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National Reform Association Pamphlets

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# "This Is a Christian Nation"

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DECISION OF THE  
SUPREME COURT of *the* UNITED STATES  
IN THE CASE OF  
HOLY TRINITY CHURCH

versus  
THE UNITED STATES  
WITH ANNOTATIONS BY  
R. C. WYLIE, D. D., LL. D.

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NATIONAL REFORM ASSOCIATION

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(This church entered into a contract with Rev. E. Walpole Weaver, a citizen of England, by which he was to remove to the city of New York and enter into its service as rector and pastor, and in pursuance of such contract, Weaver did so remove and enter upon such service. It was claimed by the United States that this contract on the part of the plaintiff in error, was forbidden by the act of February 26, 1885, 23 Stat. 332, C. 164, and an action was commenced to recover the penalty prescribed by that act. The Circuit Court held that the contract was within the prohibition of the statute, and rendered judgment accordingly. The case was carried to the Supreme Court of the United States, and the opinion of the Circuit Court was reversed, Mr. Justice Brewer delivering the opinion of the Court. It was held that the title of the act, the evil which was intended to be remedied, the circumstances surrounding the appeal to Congress urging the passage of the act, the reports of the committee of each house, all con-

cur in affirming that the intent of Congress was simply to stay the influx of cheap unskilled labor. The argument of the Court then proceeds as follows:)

"But beyond all these matters no purpose of action against religion can be imputed to any legislation, state or national, because this is a religious people. This is historically true. From the discovery of this continent to the present hour, there is a single voice making this affirmation. The commission to Christopher Columbus, prior to his sailing westward, is from Ferdinand and Isabella, by the grace of God, King and Queen of Castile, etc., and recites that it is hoped that by God's assistance some of the continents and islands in the ocean will be discovered, etc. The first colonial grant, that made to Sir Walter Raleigh in 1584, was from Elizabeth, by the grace of God, of England, France and Ireland, queen, defender of the faith, etc.; and the grant authorizing him to enact statutes for the government of the proposed colony provided that they be not against the true Christian faith now professed in the Church of England. The first charter of Virginia, granted by King James I, in 1606, after reciting the application of certain parties for a charter, commenced the grant in these words: 'We, greatly commending, and graciously accepting of, their desires for the furtherance of so noble a work, which may, by the providence of Almighty God, hereafter tend to the Glory of His Divine Majesty, in propagating of Christian Religion to such people, as yet live in darkness and miserable ignorance of the true knowledge and worship of God, and may in time bring the infidels and savages, living in those parts, to human civility, and to a settled and quiet government; Do by these our Letters-Patents, graciously accept of, and agree to, their humble and well-intended desires.'

"Language of similar import may be found in the subsequent charters of that colony, from the same king, in 1609 and 1611; and the same is true of the various charters granted to the

other colonies. In language more or less emphatic is the establishment of the Christian religion declared to be one of the purposes of the grant. The celebrated compact made by the Pilgrims in the Mayflower, 1620, recites: 'Having undertaken for the Glory of God, and Advancement of the Christian Faith, and the Honor of our King and Country, a voyage to plant the first colony in the northern part of Virginia; Do by these Presents, solemnly and mutually, in the presence of God and one another, covenant and combine ourselves together into a civil Body Politick, for our better ordering and preservation, and furtherance of the ends aforesaid.'

"The fundamental orders of Connecticut, under which a provisional government was instituted in 1638-1639, commence with this declaration: 'Forasmuch as it hath pleased the Almighty God by the wise disposition of His divine providence so to order and dispose of things that we the inhabitants and residents of Windsor, Hartford and Wethersfield are now cohabiting and dwelling in and upon the river of Connectecotte and the lands thereunto adjoining; And well-knowing where a people are gathered together the word of God requires that to mayntayne the peace and union of such a people there should be an orderly and decent government established according to God, to order and dispose of the affayres of the people at all seasons, as occasion shall require; do therefore associate and conjoyne ourselves to be as one Publike State or Commonwealth; and do, for ourselves and our Successors and such as shall be adjoynd to us at any time hereafter, enter into combination and confederation together, to mayntayne and preserve the liberty and purity of the gospel of our Lord Jesus, which we now profess, as also the discipline of the churches, which according to the truth of the said gospel is now practiced amongst us.'

