ESSAYS ON RELIGION
AND
POLITICS IN AMERICA

BY

DR. J. O. HOSLER

Introduction

The following essays are previous newspaper editorials or related essays written by Dr. J. O. Hosler on the subject of religion and politics. These concepts were drawn from his larger work entitled *American Theonomy Vs. Secular Neutrality [Examined].*

It will be important to note that although Dr. Hosler is defending the separation of church and state, he is not advocating the separation from the political process of outspoken moral/political opinions on the part of individual Christians. In fact, he considers this to be their God-given right and responsibility. He is certainly not advocating the separation of God and country for he is thoroughly convinced that no part of this universe can be separated from its Creator. That being said, he affirms the historic Baptist tradition that the corporate church should not be a political action organization with respect to foreign policy, elections and legislation. Thus, he would expect to see individual Christians protesting abortion and ministers preaching against abortion. However, he believes that it would not be advisable for the official corporate congregation to appear with church banners to protest the government's position on any policy. His policy would approve the free expression of all individual Christians while the organized church remains out of the political arena. This is not only his belief, but is the legal code of the IRS.

In 1934, Congress enacted a limitation on lobbying activities of public charities, including religious groups, under Section 501 © (3) of the Internal Revenue Code. The limitation was stated in the form of a definition of a charitable entity: an organization in which *no substantial part of the activities is carrying on propaganda or otherwise attempting to influence legislation.* [This is speaking of political propaganda and not other forms of religious affirmations]. Examples of activities that the IRS deems prohibitive include: publication or distribution of written or printed statements on behalf of or in opposition to a candidate; evaluation and support of candidates in a public school board election; comparative rating of candidates as average, good, or excellent, and disseminating ratings to the public; directly approaching candidates to ask them to endorse or sign a code of ethics for political campaigns; publishing in a voter education guide the responses of candidates to a questionnaire, which contains questions evidencing a bias on certain

issues; distributing of a voter education guide concentrating on a narrow range of issues during an election campaign; attacking incumbents and candidates in broadcasts and publications, urging the election or defeat of candidates, and endorsing a presidential candidate.

Notwithstanding, Dr. Hosler reminds us that a religious organization does have the option of organizing an entirely separate entity for the purpose of political activity. The IRS regulations allow for action groups, which exist for the purpose of engaging in substantial political activity under Section 501 (c) (4). In this case the entity is income tax-exempt, although contributions to it are not tax deductible. The reasoning for this is to prevent political campaigns from laundering campaign contributions through churches thus making the contributions tax-exempt. Such a practice could involve the church in some dirty business and place it in a direction it does not wish to go.

In a day when both liberals and conservatives desire to use the corporate church as a vehicle for elections and legislation, the reader is urged to read the following editorials with an open mind and with a heart for the Great Commission to reach the world for Christ through evangelism.

The Ten Commandments In The Early American Colonies
By
Dr. J. O. Hosler, Pastor

In the thirteenth chapter of Romans, the Apostle Paul proclaims that God has ordained civil government to prescribe man's duty to man within each nation. The local church however has no jurisdiction outside its own assembly (I Cor. 5:12, 13). The local church will preach to the saints their duty to God and to their fellow man. The one and only exception to this is the nation of Israel where religious authority and civil authority are one and its statutes prescribe every Israelite's duty to God and Country. The statutes of moral duty in other countries create a social contract based upon the values that God has placed in the conscience of every man.

The legal codes of ancient civilizations reveal prohibitions against murder, false witness, theft, fraud, cheating etc. This is because God created mankind with a knowledge of natural law in its collective conscience (i.e. Romans 1:18; 2:14). We see traces of divine-natural law in the code of Ur-Nammu of ancient Sumer (*c* 2113-2006 B.C.) where the king was concerned that orphans did not fall prey to the wealthy and that the man of one shekel did not fall prey to the man of sixty shekels. Natural law can be observed, though imperfectly, in the code of Hammurabi of ancient Babylon (*c*1792-1750 B.C.), whose purpose was: *to cause justice to prevail in the land, to destroy the wicked and the evil, to prevent the strong from oppressing the weak…and to further the welfare of the people*. The ancient Hittite empire (after 1450 B.C.) had a similar code, but differed in prescribing more humane punishments. Instead of retaliation (*an eye for an eye*), the Hittite code made greater use of restitution and compensation. In 450 B.C. Roman law was inscribed on twelve tablets of bronze (called *The Law Of The Twelve Tables*) and set up publicly in the Forum. When Justinian commissioned scholars to compile the mass of Roman laws into a unified Justinian Code, it became formally titled *Corpus Juris Civilis*. It was replete with traces of natural laws of right and wrong, virtue and vice, justice and wrath. It would be too tedious to speak of ancient African laws; Aztec laws, Chinese laws; Germanic folk law; Japanese laws, and Russian laws. Suffice it to say that, without the Mosaic system or established Christianity, pagans have always possessed the truth of God in unrighteousness and understood His righteousness and wrath from their collective consciences (Rom. 1:18-20).

