

AMERICA'S FORGOTTEN FIRST AMENDMENT

Religious Liberty Is Not Secular Censorship

By [Chaplain Todd DuBord \(M.Div.\)](#)



Americans Are Forgetting Their First Freedom

Something remarkable happened only days before this edition of *America's Forgotten Classroom*. On September 15, 2026, the Annenberg Public Policy Center at the University of Pennsylvania released its newest Constitution Day Civics Survey, and the findings could hardly provide a more appropriate doorway into this week's investigation.

Researchers recently questioned a nationally representative sample of 1,034 American adults and discovered that while 73 percent could identify freedom of speech, considerably fewer could name the other freedoms protected by the First Amendment. Only **43 percent named freedom of religion**, 31 percent identified assembly, 29 percent named freedom of the press, and only 12 percent remembered the right to petition government. Most strikingly, **only 9 percent could name all five First Amendment freedoms, while 24 percent could not name even one.**

Dr. Kathleen Hall Jamieson, Ph.D., political-communication scholar and director emerita of the Annenberg Public Policy Center, summarized the problem bluntly: Americans cannot protect rights they

do not know they possess. (Research Report: [Annenberg Public Policy Center, “A Third of Americans Cannot Name the Three Branches of Government”](#).)

That is precisely why America needs to return to class. Before citizens debate whether religion has been given too much or too little room in public life, we need to know what the First Amendment actually says, why Americans demanded it in the first place, what historical abuses produced it, and how more than two centuries of constitutional interpretation changed the way it applies today.

IN SIMPLE TERMS: Millions of Americans are passionately debating a First Amendment they cannot completely identify. Before we argue about “separation of church and state,” we need to recover the words, history, and constitutional development of America’s First Freedom.



The Perfect Anniversary for Classroom 3

The timing could scarcely be better. On **September 25, 1789—237 years ago this week—the First Congress approved twelve proposed constitutional amendments and sent them to the states for ratification.** Ten eventually received the required approval on December 15, 1791 and became what we call the Bill of Rights. What we now call the First Amendment was actually the **third proposed article**; the first proposal, concerning representation in Congress, was never ratified, while the second, concerning congressional compensation, finally became the Twenty-Seventh Amendment in 1992. (Primary Source: [National Archives, “The Bill of Rights: A Transcription”](#); Historical Overview: [National Archives, “Bill of Rights \(1791\)”](#).)

What makes the anniversary even more significant is that the action of September 25 was not merely ceremonial. The First Congress had spent months debating how to answer objections raised during the Constitution’s ratification, and James Madison had introduced proposed amendments on June 8, 1789. The House initially approved seventeen amendments; the Senate reduced and revised them to twelve, and a conference committee reconciled the remaining differences before Congress approved the final package. In other words, the parchment sent to the states represented the end of an extended constitutional argument over how the new federal government should be restrained and how individual liberties should be expressly protected.

There is another reason September 25 deserves to be remembered. The Bill of Rights was not an afterthought casually attached to a completed Constitution; demands for explicit protections had arisen repeatedly during the state ratification debates, and several conventions urged Congress to add safeguards against federal abuse. The National Archives notes that these calls for amendments helped shape the work of the First Congress, meaning that the vote of September 25 represented, in part, a constitutional answer to concerns voiced by Americans themselves during ratification. What happened that day therefore linked the great constitutional debates of 1787–1788 with the enduring protections that Americans would eventually know as the Bill of Rights.

When Articles Three through Twelve became amendments, religion, speech, press, assembly, and petition stood together in Amendment I. Its treatment of substantive liberties begins with religion: **“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”** Those sixteen words cannot be understood adequately by pulling them out of history. They carry us through colonial establishments, Virginia’s religious-liberty battles, the ratification struggle, the First Congress, Reconstruction, twentieth-century school cases, and finally the Supreme Court decisions of our own time. (Primary Source: [National Archives, “The Bill of Rights: A Transcription”](#).)

IN SIMPLE TERMS: September 25 is the ideal anniversary for this classroom because Congress sent the amendments that became the Bill of Rights to the states on that date. The First Amendment emerged from a much longer struggle over government power, conscience, and liberty.

From Classrooms 1 And 2 To America’s First Freedom

[In Classroom 1](#), we opened this series by arguing that America’s older classroom was expected to do more than transfer information. It helped form readers, citizens, consciences, families, and souls, while the schoolhouse at its best complemented rather than replaced the home, church, Bible, moral instruction, and civic memory. That remains the central thesis of *America’s Forgotten Classroom*.

[In Classroom 2](#), we entered George Washington’s final classroom and examined his Farewell Address of September 19, 1796. Washington described religion and morality as “indispensable supports” of political prosperity and cautioned Americans against assuming that refined education by itself could sustain national morality after religious principle had been excluded. Our series plan intentionally placed Washington immediately before the First Amendment because his warning naturally raises the next question: if religion mattered so greatly to republican virtue, how did America protect it without placing religious conscience under federal control?

Today’s Classroom 3 investigates the constitutional answer. The history reveals an increasingly deliberate attempt to restrain governmental religious coercion while protecting a sphere of conscience and religious exercise that civil government did not own.

IN SIMPLE TERMS: Classroom 1 examined how free people are formed. Classroom 2 examined Washington’s warning about morality and religion. Classroom 3 now asks how the Constitution protected religious conscience while limiting governmental power over it.



Investigation 1 — 1787: Religious Liberty Appears In The Constitution Before The First Amendment

Our story should begin two years before Congress proposed the Bill of Rights. Article VI of the Constitution requires officeholders to support the Constitution but then declares that **“no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.”** England had historically connected public office with loyalty to the established Church of England, and various colonial and early state systems likewise used religious qualifications, but that would not be the case with the federal government, and Article VI ensures it. (Constitutional History: [Library of Congress, Constitution Annotated, “Historical Background on Religious Test for Government Offices”](#).)

The provision marked an important federal departure. The new national government could not demand that a citizen profess a particular denomination or creed before serving in federal office. Religious belief remained enormously important to many Founders’ understanding of morality and civic virtue, yet federal officeholding would not be conditioned upon passing a theological examination.

This distinction appears before the First Amendment itself. The Constitution was already limiting a traditional governmental mechanism for enforcing religious conformity while leaving citizens free to carry their religious convictions into civic life.

IN SIMPLE TERMS: Religious liberty did not suddenly appear in 1791. The Constitution had already told the federal government in 1787 that public office could not depend upon passing a religious test.



Investigation 2 — 1787–1788: Why Americans Demanded a Bill Of Rights

The Bill of Rights was born from a political struggle over concentrated governmental power. During the ratification debates, Anti-Federalists and other critics repeatedly warned that the new central government might become too powerful. Several state conventions ratified while requesting amendments, and the National Archives notes that fear of renewed governmental tyranny drove much of the demand for an explicit declaration of rights. (Historical Overview: [National Archives, “Bill of Rights \(1791\)”](#).)

The preamble to the proposed amendments stated the concern plainly. State conventions wanted additional “declaratory and restrictive clauses” to prevent the “**misconstruction or abuse**” of federal powers and increase public confidence in the new government. The Bill of Rights therefore arose fundamentally from an effort to place additional restraints upon government, not from the idea that government had created the liberties themselves. (Primary Source: [National Archives, “The Bill of Rights”](#).)

James Madison (1751–1836), principal architect of the Constitution and future fourth president, had initially questioned the necessity of a bill of rights, partly because the federal government was supposed to possess only enumerated powers. The ratification struggle persuaded him that explicit protections would answer public fears and strengthen confidence in the constitutional system.

John Witte Jr., J.D. (Harvard), Robert W. Woodruff Professor of Law, McDonald Distinguished Professor of Religion, and faculty director of Emory University’s Center for the Study of Law and Religion, emphasizes that the Religion Clauses grew from multiple layers of evidence—state constitutions, colonial experience, ratification debates, legislative proposals, and First

Congress deliberations—rather than a single Founder’s sentence or theory. (Scholar Profile: [Emory University School of Law, “John Witte Jr.”](#).)

IN SIMPLE TERMS: Americans wanted the Bill of Rights because many feared the new federal government might become too powerful. The amendments were designed to fence government in and reassure citizens that important liberties remained beyond ordinary federal control.



Investigation 3 — 1776–1786: Virginia Becomes a Laboratory of Religious Liberty

The road to the First Amendment also runs through Virginia. On June 12, 1776, **George Mason (1725–1792), Virginia statesman and constitutional thinker**, helped frame the Virginia Declaration of Rights. Its religious-liberty provision described religion as a duty owed to the Creator and insisted that faith must be directed by reason and conviction rather than force.

Thomas Jefferson (1743–1826), principal author of the Declaration of Independence and future third president, drafted his Virginia Statute for Religious Freedom in 1777. After years of political conflict, Madison helped secure its enactment in 1786. Between those two landmarks came Madison’s famous 1785 Memorial and Remonstrance Against Religious Assessments, opposing a proposed Virginia assessment supporting teachers of Christianity.

Madison’s reasoning is critical. He did not argue that religion was unimportant. He argued that religious obligation preceded civil society—that a person’s duty to the Creator existed before government acquired authority over him. Religious liberty was therefore grounded partly in the conviction that government did not possess jurisdiction over every dimension of human obligation.

It is equally important to understand what Madison was **not** arguing. His *Memorial and Remonstrance* was not a campaign to abolish religion, Christianity, religious expression, or Christian influence from American life. He was opposing the use of **civil power and compulsory taxation** to

support religion—in this particular controversy, Patrick Henry’s proposed assessment for “Teachers of the Christian Religion.” Indeed, Madison’s argument assumes that religious obligation is profoundly important: he declared that every person has a duty to render the Creator the homage he believes acceptable and that this obligation is “precedent, both in order of time and in degree of obligation, to the claims of Civil Society.” In other words, Madison was not subordinating religion to government or attempting to remove it from society; he was arguing almost the reverse—that government possessed no

rightful authority to command a realm of conscience that existed **before government itself**. ([Library of Congress, *Memorial and Remonstrance Against Religious Assessments*](#))

That reading is supported by **Ralph Ketcham (1927–2017)**, distinguished Madison biographer and historian of American political thought, who contrasted Madison’s approach with Jefferson’s and wrote that while Jefferson was attracted to intellectual freedom from religion, “**Madison admired the political and social values that arise from religious freedom.**” Ketcham therefore portrays Madison’s project not as eliminating religion’s influence upon society, but as protecting the conditions under which religion could exist without governmental establishment or compulsion.

