intent of the Framers without first determining whether evidence exists that will provide an answer.... The extent to which the past should govern the present constitutes a separate issue from the question whether the opinions of the past can be determined. Whether the records are ample enough to warrant a judgment about original intent forms still another question.” And Levy ascertains wisely the complications of original intent—the impossibility of a precise jurisprudence—as well as the the historical fact that we simply do not have all of what said. See Max Farrand (1869-1945), ed. *The Records of the Federal Convention of 1787* (1911; 1937; 3v.).