"In the charter of privileges granted by William Penn to the province of Pennsylvania, in 1701, it is recited: 'Because no people can

be truly happy, though under the greatest enjoyment of civil liberties, if abridged of the Freedom of their consciences, as to their Religious Profession and Worship; And Almighty God being the only Lord of Conscience, Father of Lights and Spirits; and the Author as well as Object of all divine Knowledge, Faith and Worship, who only doth enlighten the minds, and persuade and convince the understandings of people, I do hereby grant and declare,' etc.

"Coming nearer to the present time, the Declaration of Independence recognizes the presence of the Divine in human affairs in these words: 'We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the pursuit of Happiness.

"We, therefore, the Representatives of the United States of America, in General Congress, assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these Colonies, solemnly publish and declare,' etc.; 'And for the support of this Declaration with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.'

"If we examine the constitutions of the various States we find in them a constant recognition of religious obligations. Every constitution of every one of the forty-five States contains language which either directly or by clear implication recognizes a profound reverence for religion and an assumption that its influence in all human affairs is essential to the wellbeing of the community. This recognition may be in the preamble such as is found in the constitution of Illinois, 1870, 'We, the people of the State of Illinois, grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and

transmit the same unimpaired to succeeding generations,' etc.

"It may be only in the familiar requisition that all officers shall take an oath closing with the declaration, 'So help me God.' It may be in clauses like that of the Constitution of Indiana, 1846, Article XI, Section 4: 'The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed a most solemn appeal to God.' Or in provisions such as are found in Articles 36 and 37 of the Declaration of Rights of the Constitution of Maryland, 1867: 'That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought, by any law, to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice, unless, under the color of religion, he shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent or maintain or contribute, unless on contract, to maintain any place of worship, or any ministry, nor shall any person, otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious belief: *Provided*, he believes in the existence of God, and that, under His dispensation, such person will be held morally accountable for his acts, and be rewarded or punished therefor, either in this world or the world to come. That no religious test ought ever to be required as a qualification for any office of profit or trust in this State other than a declaration of belief in the existence of God; nor shall the legislature prescribe any other oath of office than the oath prescribed by this Constitution.' Or like that in Articles 2 and 3, of Part 1st of the Constitution of Massachusetts, 1780: 'It is the right as well as the duty of all men in society publicly and at stated

seasons, to worship the Supreme Being, the Creator and Preserver of the universe.

As the happiness of a people and the good order and preservation of civil government essentially depend upon piety, religion and morality, and as these cannot be generally diffused through a community but by the institution of the public worship of God and of public instructions in piety, religion and morality: Therefore, to promote their happiness and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall from time to time authorize and require, the several towns, parishes, precincts and other bodies—politic or religious societies to make suitable provision, at their own expense, for the institution of the public worship of God and for the support and maintenance of public Protestant teachers of piety, religion and morality in all cases where such provision shall not be made voluntarily.' Or in Sections 5 and 14 of Article 7 of the Constitution of Mississippi, 1832: 'No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State. . . . Religion, morality and knowledge being necessary to good government, the preservation of liberty, and the happiness of mankind, schools and the means of education, shall forever be encouraged in this State.' Or by Article 22 of the Constitution of Delaware, 1776, which required all officers, besides an oath of allegiance, to make and subscribe the following declaration: 'I, A. B., do profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God, blessed forevermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by divine inspiration.'

"Even the Constitution of the United States, which is supposed to have little touch upon the private life of the individual, contains in

the First Amendment a declaration common to the Constitutions of all the States, as follows: 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof,' etc. And also provides in Article I, Section 7, (a provision common to many Constitutions,) that the Executive shall have ten days (Sundays excepted) within which to determine whether he will approve or veto a bill.

"There is no dissonance in these declarations. There is a universal language pervading them all, having one meaning; they affirm and reaffirm that this is a religious nation. These are not individual sayings, declarations of private persons; they are organic utterances, they speak the voice of the entire people.