Likewise, political scientist **Dr. Vincent Phillip Muñoz**, a leading scholar of the American Founding and religious liberty, describes Madison’s principle as one of governmental “noncognizance”: religion was not surrendered to the state through the social compact and therefore could not properly be brought under governmental control. The distinction is crucial for understanding the road to the First Amendment: **disestablishment of religion was not synonymous with secularization of society.** ([Oxford Academic, Ralph Ketcham, “James Madison, Thomas Jefferson, and the Meaning of ‘Establishment of Religion’ in Eighteenth-Century Virginia”](#); [Cambridge University Press, Vincent Phillip Muñoz, “James Madison’s Principle of Religious Liberty”](#))

An especially revealing and frequently overlooked feature of the Virginia battle is that Madison’s position was reinforced not merely by secular-minded political theorists, but by deeply religious Virginians—particularly Baptists and Presbyterians—who feared that government patronage could injure Christianity rather than protect it. Madison’s own **Memorial** made precisely that argument, insisting that the proposed establishment was not necessary for Christianity because the faith had “existed and flourished” without the support of civil law and even in spite of governmental opposition. The controversy therefore cannot accurately be reduced to “religious people versus secularists.” A significant part of the opposition to the assessment came from Christians who believed the Gospel should advance through conviction, preaching, churches, and voluntary support rather than taxation and political privilege. In Virginia, remarkably, one of the most powerful arguments for religious liberty was itself a religious argument: Christianity did not need government coercion in order to survive. ([Library of Congress, *Memorial and Remonstrance Against Religious Assessments*](#))

The scale of the opposition also matters. The resistance to Henry’s assessment was not confined to Madison’s famous *Memorial and Remonstrance*; Baptist and Presbyterian petitions gathered broad popular support, and the Library of Congress notes that a Baptist petition opposing religious taxation actually received more signatures than Madison’s better-known document. That evidence reinforces the larger point: Virginia’s movement toward religious liberty was not simply an elite philosophical project imposed from above, but a cause embraced by substantial numbers of religious citizens who believed that governmental support could corrupt religion rather than strengthen it.

That principle became one of the deepest roots of the later First Amendment. Conscience mattered precisely because it could not simply be absorbed into governmental authority.

IN SIMPLE TERMS: Virginia forced Americans to confront the central question before the First Amendment existed: how far may government reach into religious belief and conscience? Jefferson and Madison increasingly concluded that genuine faith should not depend upon governmental compulsion, yet both continued to participate in or permit public religious practices within federal settings—an important distinction documented in the Library of Congress exhibition, [“The State Becomes the Church: Jefferson and Madison”](#).



Investigation 4 — 1789: Madison’s First Draft Was Not The First Amendment We Know

On June 8, 1789, Madison rose in the House of Representatives and introduced his proposed amendments. His first religious-liberty language declared that civil rights should not be abridged because of religious belief or worship, that **“no national religion”** should be established, and that the full and equal rights of conscience should not be infringed. (Primary Source: [Library of Congress, “Madison Speech in the House of Representatives, 1789—Freedom of Religion”](#).)

Madison proposed something else modern readers may find surprising. He wanted a separate constitutional restriction declaring that **“No state shall violate the equal rights of conscience.”** Congress did not retain that state-directed provision in the final Bill of Rights. The First Amendment as ratified instead began with the explicitly federal word **“Congress.”** (Primary Source: [Library of Congress, “Madison Speech in the House of Representatives, 1789—Freedom of Religion”](#).)

This drafting history gives us an important historical nuance. Madison personally wanted additional protection against state violations of conscience, but Congress declined to constitutionalize his proposal in 1789. A later constitutional development—the Fourteenth Amendment and incorporation—would eventually provide a different mechanism for extending federal rights against state governments.

The wording itself also evolved. Madison’s “national religion” formulation did not survive unchanged. Congressional committees revised the text before the final language became **“respecting an establishment of religion.”** The First Amendment was therefore a legislative product, not the unedited personal vocabulary of one Founder.

IN SIMPLE TERMS: Madison’s original proposal differed substantially from the amendment we now know. Congress changed the wording and rejected his proposed state restriction, which helps

explain both the First Amendment’s federal character and continuing scholarly debate about its exact original breadth.



Investigation 5 — 1791: What the Finished First Amendment Actually Says

The completed First Amendment does not contain the phrase “separation of church and state.” Its religion provisions say that **Congress may neither make a law respecting an establishment of religion nor prohibit the free exercise of religion.** (Primary Source: [National Archives, “The Bill of Rights: A Transcription”.](#))

Those two protections belong together. The **Establishment Clause** restrains government from establishing or coercively sponsoring religion, while the **Free Exercise Clause** protects religious exercise from governmental suppression and discrimination. American constitutional law would spend the next two centuries debating precisely where those boundaries lie, but the text itself places restraint upon government in both directions.

An often-overlooked point is that the First Amendment’s religion provisions are **not written as a one-way command against religion.** They restrain government from establishing religion, but in the very same sentence they also restrain government from **prohibiting its free exercise.** Congress’s own *Constitution Annotated* explains that the two Religion Clauses work together to protect citizens’ religious liberty, even though courts have sometimes struggled to define the precise boundary between them (as we’ll soon see). The text therefore does not authorize government either to impose religion or to suppress it; it places constitutional limits on governmental power in **both directions.** (*Constitutional Analysis: [Congress.gov, Constitution Annotated, “Overview of the Religion Clauses \(Establishment and Free Exercise Clauses\)”.](#)*)[constitution.congress.gov](#)

For an ordinary citizen, perhaps the easiest image is a road with two constitutional guardrails. One restrains governmental establishment; the other protects religious exercise. Religious liberty travels between them.

IN SIMPLE TERMS: The First Amendment protects against governmental religious control while also protecting religious exercise. Any explanation that teaches only one half of those sixteen words is incomplete.



Investigation 6 — The First Amendment Originally Restrained the Federal Government, NOT The People

The first word of the amendment is “Congress,” and that mattered enormously in 1791. The original Bill of Rights was adopted principally as a restraint upon the newly created federal government, not as a direct constitutional code governing every state and local government. That federal structure helps explain why the First Amendment did not begin, “No government shall...” or “No state shall...” It began, very deliberately, “Congress shall make no law...” The Supreme Court has since summarized the historical point plainly: “The Bill of Rights... originally applied only to the Federal Government.” (Constitutional History: [Library of Congress, Constitution Annotated, “Overview of Incorporation of the Bill of Rights”](#).)

That original arrangement is especially important in the area of religion because several states still maintained forms of religious establishment, public financial support, or denominational preference after the federal Constitution was adopted. Those arrangements varied considerably from state to state and disappeared at different times. The First Amendment therefore did not initially create one nationally uniform church-state system reaching downward into every statehouse, town, and school. Its immediate constitutional target was the federal government, while state constitutions and state political processes continued to regulate many religious questions within their own jurisdictions.

This point also sheds light on Madison’s failed proposal discussed earlier. Madison had wanted an amendment declaring that “**No State shall violate the equal rights of conscience,**” but Congress did not include that prohibition in the final Bill of Rights. The omission is historically significant: the final First Amendment said “**Congress**”, while Madison’s proposed restriction upon the states disappeared. Whatever one concludes about the broader natural-rights philosophy of the Founders, the enacted

constitutional text did not directly impose Madison’s proposed federal protection of conscience upon the states.

The Supreme Court confirmed the broader constitutional principle in *Barron v. Baltimore* (1833), when Chief Justice John Marshall (1755–1835), fourth chief justice of the United States, rejected an argument that the Fifth Amendment’s Takings Clause restricted the State of Maryland. Marshall wrote that the Constitution had been established by the American people for the government of the United States, while each state maintained its own constitution and its own restrictions upon state authority. If the framers had intended the federal amendments to bind the states, he reasoned, they would have said so in “plain and intelligible language.” (Constitutional History: [Library of Congress, Constitution Annotated, “Overview of Incorporation of the Bill of Rights”](#).)

Constitutional scholar **Professor Kurt T. Lash**, whose scholarship has examined the original federalism of the Bill of Rights, makes the point particularly clearly. In discussing the Founding-era structure, Lash writes that **“the people of each state remained free to establish religion if they wished to do so,”** and notes that a number of states continued government-supported religious arrangements after adoption of the First Amendment. His larger argument is that many provisions of the original Bill of Rights must be understood within the Founders’ federal system, in which certain subjects remained primarily under state jurisdiction rather than national control.

The religion clauses make that federal dimension especially striking. Justice Joseph Story (1779–1845), one of the most influential early constitutional commentators, wrote in his 1833 *Commentaries on the Constitution* that authority over religion had been left to the states, subject to their own constitutions. Modern scholars disagree about precisely how far the Establishment Clause’s original federalism component should be carried, but the historical existence of that component is difficult to ignore: the federal government was prohibited from establishing a national church and, under one influential interpretation, from interfering with existing state religious arrangements as well. Later constitutional law would dramatically alter that landscape. (Constitutional History: [Library of Congress, Constitution Annotated, “Overview of Incorporation of the Bill of Rights”](#).)

The great constitutional turning point was the Fourteenth Amendment, ratified in 1868, after the Civil War. Over subsequent decades, the Supreme Court developed what became known as the doctrine of incorporation, through which many protections contained in the Bill of Rights came to apply against state and local governments through the Fourteenth Amendment. The process was gradual rather than immediate. Free-speech protections were applied against the states in the twentieth century, and the Court later incorporated the First Amendment’s religious-liberty guarantees as well. The Supreme Court itself has emphasized that this development altered the original arrangement under which the Bill of Rights restricted only the federal government. (Constitutional History: [Library of Congress, Constitution Annotated, “Overview of Incorporation of the Bill of Rights”](#).)

That chronology matters greatly when interpreting the Founding period. A modern lawsuit against a public-school district, municipal government, or state agency usually involves constitutional doctrine that developed after the Fourteenth Amendment and later Supreme Court decisions. One cannot simply take the constitutional rules governing those institutions today and assume that an identical legal regime governed every state and locality in **1791**. Doing so collapses two distinct constitutional eras—the original federal Bill of Rights and the later incorporated Bill of Rights—into one.

