

Congressman Ron Paul U.S. House of Representatives June 13, 2002

RESTORING FIRST AMENDMENT PROTECTIONS OF RELIGION AND RELIGIOUS SPEECH

Mr. PAUL. Mr. Speaker, I rise to introduce legislation restoring First amendment protections of religion and religious speech. For fifty years, the personal religious freedom of this nation's citizens has been infringed upon by courts that misread and distort the First amendment. The framers of the Constitution never in their worst nightmares imagined that the words, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech" would be used to ban children from praying in school, prohibit courthouses from displaying the Ten Commandments, or prevent citizens from praying before football games. The original meaning of the First amendment was clear on these two points: The federal government cannot enact laws establishing one religious denomination over another, and the federal government cannot forbid mention of religion, including the Ten Commandments and references to God.

In case after case, the Supreme Court has used the infamous "separation of church and state" metaphor to uphold court decisions that allow the federal government to intrude upon and deprive citizens of their religious liberty. This "separation" doctrine is based upon a phrase taken out of context from a letter written by Thomas Jefferson to the Danbury Baptists on January 1, 1802. In the letter, Jefferson simply reassures the Baptists that the First amendment would preclude an intrusion by the federal government into religious matters between denominations. It is ironic and sad that a letter defending the principle that the federal government must stay out of religious affairs. should be used two hundred years later to justify the Supreme Court telling a child that he cannot pray in school!

The Court completely disregards the original meaning and intent of the First amendment. It has interpreted the establishment clause to preclude prayer and other religious speech in a public place, thereby violating the free exercise clause of the very same First amendment. Therefore, it is incumbent upon Congress to correct this error, and to perform its duty to support and defend the Constitution. My legislation would restore First amendment protections of religion and speech by removing all religious freedom-related cases from federal district court jurisdiction, as well as from federal claims court jurisdiction. The federal government has no constitutional authority to reach its hands in the religious affairs of its citizens or of the several states.

As James Madison said, "There are more instances of the abridgement of the freedom of the people by the gradual and silent encroachment of those in power, than by violent and sudden usurpation." I sincerely hope that my colleagues will fight against the "gradual and silent encroachment" of the courts upon our nation's religious liberties by supporting this bill.