The Ten Commandments, however, were a part of a larger body of law that would distinguish the corporate nation of Israel in the Old Testament from all other nations (Exodus 19:3-5; 31:13; 34:10-11; Deuteronomy 4:6-8, 44-45; Psalms 147:19-20; Rom. 9:1-5; John 8:17; 15:25; Gal. 3:15-19). The commandment to keep the Sabbath was a covenant between God and Israel alone (Exodus 31:12-17; Nehemiah 9:14), the violation of which required the death penalty (Exodus 35:2). By contrast, the Apostle Paul commanded Christians to allow no man to judge them regarding Sabbath days (Colossians 2:16). There

was to be no separation between the Ten Commandments and the instructions to enforce them (Deuteronomy 6:1). The Mosaic Law was one indivisible unit (Joshua 1:8; James 2:10; Gal. 5:3). It was never to be edited in any way. Even as far into the New Testament as the second epistle to the Corinthians Paul knew that the ten commandments engraved in stone could not editorially be separated from the death penalties which accompanied the separate statutes which required capital punishment (II Cor. 3:7-18). In II Cor. 3 Paul refers to the ten commandments twice as *fading away* and once as *taken away*. Paul is using the Greek word *katargeo* which means: *abrogate, cancel, bring to an end.* This is the same word that Paul uses of the destruction of the antichrist in II Thess. 2:8. In Luke 13:7 the concept of *Katargeo* is *use up*. In Rom. 4:14 it means *worthless* or *made of none effect.* In Rom. 6:6 and Heb. 2:14 it means *destroyed* or *done away.* In Rom. 7:2 it means *loosed* or *released.* In Rom. 7:6 the concept is *released from* or *delivered from.* In I Cor. 1:28 the meaning is *come to naught* or *to nullify.* In I Cor 2:6 the meaning is *coming to nothing.* In I Cor. 6:13 the meaning is *destroyed.* In I Cor. 13:8 the meaning is *fail* or *vanish away* and in vs. 11 it is *put away.* In I Cor. 15:24 the meaning is *put down* or *destroyed.* In Gal. 3:17 the concept is *of non effect* or *to do away.* In Gal 5:4 the meaning is to *become of no effect* or *alienated.* In Gal. 5:11 the concept is *ceased* or *abolished.* In Eph. 2:15 the meaning is *abolished.* And finally, in II Tim. 1:10 the meaning is *abolished* or *destroyed.*

What did Paul mean when he said that the ten commandments ministered death? Paul meant eternal death and also capital punishment (II Cor. 3:7; Heb. 10:28). Worshiping any other god required the death penalty (Deuteronomy 17:2-5), as did also the rebellion of children against parents (Deuteronomy 21:18-21), and the taking of God's name in vain (Leviticus 24:10-16). Making a graven image required dispossession of property, loss of citizenship and deportation (Numbers 33:50-53). We can have a moral code in the U.S. that is God-pleasing without establishing Mosaic Law. The ten commandments are statute law growing out of the moral law in the conscience of every man from creation. These natural moral precepts are not statutes and do not carry the penalty of capital punishment in each case. Laws for individual nations need to be based upon these moral precepts and not on the ten statutes of Israelite law that require the death penalty in most cases.

Failure to understand this distinction has always resulted in religious persecution. A prime example is when the early American colonists established the Ten Commandments as statute law. The Massachusetts *Body of Liberties* (December 10, 1641, Sections 58, 59, 94) legislated that worshipping another god or blaspheming God required the death penalty. In 1646, anyone expressing contempt toward an established clergyman in the Bay colony was punished by standing four feet high on a block wearing a placard with the words, *An Open and Obstinate Contemner of God's Holy Ordinances*. In 1635 Massachusetts banished Roger Williams for advocating the separation of church and state and for denying the right of civil authorities to punish citizens for withholding infant baptism. In 1928 a warrant was issued under the Massachusetts blasphemy statute for the arrest of Professor Horace Kallen, who said: *If Sacco and Vanzetti were anarchists, so also were Socrates and Jesus Christ.* That same year an atheist was convicted in Arkansas for

ridiculing the Christian religion. **Virginia governor Thomas Dale in 1612 decreed the *Laws Divine, Moral and Marital* wherein those convicted of being unsound in the faith by an established clergyman were to be *whipt every day until he makes acknowledgement.* Colonial New York law required the baptism of all children to be performed only by an established minister of the Reformed Church. Baptists who held religious services in their homes were subject to arrest, fine, whipping, and banishment.**

Sir William Blackstone (1723-1780) was an English jurist who in the 1760s wrote a famous work called *Commentaries On The Law Of England.* By the time the *Declaration of Independence* was signed, there were probably more copies of his commentaries in America than in Britain. His works shaped the perspective of American law at that time and will enlighten us regarding the English background of Colonial Anglican and Puritan political thought. In chapter 5 of his *Commentary* Blackstone lists the offences against God and religion in English law such as apostasy; failure to express belief in a future state of rewards and punishments when taking judicial oaths; heresy; reviling the ordinances of the Church; absence from Divine worship; gross impieties; blasphemy; cursing; witchcraft and sorcery; Sabbath-breaking; drunkenness; open lewdness and bearing bastard children.

This was not the Christianity of the New Testament. The Bible calls for Christians to multiply themselves within nations by persuasion but nowhere enjoins them to form corporate theocracies to establish a national religion. True Christianity has never flourished under such conditions. There are no Christian countries on earth. There are just some countries with a lot of Christians in them. These Christians are to be a shining influence to the world around them according to Philippians 2:15… "That ye may be blameless and harmless, the sons of God, without rebuke, in the midst of a crooked and perverse nation, among whom ye shine as lights in the world." The truth does its best work in an arena of free thought.