This does **not** mean the Founders believed state governments possessed unlimited moral authority over conscience. State constitutions contained their own declarations of rights, and many Americans regarded religious liberty as a natural right existing independently of federal enforcement. The narrower constitutional point is that the **federal First Amendment itself originally restrained thenational government**, while state-level protection depended principally upon state constitutions, state

laws, and the political decisions of the citizens of those states. The mechanism by which federal constitutional protections came to bind state and local governments developed later.

IN SIMPLE TERMS: In 1791, the First Amendment restrained Congress and the federal government; it did not originally place every state, municipality, and local institution under the same federal First Amendment rules applied today. *Barron v. Baltimore* confirmed that original structure in 1833. Only after the Fourteenth Amendment and the later doctrine of incorporation did First Amendment protections come to operate directly against state and local governments as they do under modern constitutional law. (Constitutional History: [Library of Congress, Constitution Annotated, “Overview of Incorporation of the Bill of Rights”](#).)



Investigation 7 — 1802: Jefferson’s “Wall”—And What Happened Two Days Later

No serious investigation of this subject can avoid Jefferson’s famous January 1, 1802 letter to the Danbury Baptist Association, in which he referred to **“a wall of separation between Church & State.”** More than a century later, that metaphor would become extraordinarily influential in Supreme Court jurisprudence.

Yet the historical record becomes especially interesting two days later. The Library of Congress documents that Jefferson attended Christian worship inside the chamber of the U.S. House of Representatives. He regularly attended such services, and **James Madison later followed the practiceduring his own presidency.** The Library of Congress itself titled its discussion **“The State Becomes the Church: Jefferson and Madison.”** (Primary Historical Exhibit: [Library of Congress, “The State Becomes the Church: Jefferson and Madison”](#).)

The Library explains that the services were voluntary and nondiscriminatory among Protestant denominations and that religious services also occurred elsewhere in federal buildings. Your earlier First

Amendment research rightly emphasized the importance of this evidence because it complicates the popular idea that Jefferson’s “wall” meant that voluntary religion itself had to disappear from federal property.

Jefferson’s conduct shows that opposition to governmental establishment did not automatically translate into opposition to voluntary public religion. That historical distinction would later become highly relevant as courts wrestled with establishment, accommodation, and private religious expression.

Michael W. McConnell, former judge of the U.S. Court of Appeals for the Tenth Circuit and now Richard and Frances Mallery Professor of Law and faculty director of Stanford Law School’s Constitutional Law Center, has written extensively on the concrete legal characteristics of historical establishments and the difference between establishment and mere governmental accommodation of religion. (Scholar Profile: [Stanford Law School, “Michael W. McConnell”.](#))

IN SIMPLE TERMS: Jefferson opposed governmental establishment, but he did not treat every voluntary religious activity on government property as unconstitutional. His own actions show that his famous “wall” was more nuanced than the modern slogan often suggests.



Investigation 8 — What Was Being Separated?

The Founding generation knew the dangers of coercive church-state union from history. England had maintained an established national church, religious tests, and civil disabilities tied to belief, and

several American colonies inherited parts of that system. The central question was therefore not whether religion could be visible in public life, but how far **civil government could control, finance, privilege, punish, or regulate religion and conscience**. (Historical Overview: [Library of Congress, “Religion and the State Governments”.](#))

The states did not answer that question in one uniform way. Massachusetts, for example, protected conscience while its 1780 constitution also declared that “piety, religion and morality” were important to good government and permitted public support for Protestant religious teaching. Virginia moved more

decisively toward disestablishment. That variety shows why the Founding-era debate cannot simply be reduced to a modern slogan: **religious liberty and a publicly religious culture were not treated as opposites.** (Historical Overview: [Library of Congress, “Religion and the State Governments”](#).)

An important precursor was **Roger Williams (c. 1603–1683), Puritan minister and founder of Rhode Island.** Williams argued for a “hedge or wall of Separation” between the church and the surrounding world because civil power could corrupt genuine faith as well as coerce conscience. The National Park Service summarizes his concern as protecting religious liberty and keeping governmental institutions from invading matters of faith. (Historical Overview: [National Park Service, “Separation of Church & State History”](#).)

The Virginia controversy reached the same problem from another direction. Baptists, many Presbyterians, Madison, and others resisted compulsory religious assessments even though many regarded Christianity as socially important. Their objection was that government support could violate conscience and entangle the state in matters of faith. Thus, for many believers, institutional separation was meant not to erase religion from society but to **protect churches and conscience from governmental control.**

IN SIMPLE TERMS: The original church-state problem centered on coercion, compulsory taxation, legal privilege, denominational favoritism, and governmental power over conscience. Separating the institutions and coercive powers of church and state was not the same thing as separating religion from American public life.



Investigation 9 — America Was Not Religiously Neutral in the Modern Cultural Sense

The Founders did not live in twenty-first-century religious America. Christianity— overwhelmingly Protestant Christianity, together with a much smaller Catholic population—dominated the organized religious landscape of the colonies and early republic. The Library of Congress reports that between 1700

and 1740 an estimated **75 to 80 percent of the population attended churches**, and the Great Awakening further intensified evangelical Christianity. (Historical Overview: [Library of Congress, “Religion in Eighteenth-Century America”](#).)

Nor should the Founding generation be described as though heterodoxy were the norm. Most Founders were affiliated with Christian denominations and operated within a broadly Christian moral and intellectual world, while a smaller group—including figures such as Jefferson, Adams, Franklin, Ethan Allen, and Paine—departed in varying degrees from traditional orthodoxy. The Library of Congress describes American deists as never more than **“a minority within a minority”**. (Historical Overview: [Library of Congress, “Religion in Eighteenth-Century America”](#).)

Religious scholar and political scientist **Dr. Mark David Hall**, a leading specialist in religion and the American Founding, cautions against both claiming every Founder was an orthodox Christian and portraying the Founding as essentially deistic. His conclusion is more historically precise: **“orthodox Christianity had a very significant influence on America’s Founders”**, alongside other intellectual influences. Hall also notes that in 1776 nearly all European Americans identified as Christians, approximately 98 percent of them as Protestants. (Scholarly Analysis: [Mark David Hall, “Did America Have a Christian Founding?”](#).)

Another scholar who helps clarify this historical world is **Dr. Daniel L. Dreisbach**, professor of justice, law, and criminology at American University and a leading scholar of religion and the American Founding. In his Oxford University Press study *Reading the Bible with the Founding Fathers*, Dreisbach emphasizes that the biblical influence of the period extended far beyond the personal devotions of individual statesmen. He writes that the Bible’s influence on the political culture of the age should not surprise us because **“the population was overwhelming Protestant,”** and because Scripture shaped major portions of American public culture, including language, education, and law. The Bible, he explains, also supplied Americans with a common vocabulary for thinking about human nature, civic virtue, political authority, the duties of citizens, and the moral prerequisites of self-government. (Scholarly Analysis: [Daniel L. Dreisbach, Oxford University Press, “How the Bible Influenced the Founding Fathers”](#).)

That distinction is important because **religious liberty is not the same thing as cultural religious neutrality**. Americans could disagree vigorously about establishments, compulsory assessments, denominational privileges, and the proper relationship between civil and ecclesiastical authority while still inhabiting a society whose moral language and public assumptions were deeply shaped by Christianity. Dreisbach’s research finds the Bible appearing throughout Founding-era political rhetoric—not simply as decorative religious language, but as a source used to discuss “normative standards” for public life and fundamental questions of government and citizenship. Thus, recognizing Christianity’s pervasive presence does not require claiming that every Founder was an orthodox believer; it simply requires reading the First Amendment within the actual religious and intellectual environment in which its words were written. (Scholarly Analysis: [Daniel L. Dreisbach, “The Bible in the Political Discourse of the American Founding,” Oxford Academic](#).)

The larger point is not that every Founder held identical theology. They did not. It is that the First Amendment was written within a civilization in which Scripture, Providence, churches, Christian denominations, prayer, fasting, thanksgiving, and religiously grounded moral duty were familiar parts of public life. The Library of Congress concludes that most American statesmen shared their constituents’ conviction that religion was important to republican institutions. (Historical Overview: [Library of Congress, “Religion and the Founding of the American Republic”](#).)

IN SIMPLE TERMS: The Founding generation was not theologically uniform, but neither did it inhabit a religiously neutral culture in the modern sense. Christianity overwhelmingly shaped the society in

which the First Amendment was written, while heterodox and deistic figures formed a smaller, though influential, part of that larger world.



Investigation 10 — 1868: The Fourteenth Amendment Changes The Constitutional Architecture

The next pivotal year is **1868**, nearly eight decades after ratification of the First Amendment. The Fourteenth Amendment arose from slavery, Civil War, emancipation, and Reconstruction. The Thirteenth Amendment had abolished slavery, but the nation still faced a critical question: what constitutional protection existed when **state governments themselves denied citizenship, liberty, or equal legal protection**? (Historical Overview: [National Archives, “14th Amendment to the U.S. Constitution: Civil Rights \(1868\)”](#).)

That question became urgent as former Confederate states enacted Black Codes restricting the lives and rights of newly freed African Americans. Congress responded first with legislation such as the Civil Rights Act of 1866, but lawmakers wanted constitutional protection that could not simply be repealed by a later Congress. The Fourteenth Amendment therefore made citizenship, due process, and equal protection constitutional guarantees directed against the states. (Historical Overview: [National Archives, “14th Amendment to the U.S. Constitution: Civil Rights \(1868\)”](#).)