"While because of a general recognition of this truth the question has seldom been presented to the courts, yet we find that in *Updegraph vs. The Commonwealth*, 11 S. & R. 394, 400, it was decided that, Christianity, general Christianity, is, and always has been, a part of the common law of Pennsylvania; . . . not Christianity with an established Church, and tithes and spiritual courts, but Christianity with liberty of conscience to all men. And in *The People vs. Ruggles*, 8 Johns 290, 294, 295, Chancellor Kent, the great commentator on American law, speaking as Chief Justice of the Supreme Court of New York, said: 'The people of this State, in common with the people of this country, profess the general doctrines of Christianity, as the rule of their faith and practice, and to scandalize the author of these doctrines is not only in a religious point of view, extremely impious, but, even in respect to the obligations due to society, is a gross violation of decency and good order . . . The full, equal and undisturbed enjoyment of religious opinion, whatever it may be, and free and decent discussions on any religious subject, is granted and secured, but to revile, with malicious and blasphemous contempt, the religion professed by almost

the whole community, is an abuse of that right. Nor are we bound, by any expression in the Constitution as some have strangely supposed, either not to punish at all, or to punish indiscriminately, the like attacks upon the religion of *Mahomet* or of the *Grand Lama*; and for this plain reason, that the case assumes that we are a Christian people, and the morality of the country is deeply ingrafted upon Christianity, and not upon the doctrines or worship of those impostors.' And in the famous case of *Vidal vs. Girard's Executors*, 2 How. 127, 198, this court, while sustaining the will of Mr. Girard, with its provisions for the creation of a college into which no minister should be permitted to enter, observed: 'It is also said, and truly, that the Christian religion is a part of the common law of Pennsylvania.'

"If we pass beyond these matters to a view of American life as expressed by its laws, its business, its customs and its society, we find everywhere a clear recognition of the same truth. Among other matters note the following: The form of oath universally prevailing, concluding with an appeal to the Almighty; the custom of opening sessions of all deliberative bodies and most conventions with prayer; the prefatory words of all wills, 'In the name of God, Amen;' the laws respecting the observance of the Sabbath with the general cessation of all secular business, and the closing of courts, legislatures, and other similar public assemblies on that day; the churches and church organizations which abound in every city, town and hamlet; the multitude of charitable organizations existing everywhere under Christian auspices; the gigantic missionary associations, with general support, and aiming to establish Christian missions in every quarter of the globe. These, and many other matters which might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation. In the face of all these, shall it be believed that a Congress of the United States

intended to make it a misdemeanor for a church of this country to contract for the services of a Christian minister residing in another nation?

"Suppose in the Congress that passed this act some member had offered a bill which in terms declared that, if any Roman Catholic church in this country should contract with Cardinal Manning to come to this country and enter into its service as pastor and priest; or any Episcopal church should enter into a like contract with Canon Farrar, or any Baptist church should make similar arrangements with Rev. Mr. Spurgeon; any Jewish synagogue with some eminent Rabbi, such contract should be adjudged unlawful and void, and the church making it be subject to prosecution and punishment, can it be believed that it would have received a minute of approving thought or a single vote? Yet it is contended that such was, in effect, the meaning of this statute. The construction invoked cannot be accepted as correct. It is a case where there was presented a definite evil, in view of which the legislature used general terms with the purpose of reaching all phases of that evil, and therefore, unexpectedly, it is developed that the general language thus employed is broad enough to reach cases and acts which the whole history and life of the country affirm could not have been intentionally legislated against. It is the duty of the courts, under those circumstances, to say that, however broad the language of the statute may be, the act, although within the letter, is not within the intention of the legislature, and therefore cannot be within the statute.

*"The judgment will be reversed, and the case remanded for further proceedings in accordance with this opinion."*

(143 United States Reports, pp. 457-472. February 29, 1892.)

### IS THIS A CHRISTIAN NATION?

The decision of the Supreme Court of the United States containing the statement that

"This is a Christian Nation," is often referred to and this one sentence frequently quoted, but there are few, even of those who make the quotation, who have ever read the decision in full. The entire argument relating to this matter is given above. It contain a masterly array of facts bearing on the subject. It should be read and pondered by the entire body of American citizens. Those who deny the correctness of the statement will find much difficulty in maintaining the proposition that this nation is in no sense a Christian nation. If it is not Christian those who deny it should tell us to what conclusion the argument presented by the Court leads.

On this question conflicting views are held. First, there are doubtless those who agree with the Supreme Court in its decision, and who maintain that the nation is not only Christian, but that it is sufficiently Christian. There is no need of a reform movement, according to this view, to make the nation more Christian. All that is necessary is to keep it as it is. Second, there are those who accept the argument and conclusion of the court with qualifications. They gladly believe that this country is Christian historically, but that it lacks much of being as Christian as it ought to be and as it might be when its opportunities are considered. A third class deny that the nation is Christian in any proper sense, but maintain that it should be made so. A fourth class deny that it is Christian and maintain that it should not be. They hold that all Christian features are remnants of the old union of Church and State, which should be eliminated as speedily as possible. They declare that since there is no acknowledgment of God in the national constitution the nation has put itself on an entirely secular basis and that we must carry out consistently the secular programme by eliminating from our political life all Christian customs, institutions and laws.

