

“The Wall of Separation”: The Origin of the Phrase; What It Means; The Court’s Evolving Interpretation

President Thomas Jefferson received a letter regarding religious freedom from the Danbury Baptist Association in Danbury, Connecticut. The Association was concerned that government might make laws that govern “the kingdom of Christ.” In his response, Jefferson said, “I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘make no law respecting an establishment of religion, or prohibiting the free exercise thereof,’ thus building a wall of separation between Church and State.” Jefferson was on the scene, knowing the intent of the First Amendment, and he interpreted the meaning to be a wall of separation. Although the phrase “wall of separation” is not included in the First Amendment, that phrase expresses the intent of the First Amendment. Americans have typically understood that intent. In recent years however, some folks who want their faith funded by taxes have pontificated that the “wall” has no meaning since it is not expressly stated in the Constitution. They are wrong, so very wrong.

Until recent decades, the U.S. Supreme Court had ruled against public funding of religious schools. The Court honored the Establishment Clause and thus ruled against entangling public money in religious endeavors. Recently, the Court has relied on the Freedom of Religion Clause to the point of ignoring the Establishment Clause. It is as if the Establishment Clause is of none effect in the current judiciary.

When there is no separation of church and state, both entities lose. We should learn from history. Support the EdChoice voucher litigation.