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CONGRESS AND RELIGION: ONE REPRESENTATIVE'S VIEW

JOEL HEFLEY*

INTRODUCTION

When I arrived in Washington almost twenty years ago, the debate over the role of religion in public life had been raging for years. It has not abated. In fact, the debate pre-dates the founding of our nation.

Today many anti-religion groups and some individuals from "minority" religions are determined to remove every vestige of religion from anything related to government. If I sponsor the mayor's prayer breakfast, I am criticized. Some say, "don't let the Army help the Boy Scouts" or "no prayer in schools." Others say, "get the Ten Commandments off of public property" or take "God" out of the Pledge of Allegiance. The coach at the Air Force Academy football team can no longer lead the team in prayer before a game because of complaints.¹ On and on their plaintive cries rise to the halls of government and the courts. We ask them why they feel this way and the answer is, "the Constitution demands it."

Does the Constitution "demand it"? I ask myself, what was in the minds of those stalwart patriots who sat through a hot summer in Philadelphia in 1787 to put together the foundation for a great nation? While we are not mind readers, there is much evidence to give us a pretty good idea what they were thinking. Former Speaker Newt Gingrich (R-GA) got it right when he said:

America has never been a theocracy or a nation of saints. While God is central to our sense of national mission and destiny and personal faith is at the heart of the American experience, we have also been a nation of sin-

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1. Laurie Goodstein, *Air Force Academy Staff Found Promoting Religion*, N.Y. TIMES, June 25, 2005, at A12; Laurie Goodstein, *Air Force Bans Leaders' Promotion of Religion*, N.Y. TIMES, Aug. 30, 2005, at A10.

ners and sins. Only by immersing ourselves in our own history do we begin to pick up the rhythms of America and the simple themes that underlie the extraordinarily complex tapestry of its diverse peoples.²

When we “immerse” ourselves in our history, we find a nation together with God, not separated from God. I have found that from its very beginning, Congress has acknowledged a debt to a higher being. One of the very first acts of the First Congress was to adjourn to St. Paul’s Chapel in New York for a prayer service.³ Every session of the House of Representatives and the Senate since then has begun with a prayer by its chaplain.

I represent over six hundred thousand constituents from the Fifth Congressional District of Colorado, many of whom are religious, some of whom are not. Yet I cannot separate my faith from my actions as a congressman. As chairman of the House Committee on Standards of Official Conduct (the “Ethics Committee”), it is fair to assume that my view of ethical behavior was influenced by my faith. However, as Senator John F. Kennedy stated during the 1960 general election campaign, “I do not speak for my church on public matters—and the church does not speak for me.”⁴ Likewise, while a member of a church, I do not speak for it, and it does not speak for me.

The First Amendment to the Constitution provides, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”⁵ To me, the First Amendment protects against the establishment of a national religion and guarantees the rights of conscience.⁶ For many

2. NEWT GINGRICH, *TO RENEW AMERICA* 41–42 (1995).

3. On April 30, 1789, the First Congress met in joint session for the oath of office and President Washington’s inauguration. After the President’s speech, the Congress proceeded to St. Paul’s for the “divine service” performed by the Chaplain. This was only the second joint session of Congress, the first being held on April 6, 1789, for the counting of presidential electoral votes. Office of the Clerk, U.S. House of Representatives, Joint Meetings, Sessions, Inaugurations: 1st to 19th Congresses (Aug. 12, 2003), http://clerk.house.gov/histHigh/Congressional_History/Joint_Meetings/1to19.html.

4. John F. Kennedy, Address to the Greater Houston Ministerial Association (Sept. 12, 1960), *available at* <http://jfklibrary.org/j091260.htm>.

5. U.S. CONST. amend. I, § 1. The First Congress passed the First Amendment in 1789 and it was ratified in 1791. Article VI of the Constitution also states that members of Congress and other federal and state executives and judicial officers “shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.” U.S. CONST. art. VI, § 3, cl. 1.

6. See James J. Knically, *High Wall or Lines of Separation?*, 6 WM. & MARY BILL RTS. J. 261, 274 (1997), for support on my interpretation of the First Amendment.

years, the Supreme Court seemed to agree. In 1947, the Supreme Court changed its interpretation, holding that there is a wall between Church and State.⁷ Keep in mind, the same Supreme Court has begun every session since at least 1827 with the following exhortation, "God save the United States and this honorable Court!"⁸ Is this "God" who is asked to save the court the "ceremonial deism" described by Justice Brennan in 1984 in his dissent in *Lynch v. Donnelly*, or is it an acknowledgement of America's religious heritage and the continuing importance of religion in our public life?⁹ Does the First Amendment require a strict separation between Church and State, or does it provide leeway to permit government to acknowledge America's religious heritage?