The United States needs a moral code of ethics and the Creator has made it possible to have such boundaries without the establishment of any particular religion. If anyone is keenly aware of the Mosaic Law, that person will easily see that he has fallen short and is a sinner in need of salvation. If a person has never seen the Mosaic Law, his God-given conscience will convince him that he is an undeserving sinner who has fallen short: *All who sin apart from the law will also perish apart from the law, and all who sin under the law will be judged by the law* (Rom. 2:12, see also vss. 14-15). Therefore, every human being is without excuse before God (Rom. 1:20). Both the Mosaic Law and the natural moral law in each man's conscience can be the instrument to drive him to seek God's salvation by grace through faith.

The passion of every believer should be that of presenting the good news of God's saving grace to every nation. Christians do this by proclaiming the all-sufficiency of the finished work of Christ on the cross to provide forgiveness of sin and eternal life as a free gift (Eph. 2:8, 9)

A BAPTIST TRIAL IN COLONIAL MASSACHUSETTS

Dr. J. O. Hosler

We know much of Roger Williams and the Rhode Island experiment with its "freedom of religion" and "separation of church and state", but we know mulch less of his associate, John Clark. It was Clarke who petitioned Charles II in 1662 to grant a charter for Rhode Island, stating: "A most flourishing Civil State may stand, yea, and best be maintained…with full liberty in religious concernments" [see W.W. Sweet, "Religion in Colonial America", (New York: Scribner's Sons, 1942) p. 130]. The charter was obtained in 1663 and provided that "no person within the said colony…shall be in any way molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion…" [See A. P. Stokes, "Church and State in the U.S. (N.Y.: Harper and Brothers, 1950) p. 205]. The controversy over baptism was highlighted in John Clark's "Ill News from New England" or "A Narrative of New England's Persecution" (London, 1652). The narrative describes Clarke, Obadiah Holmes and John Crandall visiting Massachusetts Bay on May 16, 1651. On the 19th they came into the town of Lynn and lodged with William Witter. While discussing religion, two constables entered the house, arrested them, and took them to Boston for sentencing. Holmes was to pay a thirty pounds fine or be "well whipped" and Crandall was to pay five pounds or be "well whipped." When Clark asked what law they had transgressed, Governor John Endecott—"stepped up, and told us we had denied Infant Baptism, and being somewhat transported, broke forth and told me I had deserved death, and said, he 'would not have such trash brought into their Jurisdiction'." [see I. H. Polishook, "Roger Williams, John Cotton and Religious Freedom: A controversy In New and Old England" (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1967) pp. 111, 112].

Clark included in his book a letter by Obadiah Holmes giving his version of what happened on that occasion. Holmes reported that Mr. Cotton gave a sermon before the court just before the sentencing, affirming that "denying Infant Baptism would overthrow all; and this was a capital offense, and therefore, they were foul murderers." Holmes also reported that Governor Endecott told them: "You deserve to die, but this we agreed upon, that Mr. Clark shall pay twenty pounds fine, and Obadiah Holmes thirty pounds fine, and John Crandall five pounds fine, and to remain in prison until their fines be either paid, or security given for them, or else they are all of them to be well whipped…" [See Polishook, p. 112].

Though Roger Williams, Holmes, Crandall and Clark represented the Baptist faith with its exclusive view of "Believer's Baptism", they would have opposed any laws prohibiting the belief in infant baptism or any other religion. For this they are to be commended.

BAPTISTS AND THE AMERICAN REVOLUTION

By Dr. J. O. Hosler

A survey of the Baptists' struggle for religious freedom in the colonies indicates that many New England Baptists in particular saw in the Revolution an opportune time to press for their cause, and that they anxiously sought the cooperation of all other Baptists. The Baptists were unique in their advocacy of a secular government which would be formally neutral in religious matters.

In 1765 Samuel Harris, a Baptist preacher, was driven out of Culpeper County, Virginia by a mob armed with sticks, whips, and clubs. In Orange County he was pulled down from a platform by a ruffian and dragged about by the hair of the head, then by the leg, until rescued by a friend. It was the customary opinion that Baptists were social radicals because of their opposition of state supported religion. [see "The Great Awakening In Virginia 1740-1790" by W. W. Sweet (Duke University Press, 1930), pp. 119-121].

In Massachusetts there had evolved several successive statutes exempting Baptist and Quakers from payment of taxes to support the established church. However, these were valid on the contingency that the exempted person verify his membership in the recognized local church of his choice. A new exemption law was passed by the General Court in 1772, evidently under the pressure of Baptist action, which provided that Baptists might be exempt from paying the church tax if they furnished the authorities with certificates indicating their good standing as Baptists. The Baptists were not satisfied because they denied the right of any man to determine the religious standing of his fellow man. In September of that year, the Warren Association of Baptists appointed a Committee on Grievances with Mr. Backus as chairman. He urged Samuel Adams in the year 1774 to adopt a consistent policy of separation of church and state, pointing out that British taxation of American Colonies was no more unjust than Massachusettts' taxation of Baptists for support of a state church. [see: Alvah Hovey, "A Memoir of the Life and Times of the Rev. Isaac Backus" (Boston: Bould and Lincoln, 1859), pp. 196, 197]. Was not the main point behind the Revolution a protest against taxation without representation? In spite of their efforts, Baptists were defeated in their attempts to have religious freedom incorporated into the new Revolutionary Constitution of Massachusetts.