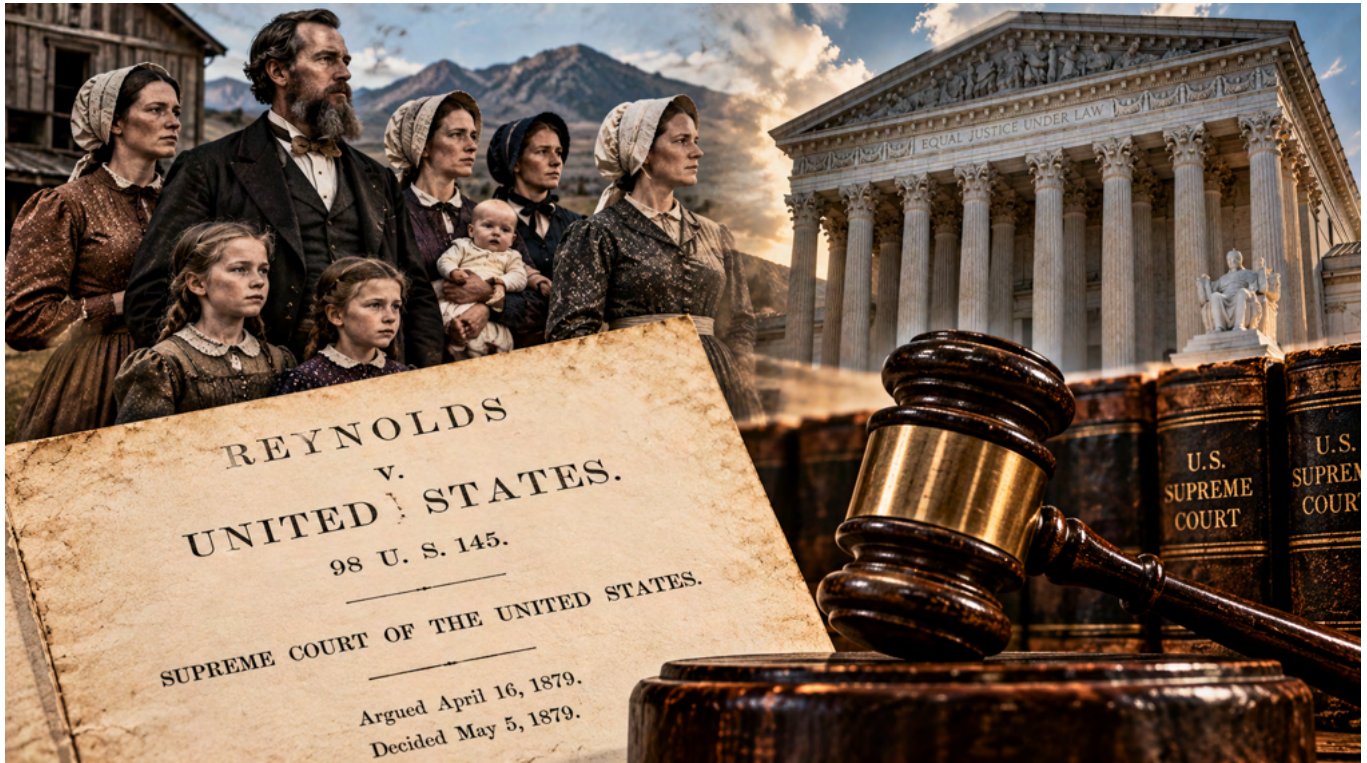
The wording marks an enormous structural change. The First Amendment began, “**Congress shall make no law,**” while the Fourteenth Amendment declared, “**No State shall...**” deprive persons of protected rights without due process or deny equal protection. In other words, 1791 principally restrained the federal government; 1868 created a new constitutional command aimed directly at state power. (Primary Source: [National Archives, “14th Amendment to the U.S. Constitution: Civil Rights \(1868\)”](#).)

The amendment did not instantly produce modern First Amendment doctrine. Over time, the Supreme Court developed **incorporation**, applying particular Bill of Rights protections against state and local

governments through the Fourteenth Amendment. That later development matters enormously for public schools because schools are primarily state and local institutions; federal First

Amendment rules reached them through this post-Civil War constitutional bridge. (Historical Overview: [National Archives, “14th Amendment to the U.S. Constitution: Civil Rights \(1868\)”](#).)

IN SIMPLE TERMS: The Fourteenth Amendment was created because abolishing slavery did not by itself prevent states from denying fundamental rights. It changed the constitutional architecture by giving the federal Constitution a new way to restrain state power; later incorporation doctrine used that bridge to make First Amendment protections enforceable against state and local governments, including public schools. (Historical Overview: National Archives, “14th Amendment to the U.S. Constitution: Civil Rights (1868)”.)



Investigation 11 — 1879: The Supreme Court Begins Defining Free Exercise

The constitutional story did not leap directly from the Founding to the twentieth century. In **Reynolds v. United States (1879)**, the Supreme Court considered whether religious belief could exempt an individual from a federal law prohibiting bigamy in the territories. The Court rejected the claim that a sincere religious duty automatically provided a constitutional defense to an otherwise valid criminal law and drew an influential distinction between **religious belief** and **religiously motivated conduct**. (Supreme Court Decision: [Justia, “Reynolds v. United States, 98 U.S. 145 \(1879\)”](#).)

The principle was that government could not dictate religious belief merely because officials considered a doctrine false or undesirable, yet religious motivation did not place every resulting action beyond civil regulation. That distinction would prove enormously influential because nearly every serious Free Exercise controversy eventually raises some version of the same question: **when does government legitimately regulate conduct, and when does regulation become an unconstitutional burden upon religious exercise?**

Reynolds is historically notable for another reason. Chief Justice Morrison Waite (1816–1888) turned to Jefferson’s writings and Founding-era church-state history while interpreting the Religion Clauses, including Jefferson’s famous 1802 letter to the Danbury Baptists. Judicial reliance upon Jefferson’s “wall” metaphor therefore did not suddenly appear with *Everson* in 1947, although *Everson* later gave the metaphor much greater prominence in Establishment Clause doctrine. (Supreme Court Decision: [Justia, “Reynolds v. United States, 98 U.S. 145 \(1879\)”](#).)

IN SIMPLE TERMS: Free Exercise never meant that every act described as “religious” automatically overrides every civil law. By 1879, the Supreme Court was already wrestling with the difficult distinction between protected religious belief and potentially regulable religious conduct.



Investigation 12 — 1940: Free Exercise Reaches The States First

One of the most important dates in this entire investigation is 1940. In *Cantwell v. Connecticut*, the Supreme Court applied the protections of the Free Exercise Clause against state and local governments through the Fourteenth Amendment. The dispute involved Jehovah’s Witnesses engaging in religious evangelism and a Connecticut licensing system governing religious solicitation. (Supreme Court Decision: [Justia, “Cantwell v. Connecticut, 310 U.S. 296 \(1940\)”](#).)

The Court held that the “fundamental concept of liberty” protected by the Fourteenth Amendment embraced First Amendment religious liberty. It also repeated the distinction between belief and action: freedom of conscience and belief received the strongest constitutional protection, while conduct could in some circumstances be regulated for legitimate social purposes. What government could not do was establish a licensing arrangement allowing officials to determine which religious causes were legitimate before people could solicit support for them. (Supreme Court Decision: [Justia, “Cantwell v. Connecticut, 310 U.S. 296 \(1940\)”](#).)

This means the modern constitutional transformation began with Free Exercise before the Establishment Clause was incorporated. The more accurate historical sequence is therefore 1791 → 1868 → 1940 → 1947, rather than a simple leap from the Founding directly to *Everson*. That chronology

demonstrates again that modern First Amendment doctrine developed through successive constitutional stages rather than appearing fully formed in 1791.

IN SIMPLE TERMS: Free Exercise became enforceable against state and local governments in 1940. The Establishment Clause followed seven years later, making *Cantwell* a crucial but often overlooked step in the development of modern religious-liberty law.

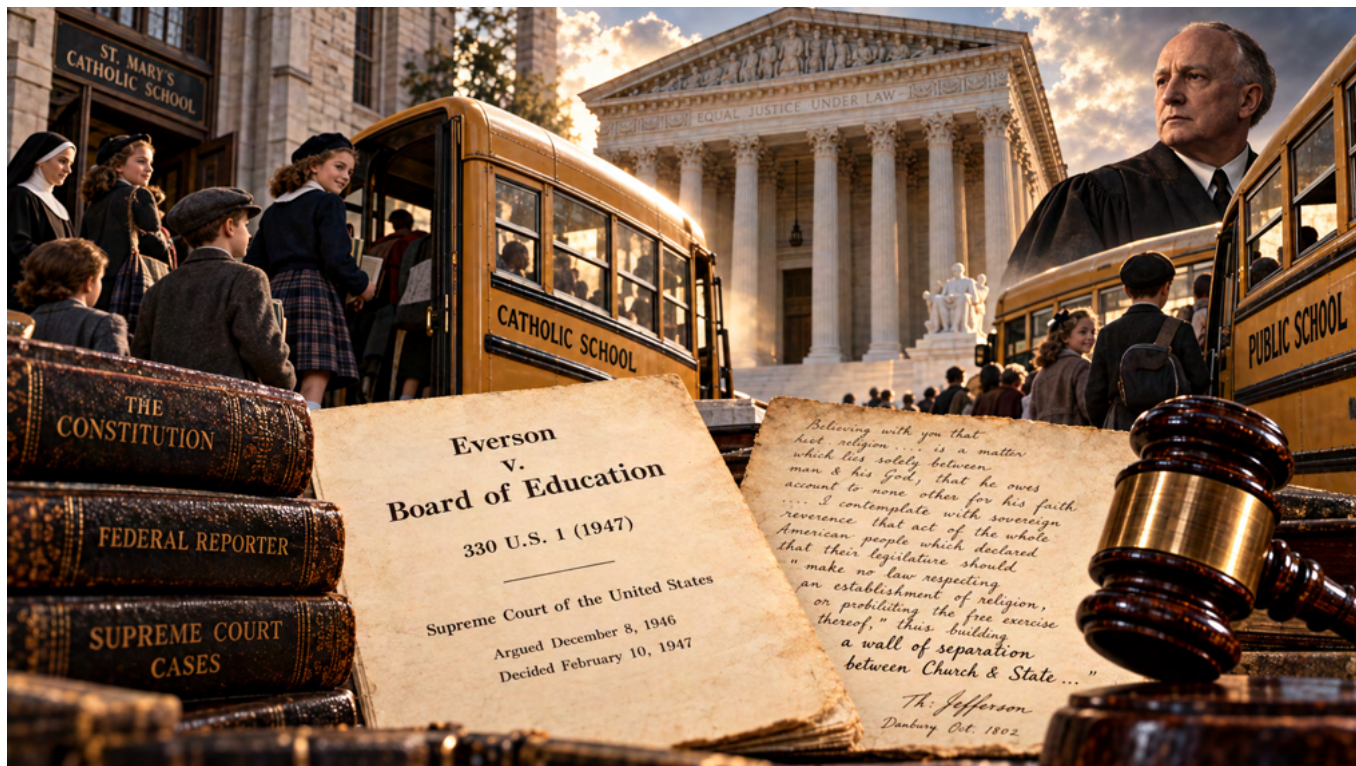


Investigation 13 — 1943: The Classroom and the Right Not To Be Forced to Believe

Three years after *Cantwell*, the Supreme Court confronted another First Amendment controversy arising directly inside a public school. In *West Virginia State Board of Education v. Barnette* (1943), Jehovah's Witness students refused to salute the flag and recite the Pledge of Allegiance because they believed the required gesture violated their religious convictions. The Court held that the state could not compel students to affirm an official belief as the price of attending public school. (Constitutional Analysis: [Library of Congress, Constitution Annotated, "Flag Salutes and Other Compelled Speech"](#).)