How do I balance my faith and my duty to cast each vote as the representative of citizens of many different faiths and of citizens without faith? I begin with the absolute conviction that there is a God and that the Founding Fathers of this country acknowledged His presence.

I. INTENT OF THE FOUNDING FATHERS

My conviction that the Founding Fathers acknowledged the existence of God comes from their writings, actions, and the framework of the government they established. Our nation's first national government, the Continental Congress, invited the Reverend Jacob Duche to open its initial session with a prayer.¹⁰ Reverend Duche read a Jewish prayer, *Psalm 35*:

7. See *Everson v. Bd. of Educ.*, 330 U.S. 1, 18 (1947). The concluding words of Justice Black's opinion stated, "The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach." *Id.* at 18.

8. See *Elk Grove Unified Sch. Dist. v. Newdow*, 542 U.S. 1, 46-47 (2004) (Rehnquist, C.J., concurring). Chief Justice Rehnquist lists numerous examples of religion's role in our history. *Id.* at 41-47.

9. See *Lynch v. Donnelly*, 465 U.S. 668, 716 (1984) (Brennan, J., dissenting). Justice Brennan first used the phrase in this dissent, but, as he alludes, it dates back to 1962 and is most often attributed to Eugene Rostow, the Dean of Yale Law School at the time. The majority in *Lynch* stated, however, "There is an unbroken history of official acknowledgement by all three branches of government of the role of religion in American life from at least 1789." *Id.* at 674.

10. Rev. Duche was rector of Christ Church, Philadelphia. See Library of Congress, Religion and the Founding of the American Republic, Part IV, <http://www.loc.gov/exhibits/religion/rel04.html> (last visited Mar. 28, 2006). In fact, our reliance on God goes back as far as the Pilgrims. On November 11, 1620, prior to embarking, the Pilgrims signed the Mayflower Compact, which stated, "Having undertaken, for the Glory of God and the advancement of the Christian Faith and honor of our King and country, a voyage to plant the first colony

Plead my cause, O Lord, with them that strive with me. Fight against them that fight against me. Take hold of buckler and shield, and rise up for my help. Say to my soul, "I am your salvation." Let those be ashamed and dishonored who seek my life. Let those be turned back and humiliated who devise evil against me.¹¹

The Continental Congress also appointed a chaplain for itself, a chaplain for the armed forces, published a Bible, granted lands to promote religion among Native Americans, and required Christian morality to be practiced by the military.¹² During the period prior to the Declaration of Independence, patriots looked to God for support.¹³

Now, I turn to the supreme work of the Founding Fathers, the Declaration of Independence. As drafted, the original document written by Jefferson had two references to God.¹⁴ The final document added two more references to the Supreme Being:

Before Congress would sign it, members insisted on two more references to God. Thus, these four names: the

in the northern parts of Virginia." 148 CONG. REC. S6227 (daily ed. June 27, 2002).

11. Michael Novak, *In God We Trust*, HOOVER DIG., Spring 2000, at 162, 166. Novak states that John Adams was so moved by the prayer that he wrote to his wife, Abigail Adams, "I never saw a greater effect upon an audience. It seemed as if heaven had ordained that that Psalm be read on that morning. It was enough to melt a stone. I saw tears gush into the eyes of the old, grave pacific Quakers of Philadelphia." *Id.*

12. See Library of Congress, *supra* note 10. The first Congress under our present Constitution continued the policy of appointing congressional chaplains. 1 Stat. 71 (1789). The House of Representatives and the Senate have appointed chaplains of different denominations from 1789 to date. The current House chaplain is Reverend Daniel P. Coughlin, a Catholic priest, appointed in March, 2000. See *Marsh v. Chambers*, 463 U.S. 783 (1983), for a legal history of the office of chaplain. For a recent case challenging congressional chaplains, see *Newdow v. Eagen*, 309 F. Supp. 2d 29 (D.D.C. 2004) (dismissed for lack of standing). *Newdow* is a frequent litigant on Establishment Clause cases; he also unsuccessfully sought an injunction to prohibit the practice of including prayer at the presidential inauguration. See *Newdow v. Bush*, 89 F. App'x 624 (9th Cir. 2004).