Nonetheless, Baptist support of the patriot cause in the American Revolution was regarded by them as support of the cause of religious liberty. The Baptist congregational form of polity combined with no state-church connections was in harmony with the prevailing democratic sentiments. Although these Baptists had common cause (religious liberty) with the constituents of the American Enlightenment, they should not be understood as a product of that Enlightenment. Their libertarian beliefs about freedom of conscience ran parallel with Enlightenment thinkers but originated much earlier. The General Baptists in an Orthodox Creed, 1679, Article XLVI stated: "And the requiring of

an implicit faith, and an absolute blind obedience, destroys liberty of conscience, and reason also, it being repugnant to both, and that no pretended good end whatsoever, by any man, can make that action, obedience, or practice lawful and good…." The "Confession of the Particular Baptists, 1689" Aarticle XXI stated: "God alone is the Lord of the Conscience, and hath left it free from the Doctrines and Commandments of men….So that to believe such doctrines, or to obey such commands out of conscience, is to betray true liberty of conscience; and requiring of an implicit faith, and absolute and blind obedience, is to destroy liberty of conscience, and reason also."

Thus, although the Baptists sternly believed in the sole authority of Scripture for faith and doctrine, they advocated freedom of conscience for non-believers as well. This concept could only be implemented through a secular government committed to formal neutrality in the area of religion and conscience. An excellent example of this concept is found in Roger Williams (1603-1683), founder of Rhode Island. He said: "The public or the magistrates may decide what is due from men to men, but when they attempt to prescribe a man's duty to God, they are out of place, and there can be no safety; for it is clear that if the magistrate has the power, he may decree one set of opinions or beliefs today and another tomorrow, as has been done in England by different kings and queens, and by the different popes and councils in the Roman Church; so that belief would become a heap of confusion." [see "Bible Readings For The Home Circle" (Battle Creek, Michigan: Review and Herald Publishing Co., 1890), p. 237].

In a letter to the Town of Providence dated (January 1655), Roger Williams advocated the revolutionary idea of pluralism, tolerance and absolute religious freedom when he wrote: "There goes many a ship to sea, with many hundred souls in one ship, whose weal and woe is common, and is a true picture of a commonwealth or a human combination or society. It hath fallen out sometimes that both papists and Protestants, Jews and Turks may be embarked in one ship; upon which supposal I affirm that all the liberty of conscience and that ever I pleaded for the turns upon those two hinges…that none of the papists, Protestants, Jews or Turks be forced to come to the ship's prayers or worship, if they practice any. I further add that I never denied that, notwithstanding this liberty, the commander of this ship ought to command the ships course, yea, and also command that justice, peace, and sobriety be kept and practiced, both among the seamen and all the passengers." Though Williams was not personally a pluralist, he believed that society should be pluralistic. [See John Bartlet, "Familiar Quotations (Boston: Little, Brown and Co., 1968), p. 329].

Williams, a Baptist and a conservative Bible-believer, was considered by most to be an extreme liberal in suggesting that law, order, and justice could possibly exist apart from an established religion. It was he who would argue that it was unjust for Christians to confiscate property from Native Americans simply because they were "pagans". After purchasing Rhode Island from the Native Americans, the latter were invited to remain. Under this philosophy Williams may well have been responsible for the conversion of more Native Americans to Christianity than the other colonies combined.

Today, a Baptist by definition should not be a pluralist believing that all cultures and beliefs are equally valid in their own contexts. He should believe exclusively that faith in the finished work of the cross of Christ will bring salvation to a sinner. However, the historical position of Baptists would not advocate the establishing of a national religion in a multi-cultured society such as America. God's truth will do its best work in an arena of free thought. This is why a Bible-believing and Bible-understanding Baptist will not participate in a rally to establish the 10 Commandments and Christianity to be the established religion of the United States supported by federal tax dollars. Think on these things as we pray for our nation and its leaders daily.

Controversy Regarding the Treaty With Tripoli, 1797

Dr. J. O. Hosler

The ***Treaty With Tripoli*** was signed at Tripoli November 4, 1796, and at Algiers Jan 3, 1797. Those who are learned in the U.S. Constitution will remember that no treaty becomes law until ratified by a two-thirds majority vote of the Senate. The U.S. Senate gave its advice and consent to ratification June 7, 1797. It was then ratified by the President of the U.S. June 10, 1797. This would be the date that it was entered into force and proclaimed by the President of the U.S. This treaty was superseded on April 17, 1806 by a treaty of June 4, 1805.

There seems to be a controversy regarding Article 11 which reads as follows: "As the government of the United States of America is not in any sense founded on the Christian Religion,--as it has in itself no character of enmity against the laws, religion or tranquility of Musselmen,--and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries."

A gentleman named Hunter Miller contends that Article 11 of the English translation, with its famous phrase, "The government of the United States of America is not in any sense founded on the Christian Religion" does not exist at all. There is no Article 11. He affirms that the Arabic text which is between Articles 10 and 12 "is in the form of a letter, crude and flamboyant and withal quite unimportant, from the Dey of Algiers to the Pasha of Tripoli." How that script came to be written and to be regarded, as in the Barlow English translation, is a mystery to Hunter Miller and to myself also as I am not able to read from the Arabic language. Nothing in the diplomatic correspondence of the time throws any light whatever on the point.