The decision is especially important for this classroom because the Court's reasoning rested principally on freedom of speech, while the factual controversy arose from religious conscience. Justice Robert H. Jackson (1892–1954), associate justice of the U.S. Supreme Court and later chief U.S. prosecutor at the Nuremberg trials, explained that government could not prescribe an official orthodoxy and force citizens to confess it. The case therefore joined religious conscience with another First Amendment protection: the right not to be compelled by government to speak or affirm what one does not believe.

IN SIMPLE TERMS: *Barnette* showed that the First Amendment protects students not only when they wish to speak, but also when government tries to force them to affirm a belief they reject. In the public-school setting, conscience includes a right against compelled orthodoxy.



Investigation 14 — 1947: Everson And The Rise of Jefferson’s “Wall”

In *Everson v. Board of Education* (1947), the Supreme Court considered a New Jersey program reimbursing transportation costs for children attending both public and Catholic schools. The Court ultimately upheld the reimbursement program, reasoning that paying transportation costs available on neutral terms did not violate the Constitution. At the same time, however, the Court expressly held that the Establishment Clause applied to state and local governments through the Fourteenth Amendment. (Supreme Court Decision: [Justia, “Everson v. Board of Education, 330 U.S. 1 \(1947\)”](#).)

Justice Hugo Black (1886–1971), associate justice of the U.S. Supreme Court, famously invoked Jefferson’s metaphor of a “wall of separation between church and state.” The phrase itself does not appear in the Constitution; it came from Jefferson’s 1802 letter to the Danbury Baptist Association. Yet Black used it to explain what the Establishment Clause meant in the newly incorporated state context, helping elevate Jefferson’s metaphor into one of the most recognizable phrases in twentieth-century church-state law. (Supreme Court Decision: [Justia, “Everson v. Board of Education, 330 U.S. 1 \(1947\)”](#).)

There is an important historical irony here. Everson used strong separationist language but did not strike down the governmental benefit being challenged. The Court concluded that New Jersey could reimburse transportation costs even when some beneficiaries attended Catholic schools. That tension—strong anti-establishment language combined with approval of a generally available public benefit—would foreshadow many later disputes over what constitutional neutrality toward religion actually requires.

IN SIMPLE TERMS: Everson made the Establishment Clause enforceable against state and local governments and gave enormous constitutional prominence to Jefferson’s private “wall” metaphor. That occurred in 1947, not in 1791.



Investigation 15 — 1962–1963: The Supreme Court Walks Into The Classroom

Two cases belong at the heart of America’s Forgotten Classroom: *Engel v. Vitale* (1962) and *School District of Abington Township v. Schempp* (1963). In *Engel*, the Supreme Court invalidated New York’s use of an officially composed prayer in public schools, even though participation was not formally compulsory. The constitutional problem was government authorship and sponsorship of the

prayer, not the proposition that individual students could never pray voluntarily at school. (Supreme Court Decision: [Justia, “Engel v. Vitale, 370 U.S. 421 \(1962\)”](#).)

The following year, *Schempp* invalidated state-sponsored devotional Bible readings and recitation of the Lord’s Prayer in public schools. Yet the decision also contains an enormously important distinction often omitted from popular discussion: the Court recognized that objective academic study of the Bible and religion is constitutionally different from government-conducted devotional exercises. The constitutional problem was devotional use by the state, not historical, literary, or academic examination of religious material. (Supreme Court Decision: [Justia, “School District of Abington Township v. Schempp, 374 U.S. 203 \(1963\)”](#).)

That distinction should be written in large letters on the classroom blackboard. Teaching students what Christians believed is not the same thing as requiring students to believe Christianity. Teaching what the Puritans read is not turning students into Puritans. Explaining the Great Awakening is not conducting a revival, and examining Washington’s Farewell Address is not leading worship.

Steven K. Green, Fred H. Paulus Professor of Law and scholar of religion and constitutional history, represents a strong separationist scholarly tradition and has written extensively on religion, education, and the First Amendment. Even within that stronger separationist framework, the legal distinction between governmental religious exercises and academically teaching about religion remains fundamental. (Scholar Profile: [Willamette University, “Steven K. Green”](#).)

IN SIMPLE TERMS: The Supreme Court prohibited school-sponsored devotional practices, not the academic study of religion. A public school may teach Christianity historically, literarily, and culturally without requiring anyone to become Christian.



Investigation 16 — Teaching About Christianity Is Not Teaching Christianity

Current federal guidance makes that distinction remarkably explicit. Public schools may not provide government-sponsored religious instruction, but they may teach about religion, including the history of religion, comparative religion, the Bible and other religious writings as literature, and religious influences upon philosophy, art, music, literature, and social studies. The February 2026 Department of Education guidance specifically preserves this distinction between impermissible religious instruction and constitutionally permissible education about religion. (Current Federal Guidance: [U.S. Department of Education, “Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools”](#).)

That distinction matters tremendously to historical literacy. Imagine trying to understand Martin Luther King Jr. (1929–1968), Baptist minister and civil-rights leader, without examining his biblical language, pastoral identity, black-church context, prophetic imagery, and repeated appeals to Scripture. Removing those elements would not make the lesson more constitutionally neutral; it would make King and his historical world substantially more difficult to understand accurately.

The same principle applies to the Pilgrims, Puritans, Great Awakening, abolition, colonial colleges, Washington’s Farewell Address, religious revivals, missionary movements, and countless other features of American history. When religion materially influenced the people, ideas, institutions, or events under examination, accurately teaching that religious dimension is part of accurately teaching the history.

The Department of Education accordingly states that students may study religious history and religious texts in an academic setting while schools themselves may not conduct devotional instruction.

Neutrality does not require pretending that religion played no historical role. (Current Federal Guidance: [U.S. Department of Education, “Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools”](#).)

IN SIMPLE TERMS: Public schools may teach about religion academically. Leaving Christianity out of historical events Christianity actually helped shape does not necessarily produce neutrality; it can instead produce incomplete history.



Investigation 17 — 1971: The Lemon Test Reshapes Establishment Clause Law

The next pivotal year is 1971. In *Lemon v. Kurtzman*, the Supreme Court consolidated disputes involving Pennsylvania and Rhode Island programs providing forms of public assistance to nonpublic schools, many of which were Catholic. Out of those disputes emerged what became known as the Lemon test, a three-part framework that would heavily influence Establishment Clause law for decades. (Supreme Court Decision: [Justia, “Lemon v. Kurtzman, 403 U.S. 602 \(1971\)”](#).)

In simplified terms, government action generally needed a secular legislative purpose, a principal or primary effect that neither advanced nor inhibited religion, and no excessive government entanglement with religion. The framework gave courts a structured way to analyze church-state disputes, but it also generated decades of argument over what counted as a sufficiently secular purpose, an impermissible religious effect, or excessive entanglement.

Over the years, the Supreme Court applied, modified, criticized, supplemented, bypassed, and sometimes declined to rely upon portions of the test. Yet its cultural influence extended far beyond reported cases. Generations of Americans encountered church-state disputes during the decades in which *Lemon* shaped judicial analysis and consequently came to assume that its framework was simply what the First Amendment had always meant.

It was not the language written by the First Congress. It was a twentieth-century judicial framework created in 1971, nearly 180 years after the First Amendment was ratified.

IN SIMPLE TERMS: Beginning in 1971, courts frequently used the Lemon test to decide whether government had become improperly involved with religion. It became enormously influential, but it was one stage in constitutional development, not the wording enacted in 1791.



Investigation 18 — 1972: Yoder Puts Parents, Religion, And Compulsory Education on a Collision Course

Only one year after *Lemon*, the Supreme Court decided a case that went directly to the heart of parental religious conscience and compulsory education. In *Wisconsin v. Yoder* (1972), Amish parents challenged a state law requiring their children to remain in formal school until age sixteen. The parents argued that additional high-school attendance would expose their children to values and social pressures fundamentally at odds with the Amish religious way of life.

The Court held that applying Wisconsin's compulsory-attendance requirement to these families violated the Free Exercise Clause. In doing so, it recognized that the state possesses a powerful interest in education but that this interest is not automatically unlimited when it collides with a deeply rooted religious practice. Constitution Annotated also identifies *Yoder* as an example of a permissible religious accommodation and notes that the case later became important precedent in *Mahmoud v. Taylor*. (Constitutional Analysis: [Library of Congress, Constitution Annotated, "Relationship Between the Establishment and Free Exercise Clauses"](#); Modern Context: [Library of Congress, Constitution Annotated, "Mahmoud v. Taylor"](#).)

For *America's Forgotten Classroom*, *Yoder* is indispensable because it makes clear that constitutional religious liberty is not only about prayer or Bible reading in school. It can also concern the deeper relationship among parents, children, religious formation, compulsory education, and the reach of state authority.

IN SIMPLE TERMS: *Yoder* held that compulsory education does not automatically override sincere religious obligations. The case became a major landmark in the continuing question of where state educational authority ends and parental religious conscience begins.



Investigation 19 — 1981–2001: Equal Access Changes the Constitutional Question

Beginning in the 1980s, the Supreme Court increasingly confronted a different constitutional problem. If government creates a forum for private expression, may officials exclude speakers merely because their viewpoint is religious? That question moved the debate away from government-sponsored religion and toward equal treatment of private religious speech.