In making an examination of the above argument and the conclusion drawn, the purpose

of the court must be kept in view. That purpose is plainly stated in setting forth the case under consideration. It was to determine whether or not making a contract with a Christian minister of a foreign country to come to this country and enter into the service of a Christian congregation as pastor is a violation of the law of Congress, enacted to prohibit the importation of cheap labor. After showing that the law was aimed at such importation, since the petitions sent to Congress asking the enactment of the law, the reports of the committees of the two houses of Congress and the passage of the law in pursuance of such petitions and reports, so indicate, the court enters upon the consideration of the religious aspects of the case. The bringing of a minister from another country has no sort of connection with the importation of cheap labor. But it is in the interest of the Christian religion. If this nation is hostile to that faith or even indifferent to it, there might be some plausibility in the opinion that the law in question forbids such a contract. But, says the court, "No purpose of action against religion can be imputed by any legislature, state or national, because this is a religious people." On the face of it, the argument is designed to show that the law does not apply to the matter of making contracts with ministers of the gospel to come here to engage in religious work, and the reason assigned is, because this is a religious people.

The substance of the argument itself should next be carefully considered. It is unnecessary to do more than briefly call attention to the line followed in this argument. It is shown that there was a religious purpose running all through the plans of the original discoverer of this continent and the colonists who first settled on these shores. It is shown further that this purpose was carried out when civil governments were set up as is manifest by the compacts and laws which were established. It is shown still further that this original purpose has not been abandoned, as is made mani-

fest by the Christian character and purpose of the American people at the present time. It may aid in determining the value of this argument if certain specific points be considered. The court laid emphasis on the fact that Christianity is part of the common law of the land. The common law, in its broadest sense, is the unwritten law, consisting of customs and usages that have grown up with the nation. Just because the people who founded the nation were Christians they observed Christian customs from the very beginning and still continue to do so. It is impossible for a people to hold sincerely to any religious faith and not impress certain usages that spring from that faith upon the common law. A Mohammedan people will of necessity impress Mohammedan customs upon their common law. A Jewish people will do the same for Jewish usages. If a people can be found who fail to make certain of their religious usages part of the common law they are not sincere in their belief. Sincere belief in any religious creed will make itself felt in the daily life, both in business and politics. To banish religious practices from the secular sphere requires that religion be first banished from the soul. Since the American people are a Christian people by profession and practice, it follows that many of their customs in civil life spring from their religious faith. Some of the most notable are the appointment of chaplains for Congress, the army and the navy, the issuing by the president of the United States of Thanksgiving and Fast Day proclamations, the cessation in large measure of business on the Lord's Day. This whole line of argument, if it is sound, leads inevitably to one conclusion, namely, that this is a Christian nation, and being a Christian nation it was not the intention of Congress in the enactment of the law against the importation of cheap labor to prohibit the importation of Christian ministers to serve the Church and the country in the pastorate of Christian congregations.

It should be observed in passing that the doctrine that Christianity is part of the common law of the land does not in any sense or degree rest upon a union of Church and State either past or present. In the United States this could not be the case because no such union has ever had an existence, except for a limited period in some of the Colonies. It is not so in England where the doctrine was first formulated and announced. It rests solely upon the two facts that the people are Christian and that there are certain Christian principles and usages that are essentially political and must find their proper expression in the political sphere. It is not an easy task to draw the line between what is political and what is ecclesiastical and determine with accuracy the sphere of civil government with reference to things religious. In every instance of union of Church and State in ancient or modern times the mistake has been made of either making that sphere too wide or too narrow. Where a people will draw the line for themselves depends upon their conception of the teachings of religion and of political science. Because mistakes have been made which have resulted disastrously to civil and religious liberty, some have taken the ground that all religious principles and practices should be banished from the sphere of the State. This has resulted in the partial elimination from political life of certain principles of Christianity that in their very nature are political. These principles may be briefly summed up in the terms of the Christian amendment which it is proposed to incorporate in the Constitution of the United States: "We the people of the United States, acknowledging Almighty God as the source of all power and authority, the Lord Jesus Christ as the Ruler of Nations, and His will as of supreme authority in political life," etc.