Probably most of the members of the Senate and the President himself had one thing in common with myself—they could not read Arabic. Therefore, before the treaty could be ratified by the Senate and the President it had to be considered and voted on in its English translation. It was the task of Joel Barlow, Consul General at Algiers, to translate the treaty from Arabic to English. It is the Barlow English translation that contains Article Eleven. This would have been the version read and understood and ratified by the Senate on June 7, 1797. This would have

been the version that was understood and ratified by the President on June 10, 1797. The Joel Barlow translation has been printed in all official and unofficial treaty collections since it first appeared in 1797 in the Session Laws of the Fifth Congress, first session.

Whether Hunter Miller is correct or not, the fact remains that it was the Barlow English translation that was to be considered the official law of the United States. From the text of the Barlow translation of 1796 it appears that the original Arabic version contained the English translation on the opposite page. It also appears from the text following Article 12 that both the Arabic and the English text had to be signed and sealed by both parties as is usually the custom with U.S. treaties in foreign languages. The following words were signed by Joel Barlow: …"Translated from the Arabic on the opposite page, which is signed and sealed by Hassan Bashaw Dey of Algiers—the 4th day of Argib 1211—or the 3rd day of Jan 1797—by-- JOEL BARLOW.

When diplomats worked for the U.S. President their final work was considered his work. The Constitution gave to the President the power to make treaties with the advice and consent of the Senate. Perhaps this is why some have referred to the wording of this treaty as the words of George Washington. After Article 12 of the treaty there is a section entitled [APPROVAL OF U.S. MINISTER AT LISBON] Which reads as follows: "To all to whom these Presents shall come or be made known. Whereas the Underwritten David Humphreys hath been duly appointed Commissioner Plenipotentiary by Letters Patent, under the Signature of the President and Seal of the United States of America dated the 30th of March 1795, for the negociating and concluding a Treaty of Peace with the Most Illustrious the Bashaw, Lords and Governors of the City and Kingdom of Tripoli; whereas by a Writing under his Hand and Seal dated the 10th of February 1796, he did (in conformity to the authority committed to me therefor) constitute and appoint Joel Barlow, and Joseph Donaldson Junior Agents jointly and separately in the business aforesaid; whereas the annexed Treaty of Peace and Friendship was agreed upon, signed and sealed at Tripoli of Barbary on the 4th off November 1796, in virtue of the Powers aforesaid and guaranteed by the Most potent Dey and Regency of Algiers; and whereas the same was certified at Algiers on the 3rd of January 1797, with the Signature and Seal of Hassan Bashaw Dey, and of Joel Barlow one of the Agents aforesaid, in the absence of the other." Humphreys's appointment of March 30, 1795 would have been under the Washington Administration. Humphreys seems to have delegated his authority to Donaldson

and Barlow though it appears that only Barlow was signing for the U.S. at the closure.

David Humphreys in behalf of the President approved the work accomplished by Barlow at the signing. Note the following words:… "Now know ye, that I David Humphreys Commissioner Plenipotentiary aforesaid, do approve and conclude the said Treaty, and every article and clause therein contained, reserving the same nevertheless for the final Ratification of the President of the United States of America by and with the advice and consent of the Senate of the said United States. In testimony whereof I have signed the same with my Name and Seal, at the City of Lisbon this 10th of February 1797.---David Humphreys (seal) [United States Minister at Lisban]." This date of 1797 would have been the John Adams administration.

A deeper and more profound question is this: Since all natural laws of right and wrong, morality and immorality are also Christian principles, is it necessary to establish Christian orthodoxy as law in order to have moral fabric in a society. (Rom. 2:14,15) "For when the gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which show the work of the law written in their hearts."

A call for even greater consideration is the wisdom of quoting from or referring to hundreds of early Americans, who were committed to the belief that infant baptism by sprinkling regenerated a baby and placed it eternally into the Body of Christ, as essentially representative of the "True Christianity" upon which this great nation was founded.

The burden of proof is not to be found in how many early American citations we can quote, but in the theological justification for believing that the United States is a Theocracy and that God will enter into a spiritual relationship with a generic version of national Christianity which affirms no clear gospel. We need New Testament proof that God has called Christians to establish Christianity as statute law in the United states.

For further information on this subject you may obtain a copy of Dr. Hosler's work *American Theonomy vs. Secular Neutrality: Examined.* In this lengthy paper Dr. Hosler refers to Article Eleven as the words of Washington. By this he is referring to the power of the President to make treaties and they are

considered his words when presented to the Senate. However, the final draft could as well have been attributed to John Adams.

Separation of Church and State
By
Dr. J. O. Hosler

After the creation of the First Amendment to the constitution, some Baptists feared that the establishment of a tax-supported teaching of a generic government version of Christianity would be to the detriment of their Baptist distinctives. Thomas Jefferson wrote a letter to the Danbury Baptist Association of Connecticut in 1802 stating: "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 legitimate 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…"

When Virginia sought to raise taxes to support the public teaching of the Christian religion, James Madison wrote his remonstrance "Against Religious Assessments" stating in paragraph 3: "Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians, in exclusion to all other sects."