In *Widmar v. Vincent* (1981), the Court protected access to university facilities for a religious student organization when comparable secular student groups were permitted to use them. *Board of Education v. Mergens* (1990) reinforced equal-access principles for religious clubs in public secondary schools. *Lamb’s Chapel v. Center Moriches Union Free School District* (1993) and *Good News Club v. Milford Central School* (2001) likewise rejected particular attempts to exclude religious viewpoints from forums opened to comparable secular expression. In *Good News Club*, the Court emphasized that allowing religious use of a generally available forum did not itself amount to unconstitutional establishment. (Supreme Court Decision: [Justia](#), “*Good News Club v. Milford Central School*, 533 U.S. 98 (2001)”.)

These decisions helped sharpen the distinction between government speech and private speech occurring within a government-created forum. A school permitting a Christian student organization to meet under the same rules applied to other student organizations does not thereby transform the students’ religious message into the official message of the school.

Current Department of Education guidance follows precisely this distinction. Public schools must separate impermissible government-sponsored religious activity from constitutionally protected private expression and may not administer otherwise neutral rules in a manner that discriminates against

religious viewpoints. (Current Federal Guidance: [U.S. Department of Education, “Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools”](#).)

IN SIMPLE TERMS: Equal access is not establishment. When a public institution opens a forum to private speakers or organizations, religious participants generally cannot be excluded merely because their viewpoint is religious.



Investigation 20 — 1990: Free Exercise Also Develops Limits

That same period produced another landmark decision, *Employment Division v. Smith* (1990). The case involved two members of the Native American Church who had used peyote sacramentally and were denied unemployment benefits after losing their jobs. The Supreme Court held that the Free Exercise Clause generally does not automatically create a religious exemption from a neutral law of general applicability. (Supreme Court Decision: [Justia, “Employment Division v. Smith, 494 U.S. 872 \(1990\)”](#).)

The case is important because it prevents Free Exercise from being understood as an unlimited constitutional veto over ordinary law. At the same time, later decisions have made neutrality itself an increasingly important question. If government exempts comparable secular activities while refusing religious exemptions, targets religious conduct, or applies supposedly neutral rules selectively, a different constitutional analysis may follow.

Congress reacted strongly to *Smith*. In 1993, it enacted the Religious Freedom Restoration Act (RFRA), seeking to restore a more demanding standard when government substantially burdens religious exercise. The Supreme Court later limited Congress’s authority to impose RFRA upon state and local governments, but RFRA remains highly significant in federal religious-liberty disputes.

IN SIMPLE TERMS: Free Exercise strongly protects religious liberty, but it does not mean that every sincere religious claim automatically defeats every civil law. Much of modern litigation therefore asks

whether government is applying a genuinely neutral rule or treating religion less favorably than comparable secular activity.



Investigation 21 — 1992–2000: The Court Develops a Coercion Doctrine in The Schools

After *Engel*, *Schempp*, and *Lemon*, the Court increasingly asked another school-specific question: when does governmental involvement place unconstitutional pressure on students to participate in religion? In *Lee v. Weisman* (1992), the Court held that a public school’s involvement in clergy-led prayer at a graduation ceremony created impermissible coercion. The Court emphasized the special sensitivity of elementary and secondary schools, where students can experience powerful social and institutional pressure even without a formal legal command. (Constitutional Analysis: [Library of Congress, Constitution Annotated, “Coercion and Establishment Clause Doctrine”](#).)

The Court returned to the issue in *Santa Fe Independent School District v. Doe* (2000), invalidating a school policy under which student-led prayer was delivered over the public-address system before football games. The Court concluded that the practice occurred under school supervision and pursuant to a policy that encouraged religious exercise, creating constitutionally significant pressure on those present. (Constitutional Analysis: [Library of Congress, Constitution Annotated, “Coercion and Establishment Clause Doctrine”](#).)

These decisions matter because *Kennedy v. Bremerton School District* later returned to coercion while also replacing *Lemon* with a historically grounded framework. The modern Court therefore did not simply erase every earlier school-prayer concern; it placed the question of coercion inside a different historical method.

IN SIMPLE TERMS: By the 1990s, the Court was asking whether students were being pressured by school authority to participate in religious exercises. That coercion principle remained important even after the Court later abandoned the *Lemon* test.



Investigation 22 — 2017–2022: Religion and Public Benefits

Another major development emerged through *Trinity Lutheran Church v. Comer* (2017), *Espinoza v. Montana Department of Revenue* (2020), and *Carson v. Makin* (2022). These decisions increasingly held that when government creates a generally available public-benefit program, it may violate the Free Exercise Clause if it excludes otherwise eligible participants because they are religious.

That development altered the constitutional conversation in an important way. For much of the twentieth century, church-state litigation often focused upon whether governmental assistance might impermissibly advance religion. These cases increasingly forced courts to ask the opposite question as well: could government become constitutionally non-neutral by withholding a generally available benefit from religious participants that similarly situated secular participants could receive?

The distinction directly reinforces one of the larger themes of this investigation. Constitutional neutrality does not invariably mean excluding religion. In some settings, neutral treatment requires government to allow religious and secular citizens or organizations to participate on comparable terms, while still avoiding governmental sponsorship of religious belief.

John Witte Jr., Robert W. Woodruff University Professor of Law at Emory University and a leading scholar of religion, law, and church-state history, has described American religious-liberty law as developing through multiple historical eras rather than one completely static rule. That larger historical perspective helps explain why these modern equal-treatment decisions form another distinct chapter in the constitutional story. (Scholar Profile: [Emory University School of Law, “John Witte Jr.”](#).)

IN SIMPLE TERMS: Modern Free Exercise decisions increasingly hold that government cannot create a generally available public benefit and then exclude otherwise qualified participants simply because they are religious.



Investigation 23 — 2019: American Legion Signals the Coming End of the Lemon Test

The constitutional shift away from *Lemon* did not suddenly appear in 2022. Three years earlier, in *American Legion v. American Humanist Association* (2019), the Supreme Court rejected an Establishment Clause challenge to a longstanding World War I memorial cross in Maryland. A plurality concluded that longstanding monuments, symbols, and practices should not be evaluated under the ordinary three-part *Lemon* analysis but should instead receive substantial consideration in light of history and tradition. (Constitutional Analysis: [Library of Congress, Constitution Annotated, “Establishment Clause and Historical Practices and Tradition”](#).)

The case is a crucial bridge in the evolutionary story. *Lemon* had dominated much twentieth-century thinking about Establishment Clause disputes, but *American Legion* openly limited its usefulness in cases involving longstanding religious monuments and practices. Constitution Annotated accordingly describes the decision as an important step toward the historical approach the Court would make explicit in *Kennedy* three years later. (Constitutional Analysis: [Library of Congress, Constitution Annotated, “Abandonment of the Lemon Test”](#).)

This progression matters because it prevents the history from looking like a sudden judicial revolution in 2022. The movement was already underway: *American Legion* had weakened *Lemon* in a major category of cases, and *Kennedy* would soon announce the broader history-and-tradition framework.

IN SIMPLE TERMS: *American Legion* was a major warning that *Lemon* was losing its grip. By 2019, the Court was already turning toward historical practice and tradition; *Kennedy* made that shift unmistakable in 2022.



Investigation 24 — 2022: Kennedy Buries the Lemon Test and Brings History Back

Then came *Kennedy v. Bremerton School District* (2022), involving a Washington public-school football coach who engaged in postgame prayer. Writing for the Court, Justice Neil Gorsuch (b. 1967), associate justice of the U.S. Supreme Court, stated that the Court had “long ago abandoned” the Lemon test and its related endorsement-test approach. The Court concluded that the school district had violated Kennedy’s Free Exercise and Free Speech rights by restricting what the majority characterized as his personal religious observance. (Supreme Court Decision: [Supreme Court of the United States, “Kennedy v. Bremerton School District, 597 U.S. 507 \(2022\)”](#).)

The Court said Establishment Clause disputes should instead be interpreted by reference to “historical practices and understandings.” That shift dramatically increased the importance of historical evidence in modern Establishment Clause analysis. The Court did not declare that governmental coercion was irrelevant; rather, coercion remained constitutionally important while the Lemon framework ceased to control the analysis. (Supreme Court Decision: [Supreme Court of the United States, “Kennedy v. Bremerton School District”](#).)

The significance for America’s Forgotten Classroom is substantial. If constitutional analysis now places greater weight upon historical practices and understandings, then Founding-era evidence—including Madison’s arguments about conscience, early state establishments and disestablishment, congressional practices, and the public religious language of the period—becomes especially relevant to understanding the historical boundaries between government and religion.

The historical method itself remains contested. Justice Sonia Sotomayor (b. 1954), associate justice of the U.S. Supreme Court, argued in dissent that the majority was replacing prior Establishment Clause doctrine with a different “history and tradition” approach and disagreed sharply with the majority’s treatment of coercion in the school setting. That disagreement is part of the constitutional record rather

than something that should be concealed from the investigation. (Dissent: [Supreme Court of the United States, “Kennedy v. Bremerton School District — Sotomayor, J., dissenting”.](#))

IN SIMPLE TERMS: In 2022, the Supreme Court expressly moved away from the Lemon framework and toward analysis rooted in historical practices and understandings. That makes accurate Founding-era history especially consequential in modern Establishment Clause disputes.



Investigation 25 — What Public Schools May and May Not Do Right Now

The current rules are far more balanced than the familiar slogan that “religion is forbidden in public school.” The U.S. Department of Education’s February 2026 guidance states that public schools may not sponsor religious exercises, direct students in devotional activity, or use governmental authority to compel religious participation. At the same time, schools must protect constitutionally permissible private religious expression from governmental interference and discrimination. (Current Federal Guidance: [U.S. Department of Education, “Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools”.](#))

Students may voluntarily pray during appropriate times, read religious texts, discuss religious subjects with classmates, express religious viewpoints in assignments when responsive to the assignment, and participate in religious clubs under applicable equal-access rules. Schools retain substantial authority over curriculum, discipline, scheduling, and classroom order, but they may not administer those ordinary rules simply to discriminate against expression because its viewpoint is religious. (Current Federal Guidance: [U.S. Department of Education, “Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools”.](#))

The federal guidance repeatedly emphasizes the crucial distinction between government-sponsored expression and privately initiated expression. A teacher acting in an official capacity and directing a classroom prayer is constitutionally different from a student independently praying. Schools must show neither favoritism toward nor hostility against religious expression.