A careful examination of the arguments of the court, both in form and substance, will make it clear that the statement by the court that this is a Christian nation is no mere

*obiter dictum*, as has sometimes been said, but is an essential part of the argument. All those sections which touch upon the religious aspect of the question would have no proper place in the court's opinion if they do not lead up inevitably to that conclusion.

It remains now to consider whether or not the argument is sound and leads to the conclusion drawn from it. As to the facts in the case no well informed person will dispute the statements made by the court. In truth much more might have been said. Some things were omitted that are of equal, if not superior weight, to any thing that was said. For example, in the treaties made by the United States with foreign nations there are repeated recognitions of the Supreme Being. The form of these acknowledgments is somewhat varied. Some of them recognize "the most Holy and indivisible Trinity." One begins with the words, "In the name of God, Author and Legislator of the Universe." There are no less than twenty, probably more, such treaties containing these religious acknowledgments, some of which are still in force. When it is remembered that treaties form a part of the supreme law of the United States the value of such acknowledgments is quite apparent.

On what ground, it may be asked, does any one dispute the soundness of the argument and the correctness of the conclusion of the court? Christian people who maintain that the nation ought to be Christian but is not, point to the godless character of our politics, the un-Christian character of many of our laws, and many things in the life of the nation itself which are in direct violation of many of the principles of the moral law. All classes who join in denying the contentions of the Supreme Court point to the silence of the national constitution with reference to the sovereignty of God and of Jesus Christ over the nation and the authority of His law. Jews and others who accept the secular theory of civil government have become emphatic in their denials of the correctness of the conclu-

sion of the court, basing their denial largely on the godless character of the national constitution.

A fair estimate of the value of the argument, however, seems to us to lead to the conclusion that in a very important sense the nation is Christian and must be Christian so long as the body of the people are Christians. But it must be said, with sorrow, that there is a serious lack of that consistent Christian character which will guarantee national stability and prosperity. This lack is most apparent in its failure to declare the Christian principles of civil government in its constitution. If the Supreme Court had been able to point to a straightforward consistently Christian life on the part of the nation in its dealing with its own citizens and all other nations, to a thoroughly consistent body of Christian legislation, and to a devout religious acknowledgment in the national constitution itself, the argument would have been much stronger. But this was impossible because the facts were against it. While, therefore, the argument of the court is valid for the purpose intended, it does not prove, and was not intended to prove, that this nation is consistently Christian in all respects. Nor does it undertake to prove that we have a Christian government. Incidentally it maintains that certain legislation is distinctively Christian, but its chief aim is to show that a certain law is not anti-Christian.

It follows that much remains to be done before it can be said that we have a nation that is Christian in the truest sense. It remains for us to labor for the regeneration of thousands of individuals, for without individual Christians there can be no Christian nation. There must be also the inculcation of the Christian principles of civil government leading the body of the people to the point of acknowledging Almighty God as the source of all power and authority, the Lord Jesus Christ as the Ruler of nations, and the Divine will as of supreme authority in civil life. There

must be the reforming of the laws of the different States and of the general government in so far as they are in conflict with the law of God. There is need of a thorough change in our organic being and in our whole political life. There must be the introduction of a new political principle, a new spirit and purpose, and this must be distinctly stated in constitutions both State and National.

The failure of the nation itself to declare its Christian character and purpose in its constitution has resulted in many great evils. It is one of the chief reasons why many Christian people, who are loyal, patriotic friends of the nation sorrowfully announce its un-Christian character. It is also the chief reason why many secularists claim the nation and its government to be un-Christian and even anti-Christian. It is made the chief argument against the continuance of all such religious customs as prayers in Congress, chaplaincies in the army and navy, the appointment of annual Thanksgiving Days, the cessation of labor on the first day of the week, the reading of the Bible in the public schools and many others. This failure has also had an educative influence in moulding the opinions of many American citizens, so that they have accepted views hostile to the best interests of the Republic. It has resulted in de-Christianizing the nation in a large measure. If we are a Christian nation and mean to remain so would it not be an excellent piece of work to make our national Christianity so evident that it would not need an argument by the Supreme Court to prove it? If it be Christian let it make the declaration in its fundamental law.

R. C. W.

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