Since "Cantwell v Connecticut 310 U.S. 296 (1940)", the Supreme Court has found in the Fourteenth Amendment (ratified by the states in 1868) the purpose of applying to the states all the restrictions placed on the federal government by the religion clauses of the First Amendment.

Reply to Dr. Hosler's Article on Jan 25, 2002 Chattanooga Times Free Press by Mr. M.R. Melton.

On Jan. 17 in letters, from Dr. John O. Hosler, "Separation of church and states is historical," quotes in last paragraph a U.S. Supreme Court case relying on the 14th Amendment as "the purpose of applying to the states all the restrictions placed on the federal government by the religion clauses of the First Amendment."

Regardless of what Dr. Hosler believes, the 14th Amendment was never ratified. The 14th did not achieve voluntary ratification by 28 states then (20 required of 37) and has not been ratified by three-fourth of the states since. But despite the clear history of illegitimacy of the 14th Amendment, it has been treated legally as though it were legitimate with the effect of the law….

My second reply is to an article of Jan. 20 reporting on a panel studying the progress of race relations. Pertaining to the waving of the Confederate flag, Sheriff John

Cupp said people use the flag as a symbol to get trouble started. Yusuf Hakeem reported a large Confederate flag in the home of Mr. Byron De La Beckwith when he went there as an appliance repairman.

I would like them and others to know I have more than one Confederate flag in my home because I am a descendent of Peter Turney, CSA colonel, 1st Tennessee Infantry 1861-1865. I am also a descendant of Lt. David Eller, CSA.

I place the flag in my home and anywhere else I choose to honor their memory and for what they stood.

Mrs. M.R. Melton

Black Codes And The Fourteenth Amendment
Dr. J. O. Hosler

The iron-toothed Black Codes were enacted in the South after the civil war to ensure that emancipated blacks would constitute a cheap labor supply. Blacks who refused to work for a mere pittance could be made to forfeit back wages after being dragged back to work by a paid "Negro-catcher. These codes forbade blacks from serving on a Jury. Some of the codes barred freedmen from renting or leasing land. Black idleness was a crime that could get one sentenced to work on a chain gang. Nowhere were blacks allowed to vote. The result was that many in the North began to wonder whether they had really won the war at all.

It was 1865 and time for the reconstituted Southern states to be represented in congress (1865). Now the restored South would be stronger than ever because instead of a pre-war slave counting as three-fifths of a person, he would count as five-fifths of a person though he could not vote for his representatives in congress.

In 1866 the Republicans passed the Civil Rights Bill which gave blacks the rights of American citizenship thus striking at the Black Codes. President Johnson vetoed the bill but Congress overrode the veto and then sought to rivet the tenants of the Civil Rights Bill into the Constitution as the Fourteenth Amendment. The strategy was to prevent the Southern states, should they regain control of Congress, from repealing the Bill. The Fourteenth Amendment conferred civil rights, including citizenship for freedmen; reduced representation of a state in Congress and in the Electoral College if it denied blacks the right to vote; disqualified from federal and state office former Confederates who as federal officeholders had once sworn "to support the Constitution of the U.S."; and guaranteed the federal debt, while repudiating all Confederate debts. President Johnson advised the Southern states to

reject it, which they did, except for the great state of Tennessee, which was the only state to avoid military reconstruction by ratifying the Fourteenth Amendment in 1866. Later, Congress required the other former Confederate states to ratify the Fourteenth Amendment before their representatives could be readmitted to the Federal Legislature, thus giving their former slaves their rights as citizens.

In order that the Southern states, after being readmitted to Congress, could not later amend their state constitutions to repeal the rights of blacks to vote, the Fifteenth Amendment was passed by Congress in 1869 and ratified by the required number of states in 1870. Prior to this Amendment, the vote was withheld from blacks in the Northern states as well, calling for cries of hypocrisy from Southerners. A detailed study will reveal immoral corruption on the part of the North and the South during the days of Reconstruction. Nonetheless, given a fresh opportunity, most contemporary Americans would readily ratify the principles of the 14th and 15th Amendments to the U.S. Constitution.

JAMES MADISON ON RELIGIOUS FREEDOM

Compiled by
Dr. J. O. Hosler

Over 200 years past from early colonial America to the mindset of the continental congress at the Constitutional Convention and the establishment of a Bill of Rights. That period of time was as long as the actual history of the United States. These changes in thinking need to be factored into any discussion of the religious roots of American government.

When the State of Virginia sought to legislate the essentiality of government teaching of the Christian religion, those who knew better asked Madison to represent them in a letter of remonstrance. Madison explained his writing of the draught in a letter to George Mason on July, 14, 1826 as follows:

> ***"During the session of the General Assembly* [of Virginia]*, 1784-85, a bill was introduced into the House of Delegates providing for the legal support of the teachers of the Christian religion, and being patronized by the most popular talents in the House, seemed likely to obtain a majority of votes…. Your highly-distinguished ancestor, Col. Geo. Mason…and some others, thought it advisable that a remonstrance against the bill should be prepared for general circulation and signature, and imposed on me the task of drawing up such a paper. This draught having received their sanction, a large number of printed copies were distributed, and so extensively signed by the people of every religious denomination, that at the ensuing session the projected measure was entirely frustrated."*** **[*Madison Letters*, I, pp. 162-169]**

The following excerpts from his remonstrance will help one understand the mindset of the *Fathers* of the U.S. Constitution in their intent that there be no national religion of generic Christianity or any other faith. Though these *Fathers* generally believed in Jesus Christ, they believed that *natural law* would be sufficient to endow society by the *Creator*, [whether He be recognized or not], with sufficient moral boundaries. This is why the Declaration of Independence said: "….We hold these truths to be self-evident."