That distinction is especially important when the subject is Christianity or the Bible. Constitutionally permissible academic instruction about Christianity is not the same thing as devotional instruction intended to produce Christian belief. A public-school course may objectively examine the Bible as literature, its historical setting, its influence upon Western civilization, American history, law, art, music, and culture, or the historical beliefs of Christians without asking students to accept those beliefs as true or participate in religious exercises. The National Council on Bible Curriculum in Public Schools is one organization that has advocated Bible courses within public schools and developed curriculum materials intended for that setting. Readers interested in examining that approach can consult **The National Council on Bible Curriculum in Public Schools**, <https://www.bibleinschools.net>.

Consequently, neither student religious expression nor academically responsible teaching about religion is categorically excluded from the public-school environment. (Current Federal Guidance: [U.S. Department of Education, “Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools”](#).)

IN SIMPLE TERMS: Public schools cannot compel or sponsor religious participation, but neither are they constitutionally required to become religion-free zones. Voluntary private religious expression and objective academic study of religion retain substantial First Amendment protection.



Investigation 26 — 2025: Mahmoud Brings Religious Conscience Back into The Classroom

The constitutional evolution has not stopped. In *Mahmoud v. Taylor* (2025), parents from several religious backgrounds challenged a Maryland public-school district’s refusal to permit opt-outs from certain elementary-school instruction that they believed conflicted with their religious obligations. The case therefore returned a very old constitutional question to a very modern classroom: what happens when state educational authority collides with the religious conscience of parents and families? (Supreme Court Case: [Supreme Court of the United States, “Mahmoud v. Taylor, No. 24-297”](#).)

On June 27, 2025, the Supreme Court ruled for the parents at the preliminary-injunction stage. The Court concluded that they were entitled to preliminary relief on their Free Exercise claim while the litigation continued, bringing parental religious exercise and public education squarely back into contemporary First Amendment doctrine. The decision is now reported as 606 U.S. 522 (2025). (Supreme Court Record: [Supreme Court of the United States, “Opinions of the Court — October Term 2024”](#).)

The case is particularly important because the dispute was not about government leading children in prayer or conducting Bible readings—the familiar controversies of the 1960s. It involved whether governmental educational requirements could substantially burden parents’ exercise of religion when the school eliminated an opt-out previously available to families. That makes *Mahmoud* another stage in the movement from the old question “May government promote religion?” toward the additional modern question “When does government burden religion?” The connection to *Wisconsin v. Yoder* is especially important: the *Mahmoud* parents relied on *Yoder* as a major precedent for heightened protection when public education substantially burdens religious exercise. (Constitutional Analysis: [Library of Congress, Constitution Annotated, “Mahmoud v. Taylor”](#).)

That deeper constitutional issue was recognized even before the Court ruled. **Michael W. McConnell, former judge of the U.S. Court of Appeals for the Tenth Circuit and director of Stanford Law School’s Constitutional Law Center**, identified *Mahmoud* as part of a fundamental dispute over what constitutes a constitutionally significant “burden” upon religious exercise. Writing while the case was approaching the Supreme Court, McConnell argued that the controversy implicated not merely disagreement with a school curriculum but potentially “the loss of parental rights and childhood religious autonomy.” His observation helps explain why *Mahmoud* belongs in the larger history traced throughout this investigation: the Free Exercise Clause protects more than the freedom to believe privately; the difficult constitutional question is when governmental policy interferes sufficiently with the practice, transmission, or formation of those beliefs to require heightened judicial protection. (Scholarly Analysis: Michael W. McConnell, “The Supreme Court’s Religion Docket,” *The Volokh Conspiracy/Reason*, January 7, 2025.)

The Court’s eventual reasoning substantially sharpened that principle. The majority said that government burdens parents’ religious exercise when it requires children to undergo instruction posing a **“very real threat of undermining”** the religious beliefs and practices their parents seek to instill, while emphasizing that the inquiry remains highly dependent upon the particular religious beliefs, the age of the children, and the character and context of the instruction. That is an important limitation as well as an expansion: *Mahmoud* did not announce that every religious objection automatically produces a constitutional opt-out. Instead, it restored serious attention to the magnitude and character of the burden itself—a development recent legal scholarship has described as a movement toward a more burden-centered understanding of Free Exercise reminiscent of *Sherbert* and *Yoder*.

The dissenting Justices warned that broad constitutional opt-out requirements could create substantial practical difficulties for public-school systems and complicate curricular administration. The disagreement therefore makes *Mahmoud* an important constitutional frontier rather than the final word on every parental-rights or curriculum dispute.

For this series, its significance is unmistakable. The question traced from Madison and Jefferson through Cantwell, Engel, Schempp, Lemon, Kennedy, and now *Mahmoud* remains very much alive: where does governmental authority to educate end, and where does constitutionally protected religious conscience begin?

IN SIMPLE TERMS: The First Amendment classroom debate is not ancient history. In 2025, the Supreme Court was still deciding major questions involving religious conscience, parents, and public-

school instruction, demonstrating that the constitutional boundary remains an active subject of American law.



Investigation 27 — Serious Scholars Still Disagree, And That Strengthens the Investigation

A serious historical study should distinguish between what the sources firmly establish and what scholars continue to debate. **John Witte Jr.**, one of the nation’s leading scholars of religious liberty and legal history, emphasizes that broad Founding-era commitments can be identified while important questions about the precise scope of establishment and free exercise remain disputed. (Scholar Profile: [Emory University School of Law, “John Witte Jr.”](#).)

Michael W. McConnell, former federal appellate judge and Stanford constitutional-law professor, represents a strongly historically oriented approach and has written extensively about the concrete features of establishment at the Founding. His scholarship emphasizes that historical establishments involved legal privileges, governmental control, taxation, and other identifiable mechanisms beyond the simple presence of religion in public life. (Scholar Profile: [Stanford Law School, “Michael W. McConnell”](#).)

Steven K. Green, Willamette law professor, historian of religion, and former legal director of Americans United for Separation of Church and State, represents a stronger separationist tradition. His work emphasizes Jefferson, Madison, disestablishment, and the development of modern church-state boundaries. (Scholar Profile: [Willamette University, “Steven K. Green”](#).)

Those disagreements make this investigation stronger, not weaker. They show that responsible scholarship is more sophisticated than either “America established Christianity” or “the Founders intended religion to disappear from public life.”

IN SIMPLE TERMS: Scholars disagree about some constitutional boundaries, but the serious debate is far richer than the slogans commonly heard in public arguments.



Investigation 28 — What Happens When Neutrality Quietly Becomes Secularism?

This is where the historical investigation moves directly into contemporary culture. Governmental neutrality and cultural secularization are not the same thing. A government can refrain from establishing religion while still treating religious citizens and religious arguments as legitimate participants in public life.

Problems arise when secular assumptions are treated as naturally neutral while religious assumptions are automatically treated as improper intrusions. A classroom that permits discussion of secular philosophical claims about human nature, morality, and ultimate reality but excludes comparable religious reasoning simply because it mentions God has not necessarily become worldview-neutral.

Secularism itself is not a neutral and benign absence of belief; it can carry substantive assumptions about reality, morality, knowledge, and the place of religion in public life. If those assumptions are permitted to function as the unquestioned default while religious perspectives are treated as uniquely suspect, neutrality has quietly given way to preference. That is exactly what has occurred in America.

The better standard is intellectual fairness. Relevant ideas should be accurately described, historically situated, critically examined, and subjected to evidence and argument. Christian claims do not need to be protected from hard questions, and secular claims should not receive automatic immunity from the same scrutiny.

Christianity claims to be true. It therefore benefits from honest investigation rather than historical distortion or governmental coercion.

IN SIMPLE TERMS: Neutrality should mean intellectual fairness, not a rule that secular ideas enter automatically while religious ideas must remain outside. The classroom should permit relevant evidence and arguments to be examined honestly.



Investigation 29 — Why Christians Should Defend the Conscience Of People Who Disagree With Us

There is a deeply Christian reason to value liberty of conscience. Government can compel external behavior, but it cannot manufacture repentance, saving faith, love of God, genuine worship, or the new birth Jesus described.

Christians therefore proclaim, persuade, preach, reason, teach, and present evidence because conviction matters. The Great Commission was given to Christ's church, not delegated to a civil bureaucracy.

That principle also explains why Christians should defend the constitutional conscience of neighbors who disagree with us. A legal protection that shields Christian religious exercise also protects Jews, Muslims, atheists, agnostics, and others from governmental coercion of belief. We should never fear opposing thoughts. The truth will prevail if tested.

That protection of conscience is not merely a constitutional strategy; it is also consistent with the Christian method of persuasion. The New Testament repeatedly presents faith as something proclaimed, reasoned about, defended, and personally received rather than politically imposed. Christians can therefore defend another person's legal freedom to reject Christianity without surrendering the conviction that Christianity is true. In fact, protecting that freedom preserves the very environment in which genuine evangelism can occur, because a coerced profession of faith is not the same thing as repentance, conviction, or belief.

Nothing about this requires Christians to regard every religious claim as equally true. Religious liberty gives Christianity the freedom to make its case publicly, invite skeptics to examine Jesus Christ specifically, answer objections, present evidence, and ask people to decide whether its claims are true.

IN SIMPLE TERMS: Christianity does not need government to manufacture Christians. Genuine faith must be persuaded, embraced, and lived rather than imposed upon a human heart by civil authority.



Investigation 30 — What Parents, Teachers, And Grandparents Can Actually Do

The application can begin immediately without Congress, a lawsuit, or another Supreme Court opinion. Parents and grandparents can place the First Amendment on the dinner table and ask children to identify its five freedoms. They can then discuss why religion receives protection against both establishment and governmental interference with free exercise.

Teachers can insist upon historical completeness. If Washington discusses religion, let Washington speak. If Madison grounds conscience in obligations preceding government, teach his reasoning. If Jefferson writes about a wall and then attends worship in the Capitol, present both facts. If *Schempp* distinguishes devotional Bible reading from objective study about religion, explain that distinction accurately.

