

## Religious Freedom Homily 7/2/17

There is a whole movement who think that God and the Constitution are incompatible. In fact there is a very popular book that is used in law schools, that's cited by professors and judges entitled The Godless Constitution. This book gets traction because of the disease called modernism, which says that how things are today is how things have always been. But in fact, how the Constitution has been interpreted in the last four decades is a far cry from what our founding fathers intended.

There are seven reasons why the Constitution is not a godless document. The first reason is found in Article 7 of the Constitution, which is the clause that incorporates the Declaration of Independence into the Constitution. The two documents go together. Says the Supreme Court:

The Constitution is but the body and the letter of which the Declaration is the thought and the spirit.

Further, John Quincy Adams said this about the relationship between the Declaration of Independence and the Constitution:

The Declaration of Independence was the platform on which the Constitution of the US had been erected.

The Declaration of Independence acknowledges God four times, and sets forth the value system under which America will operate, which is, quote, “the laws of nature and of nature’s God.” Unquote.

The second reason the Constitution is not a Godless document is the source of its ideas. The Origins of American Constitutionalism is a book published that lists all the individuals and sources cited in the Constitution. The number one cited source is the Bible. The Bible makes up 34 percent of quoted sources, which is four times higher than the second most quoted source.

Article 1, Section 8 quotes Leviticus 19:34

Article 2, Section 1 quotes Deuteronomy 17:15.

Article 3, Section 3 quotes Deuteronomy 17:6.

And so on.

The third reason the Constitution is not a Godless document is again found in Article 7, which brings into account the common law. The writers of that time said this. “Christianity is part of the common law.” Further, U.S. Supreme Court Justice and “Father of American Jurisprudence,” Joseph Story in 1851, insisted:

One of the beautiful boasts of our municipal jurisprudence is that Christianity is a part of the common law. There never has been a period in which the common law did not recognize Christianity as lying at its foundations.

In *Charleston vs. SA Benjamin*, the court said, “Christianity is part of the common law of the land with liberty of conscience to all,” which flies in the face of the current religious liberties violation the Church and other faith based organizations and individuals are facing today.

The fourth reason the Constitution is not Godless is the Sundays Excepted Clause which says, “After Congress has passed a bill, the President shall have 10 days to sign the bill, Sundays excepted. Why is that? Because government does not operate on Sundays, and who has a Sunday Sabbath? Christians.

The fifth reason the Constitution is not a Godless document is because of the various oath clauses. The president takes an oath. Justices of the Supreme Court take oaths, yada yada yada. Founding Father Rufus King, signer of the Constitution for Massachusetts, who actually authored the oath clauses, said this:

In the oath, which our law subscribes, we appeal to the Supreme Being to deal with us in the hereafter as we observe the obligations of our oaths.

When one takes an oath, one raises one's hand to God as found in Ezekiel 36:7.

The sixth reason why the Constitution is not a Godless document is the attestation clause in Article 7. The attestation clause is way the Constitution was closed, which is quote, "in the year of Our Lord 1787." Lots of government documents of the time would say in the year 1787. Some documents said, "in the year of the Lord." The founding fathers said in the year of "our" Lord. George Washington, Thomas Jefferson, John Adams and James Madison went one step further and said, "in the year of Our Lord Christ."

The seventh reason why the Constitution is not a Godless document is the finished document itself. Ben Franklin was the voice of sanity during the hard times. He called for prayer. There was an adjournment for three days and the fathers went to Church. Ten weeks later, the document is finished. Franklin said at the close of the Convention:

I beg I may not be understood to infer, that our general convention was divinely inspired when it formed the new federal constitution, merely because that constitution has

been unreasonably and vehemently opposed; yet, I must own, I have so much faith in the general government of the world by Providence, that I can hardly conceive a transaction of such momentous importance to the welfare of millions now existing, and to exist in the posterity of a great nation, should be suffered to pass without being in some degree influenced, guided, and governed by that omnipotent, omnipresent, and beneficent Ruler, in whom all inferior spirits live, and move, and have their being.

the last line of which is a direct quote from Act 17:28.

So we finished the graduation season. A few years ago, my sister and I returned to Cherokee, our high school. My parents could not afford Catholic high school so we went to public school. A great school, no doubt. Joanne, who is a very accomplished ob/gyn, was inducted in our high school's alumni hall of fame. Great speech after great speech was given, acknowledging the accomplishments of alumni, the school district, the students. Teachers, were thanked, administrators were thanked. Parents were thanked. Students were thanked. But what was glaringly evident to me, and I am sure it was glaringly evident to every other person of faith in that packed auditorium, that the One who was not thanked was not even mentioned, not once, and that is God. And that glaring omission is what separates Catholic education from any other

education, no matter how good it is. And it should not have to be, because praying in public does not violate anyone's constitutional rights, as I have outlined above.

We need to pray this Fourth of July for the complete protection of our First Freedom – religious liberty – which is not only protected in the laws and customs of our great nation, as outlined in this homily, but rooted in the teachings of our great Catholic Tradition.