MADISON: AGAINST RELIGIOUS ASSESSMENTS

> **[Paragraph 1]** ***"…We maintain, therefore, that in matters of religion no man's right is abridged by the institution of civil society, and that religion is wholly exempt from its cognizance. True it is that no other rule exists by which any question which may divide a society can be ultimately determined than the will of the majority; but it is also true that the majority may trespass on the rights of the minority."***
>
> **[Paragraph 3]** ***"…Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians, in exclusion to all other sects?"***
>
> **[Paragraph 4]** ***"…While we assert for ourselves a freedom to embrace, to profess, and to observe the religion which we believe to be of divine origin, we***

> ***cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offense against God, not against man…. Are the Quakers and Mennonites the only sects who think a compulsive support of their religions unnecessary and unwarrantable?"***
>
> **[Paragraph 5]** ***"Because the bill implies either that the civil magistrate is a competent judge of religious truths, or that he may employ religions as an engine of civil policy. The first is an arrogant pretension falsified by the contradictory opinions of rulers in all ages and throughout the world; the second an unhallowed perversion of the means of salvation."***
>
> **[Paragraph 6]** ***"Because the establishment proposed by the bill is not requisite for the support of the Christian religion. To say that it is, is a contradiction to the Christian religion itself; for every page of it disavows a dependence on the powers of this world. It is a contradiction to fact, for it is known that this religion both existed and flourished, not only without the support of human laws, but in spite of every opposition from them…"***
>
> **[Paragraph 8]** ***"….What influence in fact have ecclesiastical establishments had on civil society? In some instances they have been seen to erect a spiritual tyranny on the ruins of civil authority; in many instances they have been seen upholding the thrones of political tyranny; in no instance have they been seen the guardians of the liberties of the people."***
>
> **[Paragraph 9]** ***"…..It degrades from the equal rank of citizens all those whose opinions in religion do not bend to those of the legislative authority…"***
>
> **[Paragraph 10]** ***"….What mischiefs may not be dreaded should this enemy of the public quiet be armed with the force of law?…"***

On June 8, 1789, the order of business before the House of Representatives was to propose amendments to the Constitution. It was incumbent upon Madison to propose a bill of rights. He proposed that the following statement be inserted between clauses 3 and 4 in Article I, Section 9:

> **"The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed."**

THOMAS JEFFERSON AND RELIGIOUS FREEDOM

COMPILED BY
Dr. J. O. Hosler

The *Virginia Declaration of Rights* of 1776 declared religious freedom, but it was not until 1779 that the Anglican Church was disestablished in that state. Many Virginians felt that even with denominational equality, the Christian religion should be tax-supported. Madison aroused public opinion to the contrary by his written remonstrance in 1785 wherein he opposed the establishment of Christianity as the state religion. Also opposing the establishment of a national religion, Jefferson composed the *Statute of Religious Freedom* in 1779 which passed the Virginia Senate on Jan. 16, 1786. This victory for separation of church and state soon became the law for the entire union. Jefferson's directions for his epitaph, in his own handwriting, reads: *"…On the faces of the obelisk the following inscription, and not a word more, 'Here was buried Thomas Jefferson, author of the Declaration of American Independence, of the statute of Virginia for religious freedom, and father of the University of Virginia,' because by these, as testimonials that I have lived, I wish most to be remembered."* The following are excerpts from that statute:

> **[Article I] "…*That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical;"***
>
> > **"…and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them."**
>
> **[Article II] "…but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities."**
>
> **"…that rights hereby asserted are of the natural rights of mankind, and that if any act shall hereafter be passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right."**

In his *Notes on the State of Virginia*, Jefferson wrote the following in 1782:

> ***"The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say that there are twenty gods, or no god…Had not the Roman government permitted free inquiry, Christianity could never have been introduced. Had not free inquiry been indulged at the era of the Reformation, the corruptions of Christianity could not have been purged away. If it be restrained now, the present***

> ***corruptions will be protected, and new ones encouraged…Difference of opinion is advantageous in religion. The several sects performed the office of a censor morum over each other."***

Baptists feared that the establishment of a tax-supported teaching of a generic national version of the Christian religion would be to the detriment of their Baptist distinctives. Though not a Baptist, Jefferson became their great political friend when he wrote them the following letter:

> ***"To Messengers Nehemiah Dodge, Ephraim Robbins, and Stephen S. Nelson, a committee of the Danbury Baptist Association in the state of Connecticut.***
>
> ***Gentlemen:***
>
> ***The affectionate sentiments of esteem and approbation which you are so good as to express towards me on behalf of the Danbury Baptist Association, give me the highest satisfaction. My duties dictate a faithful and zealous pursuit of the interests of my constituents, and in proportion as they are persuaded of my fidelity to these duties, the discharge of them becomes more and more pleasing.***
>
> ***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 legitimate 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 in 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 or yourselves and your religious association, assurances of my high respect and esteem.***
>
> **Thomas Jefferson**
> **January 1, 1802**