Administrators can likewise learn the constitutional difference between governmental religious speech and private religious speech. Current federal guidance expressly tells schools that the Constitution requires neutrality rather than hostility toward privately initiated religious expression. ([U.S. Department of Education, “Guidance on Constitutionally Protected Prayer and Religious Expression”](#).)

Families can then move from constitutional words to real examples. Why is a teacher ordering prayer different from a student deciding to pray? Why is studying Christianity different from compelling Christianity? Why does a government powerful enough to prescribe a religious belief also possess the dangerous power to suppress one?

IN SIMPLE TERMS: Do not leave religious liberty inside a textbook or Supreme Court opinion. Teach it at home, explain it in school, and help the next generation understand how constitutional freedom actually works.



Investigation 31 — The Forgotten Question Beneath The Entire Debate

After all the clauses, court cases, presidents, statutes, and historical controversies, we eventually reach the deepest question: **Who owns the conscience?**

Mason spoke of duty owed to the Creator. Madison argued that religious obligation preceded civil society. Jefferson resisted coercive establishment while participating in public religious practices that complicate modern assumptions about separation. Washington considered religion and morality essential supports for republican government. Article VI denied the federal government a religious test, and the First Amendment restricted establishment while protecting free exercise.

From a biblical Christian perspective, the answer reaches deeper still. Human beings bear the image of God ([Genesis 1:26–27](#)), Christ distinguished between what belongs to Caesar and what belongs to God ([Matthew 22:21](#)), and the apostles recognized that civil authority has limits where obedience to God is directly at stake ([Acts 5:29](#)).

Civil government therefore possesses genuine authority ([Romans 13](#)), but not ultimate authority. That theological principle gives religious liberty tremendous moral significance because no earthly institution possesses rightful ownership of the human soul.

That distinction between civil authority and ultimate authority also helps explain why conscience occupies such a serious place in both Christian theology and the American constitutional tradition. Government may regulate conduct for the common good, punish crime, maintain order, and administer justice, but it cannot rightly command worship, create genuine faith, or claim jurisdiction over a person's ultimate allegiance to God. In that sense, liberty of conscience is not merely one more political preference among many; it recognizes a boundary built into the nature of human beings themselves. The state governs citizens, but it does not own souls, and whenever civil authority attempts to cross that line, the conflict is no longer merely political—it becomes moral and spiritual as well.

IN SIMPLE TERMS: The deepest issue beneath religious liberty is whether government owns the conscience. The American constitutional tradition increasingly answered no, and biblical Christianity gives an even deeper reason why.



The Evolution of America's First Freedom — At A Glance

The entire investigation becomes easier to remember when we follow the pivotal years. **1787** gives us Article VI and its prohibition on federal religious tests. **1789** brings Madison's proposals and congressional revision. **1791** brings ratification of the First Amendment. **1868** provides the Fourteenth Amendment, and **1879** gives us *Reynolds*. **1940** incorporates Free Exercise through *Cantwell*, while **1947** incorporates Establishment through *Everson*.

Then the classroom enters the story directly. **1962 and 1963** bring *Engel* and *Schempp*. **1971** introduces the *Lemon* test. **1981 through 2001** develops equal-access principles through *Widmar*, *Mergens*, *Lamb's Chapel*, and *Good News Club*. **1990** also brings *Employment Division v. Smith* and its doctrine concerning neutral, generally applicable laws.

The modern period accelerates again. **2017 through 2022** bring *Trinity Lutheran*, *Espinoza*, and *Carson*, strengthening protections against religious exclusion from generally available benefits. **2022** brings *Kennedy*, formally abandoning *Lemon* and turning Establishment Clause analysis toward historical practices and understandings. **2025** brings *Mahmoud* and religious-conscience questions directly back into public-school curriculum disputes.

Seen together, First Amendment history resembles a long constitutional river rather than a frozen pond. Its source lies in older struggles over coercion, establishment, and conscience, but its course has repeatedly been redirected as courts applied its principles to states, schools, religious speech, public benefits, parental rights, and circumstances the Founders themselves never encountered.

IN SIMPLE TERMS: The First Amendment did not stop developing in 1791. Following the pivotal years allows ordinary Americans to see how the original federal protection gradually became the much broader constitutional system governing religious liberty today.



SO WHAT? What Difference Should This Make on Monday Morning?

All this history means very little if it remains a collection of dates and court cases. The First Amendment must move from parchment into lived liberty. **For teachers**, that means refusing historical censorship and teaching religious influences accurately. **For administrators**, it means understanding that avoiding governmental establishment does not authorize discrimination against constitutionally protected religious expression.

For parents, it means asking more intelligent questions whenever someone says, “Religion isn’t allowed in public school.” What activity are we talking about? A teacher-directed devotional exercise? A student’s voluntary prayer? A religious club? A Bible used as literature? A history lesson about the Great Awakening? Those are constitutionally different situations.

For Christian students, religious liberty comes with responsibility. Constitutional freedom does not excuse disruption, mistreatment of classmates, or refusal to follow legitimate academic rules. But neither does Christian conviction become constitutionally embarrassing simply because a student walks onto public property.

For churches and Christian leaders, constitutional literacy matters as well. Christians may proclaim Christ, defend biblical conviction, participate in public debate, advocate public policy, and serve in government without confusing those freedoms with federal establishment of a church.

The historical record therefore calls Americans back to a more mature understanding. The First Amendment story is not merely the story of keeping religion away from government. It is the long American effort to prevent governmental control of conscience while preserving the liberty necessary for religious conviction to live openly among free citizens.

IN SIMPLE TERMS: The practical goal is to know the difference between governmental coercion and protected religious liberty. A free classroom teaches history accurately, protects conscience, and understands that religion does not lose constitutional protection merely because it becomes visible.



The First Three Classrooms Now Converge

The architecture of *America's Forgotten Classroom* should now be clearer. Classroom 1 argued that education forms people rather than simply transferring information. Classroom 2 examined Washington's warning that liberty depends upon moral formation and that national morality cannot simply be assumed to sustain itself once religion loses its formative influence.

Classroom 3 now adds the constitutional boundary within which that formation occurs. America needs citizens capable of governing themselves, but self-government becomes dangerous when government itself claims ownership of belief and conscience. The great challenge is therefore to cultivate truth, character, moral seriousness, religious conviction, and civic responsibility while recognizing that civil government is not lord of the soul.

This places enormous responsibility on families, churches, schools, and citizens. Government cannot manufacture the character necessary for liberty, but it can either respect or violate the freedom within which people form the convictions that guide their lives.

The older constitutional settlement therefore demanded much of the citizen. Freedom of conscience never meant freedom from truth, responsibility, or moral accountability. It meant that government would not become the final authority over the conscience.

IN SIMPLE TERMS: Education forms citizens, morality helps sustain liberty, and religious freedom protects the conscience in which genuine conviction develops. That is why the first three classrooms belong together.



The Firepoint: Religious Liberty Is Not Secular Censorship

Two hundred thirty-seven years after Congress proposed the Bill of Rights, fewer than half of the adults in Annenberg’s new survey could spontaneously name freedom of religion as a First Amendment liberty, while nearly one-fourth could not identify a single First Amendment freedom. (Research Report: [Annenberg Public Policy Center, “A Third of Americans Cannot Name the Three Branches of Government”.](#))

America’s First Amendment problem may therefore begin long before a legislature passes an unconstitutional law or a court issues a controversial opinion. It begins when citizens know slogans but not constitutional text, when students can repeat “separation of church and state” but do not know where the phrase came from, and when Americans confuse freedom from government-sponsored religion with the removal of religion from public life.

The history we have traced shows something richer. Government is restrained from controlling religious conscience, while religious exercise retains constitutional protection. The First Amendment story is therefore not a story of religious erasure but of increasingly refined boundaries around governmental power.

A liberty forgotten becomes difficult to defend. A liberty misunderstood is easily distorted. The classroom matters because constitutional liberty ultimately depends upon citizens who know what they inherited.

IN SIMPLE TERMS: Religious liberty is not the censorship of religion. It protects conscience by restraining governmental establishment while also protecting lawful religious exercise from governmental suppression or discrimination.

The Final Question For America’s Forgotten Classroom

The Annenberg survey showed what Americans have forgotten; the historical record shows why remembering matters. The Founders did not create a federally established national church, but neither did

they write a constitutional command requiring public life to behave as though God, religion, Christianity, conscience, and religious history never existed.

A responsible classroom can protect an unbelieving child's conscience while also respecting a Christian student's protected religious expression. It can teach Jefferson's Danbury letter and Jefferson's Capitol worship, *Engel* and voluntary prayer, *Schempp* and academic study of the Bible, *Lemon* and its abandonment, *Everson* and *Kennedy*, establishment and free exercise.

The result is a stronger classroom because students are finally trusted with the whole record. They can see the disagreements, follow the evolution, understand the constitutional distinctions, and evaluate evidence rather than inherit slogans.

Christianity does not need historical evidence distorted in its favor, and it does not need government to force anyone to believe. It needs the freedom to present its case, proclaim Jesus Christ, answer objections, examine historical and philosophical evidence, and invite people freely to decide whether its claims are true.

IN SIMPLE TERMS: America's classroom should teach the history honestly, protect conscience fairly, and give truth enough freedom to be investigated.

COMING NEXT: Classroom 4 — The Thanksgiving Classroom (Before Thanksgiving!)

The timing of our next investigation is almost astonishing. Only days after Congress approved the proposed Bill of Rights, President **George Washington (1732–1799), commander in chief of the Continental Army and first president of the United States**, issued his October 3, 1789 Thanksgiving Proclamation after Congress requested a national observance.

That document raises a remarkable historical question. How could the same Founding generation that prohibited Congress from establishing religion officially call Americans to acknowledge Almighty God, express gratitude for divine providence, seek forgiveness, and pray for national blessing?

Classroom 4 will investigate that question historically rather than explain it away. Washington's proclamation will give us another opportunity to recover how the Founding generation actually understood the relationship between religious liberty, public acknowledgment of God, and republican government.

IN SIMPLE TERMS: The Founders who proposed the First Amendment did not act as though every public acknowledgment of God constituted religious establishment. Washington's Thanksgiving Proclamation will take us into that next forgotten classroom.