In a letter to Dr. Benjamin Rush dated September 23, 1800, Jefferson wrote: *"I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man."* In a letter to Colonel Yancey dated January 6, 1816 he wrote: *"If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."* In his Inaugural Address of March 4, 1801 he stated:

> ***"We are all republicans - - we are all federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of safety with which error of opinion may be tolerated where reason is left free to combat it."***

Letter to the Editor
Wm. Blackstone and the First Amendment
By
Dr. J. O. Hosler

In a letter to the editor published May 16 : *Both sides were wrong…*, it is stated that the First Amendment only prohibits the establishment of a particular denomination such as the Church of England. However, the Constitution does not refer to any denomination but only to religion. James Madison, in his remonstrance *Against Religious Assessments* [Paragraph III] said: *"…Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians, in exclusion to all other sects?"*

In a related article entitled: *The whole Bill of Rights will save Americans*, the author cites Wm. Blackstone to prove that human laws are founded on the *law of nature and the law of revelation.* I would agree that all legitimate human laws are derived from the law of nature but Blackstone also believed that Scripture should also be statute law for mankind around the globe. Blackstone (1723-1780) wrote *Commentaries on the Law of England* in the context of an established denomination. In chapter five of his *Commentary* Blackstone lists the offences against God and religion in English law such as apostasy, failing to express belief in a future state of rewards and punishments when taking judicial oaths; heresy; reviling the ordinances of the Church; nonconformity to the worship of the Church; absence from Devine worship; gross impieties; blasphemy; cursing; witchcraft and sorcery; Sabbath-breaking; drunkenness; open lewdness and bearing bastard children. For Blackstone, the Ten Commandments were not just suggestions but rather the foundation for statute law.

Prayer and The Constitutional Convention of 1787

Dr. J. O. Hosler

It is amazing how priorities and philosophical points of view can change over eleven years. Recent history records how the 1940's, 50's, 60's through the 90's marked drastic changes in values with each decade. A case in point would be the references to the Creator God in the Declaration of Independence (1776) with the relation of religion and state in the Continental Congress in comparison to the mind set of the Constitutional Convention of May through September (1787). The Continental Congress instituted the practice of daily prayers immediately upon first convening, whereas the Constitutional Convention met for four months without the recitation of a single prayer. After the Convention had been in session for a month, the octogenarian, Benjamin Franklin, moved: "that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of there Clergy of the City be requested to officiate in that service." According to ***Notes Of The Debates In The Federal Convention Of 1787 Reported By James Madison,*** the motion was received politely but according to Madison's daily records of the convention, "After several unsuccessful attempts for silently postponing the matter by adjourning, the adjournment was at length carried, without any vote on the motion."

When the Constitutional Convention was adjourned and the new document was ready to be submitted to the states for ratification, the preamble contained no reference to a higher power and the only reference to religion was in Article VI which read: "but no religious test shall ever be required as a qualification to any office or public trust under the United States." The only other reference to religion in the current Constitution is in the First Amendment. An amendment is an afterthought, something we thought of after we were pretty sure that we had thought of everything: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof…" [Since "Cantwell v Connecticut 310 U.S. 296 (1940)], the Supreme Court has found in the Fourteenth Amendment (ratified by the states in 1868) the purpose of applying to the states all the restrictions placed on the federal government by the religion clauses of the First Amendment.

A delegate to the Connecticut ratifying convention stated in a letter to Oliver Ellsworth (later Chief Justice of the United States) that he would have required: "…an explicit acknowledgment of the being of God, his perfections and his providence,…in the following or similar terms, viz. 'We the people of the United States, in a firm belief of the being and perfections of the one living and true God, the creator and supreme Governor of the world, in his universal providence and the authority of his laws…do ordain, etc."

Luther Martin, addressing the Maryland legislature, related: "The part of the system which provides that no religious test shall ever by required as a qualification to any office or public trust under the United States was adopted by a great majority of the Convention and without much debate: however, there were some members so unfashionable as to think that a belief in the existence of a Deity, and of a state of future rewards and punishments would be some security for the good conduct of our rulers, and that, in a Christian country, it would be at least decent to hold out some distinction between the professors of Christianity and downright infidelity or paganism."

The significance of the "no religious test" wording and the prohibitions of the First Amendment indicates that in the minds of the fathers of our Constitution, independence of religion and government was a benchmark of democracy and freedom.

It is a poor and shameful testimony indeed when a Christian's faith is shaken because he cannot harness the power of secular government to prescribe man's duty to God and his faith in His creator. Christianity does its best work under fire and in an arena of free thought. If Christians desire to reach the world for Christ, they should prefer an arena of free thought rather than an umbrella which says: "If cannot pledge allegiance to my God then get out from under my umbrella of qualified American citizens with civil rights." Christians are to use the gospel and the god-given power of persuasion to convert souls rather than the power of human government. In John 18:36 Jesus said: "My kingdom is not of this world. If it were, my servants would fight to prevent my arrest by the Jews. But now my kingdom is from another place" [NIV]. Religious freedom for non-believers is the key to religious freedom for believers. Let us think on these things.