13. In his famous 1775 speech, Patrick Henry said, "[W]e shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who shall raise up friends to fight our battles for us." Patrick Henry, Speech on the Floor of the Virginia Assembly (Mar. 23, 1775), *quoted in* MOSES COIT TYLER, *AMERICAN STATESMEN: PATRICK HENRY* 128 (1887). Later in the speech, Henry also cried to the Almighty, "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty or give me death!" *Id.*

14. Novak, *supra* note 11, at 167.

Author "of nature and nature's laws"; the *Creator* who endowed in us our rights; the *Judge* to whom we appeal in witness that our motives spring not out of seditiousness, but from a dear love of liberty and a deep sense of our own proper dignity; and *Providence*, a trust in divine Providence.¹⁵

The beginning and the end of the Declaration evokes God in our quest for independence. The first sentence of the Declaration, in which the thirteen States unanimously listed the reasons to dissolve political ties with Great Britain, cites the Laws of Nature and of Nature's God. The next sentence, one of the most famous, lists the rights given to all men by their Creator. Then, jumping to the end of the document, the last paragraph, in which independence is declared, appeals to the "Supreme Judge of the World."¹⁶ The final sentence concludes, "[A]nd 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."¹⁷

On July 4, 1776, the Continental Congress appointed Benjamin Franklin, Thomas Jefferson, and John Adams to design a seal for the new government. Adams' feelings on religion are

15. *Id.*

16. THE DECLARATION OF INDEPENDENCE para. 32 (U.S. 1776).

17. *Id.* The Declaration states:

When in the Course of human events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable 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, That these United Colonies are, and of Right ought to be, Free and Independent States 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.

well known.¹⁸ It has been suggested that Franklin and Jefferson were less religious. I believe the evidence shows they both understood the importance of religion in our political life. Franklin proposed a design that portrayed the biblical parting of the Red Sea, while Jefferson suggested the "Children of Israel in the Wilderness, led by a Cloud by Day, and a Pillar of Fire by night . . ."¹⁹ While neither proposal was adopted, I believe it is important that each suggested a biblical scene. The Continental Congress also proclaimed many days of national thanksgiving and fasting throughout the course of the Revolutionary War, each thanking God for the benefits bestowed upon the young nation.²⁰ The Revolutionary War led to a shortage of Bibles in the United States. In 1777, the Congress ordered twenty thousand Bibles from "Scotland, Holland or elsewhere."²¹ In 1782, the Congress endorsed the publication of a Bible by Philadelphia printer Robert Aitken.²²

When the Founding Fathers continued their work at the Constitutional Convention in 1787, Benjamin Franklin insisted the tradition of beginning their work with a prayer be honored. Later in the Convention, during a period of deadlock, Franklin rose again to discuss the need to ask God for help:

In the situation of this Assembly, groping as it were in the dark to find political truth and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto thought of humbly applying to the Father of Lights to illuminate our understandings? In the beginning of the contest with Great Britain, when we were sensible of the already great dangers we were only just

18. In an address to the military on October 11, 1798, President Adams stated:

[W]e have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate for the government of any other.

John Adams, Address to the Military (Oct. 11, 1798), *quoted in* MICHAEL EVANS, *THE AMERICAN PROPHECIES: ANCIENT SCRIPTURES REVEAL OUR NATION'S FUTURE* 40 (2004).

19. Library of Congress, *supra* note 10.

20. *Id.* The "1779 Fast Day Proclamation" stated in part, "Resolved, That is be recommended to the several States to appoint the first Thursday in May next to be a Day of Fasting, Humiliation, and Prayer to Almighty God . . ." *Id.*

21. *Id.* On September 11, 1777, Congress ordered the Committee of Commerce to import the Bibles.

22. *Id.* Aitken's Bible became the first English language Bible published in North America.

entering, we held daily prayer in this room. Our prayers, Sir, were heard and graciously answered. All of us who were engaged in that struggle must have observed frequent instances of a superintending Providence in our favor. It is to that kind Providence that we owe this happy opportunity of consulting in peace on the establishment of our future national felicity.

And have we now forgotten that powerful Friend? Or do we imagine we no longer need His assistance? I have lived, Sir, a long time, and the longer I live, the more convinced I am of this truth—that God governs the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid?²³

I acknowledge the Constitution itself hardly mentions God, but I do not think this means the Founding Fathers had forgotten religion in the thirteen years since the Declaration. Because the Declaration stated the fundamental truths, the Constitution was left to provide the framework for the government.²⁴ Even so, the Constitution does mention God and religion several times: (1) it is dated with reference to the birth of Christ (“in the year of our Lord”); (2) it acknowledges the importance of the Sabbath by extending the President’s time limit to veto bills; (3) religious tests were excluded as a requirement for holding political office; and (4) constitutional provisions in the states continued in effect, many of which recognized the Christian religion, and also protected it.²⁵

In 1789, both Houses of the new Congress established under the Constitution passed resolutions asking President Washington

23. GINGRICH, *supra* note 2, at 37–38. George Washington also admonished the Constitutional Convention regarding this issue. On May 14, 1787, as its President, he stated, “If to please the people we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God!” See 148 CONG. REC. S6225-6 (daily ed. June 27, 2002).

24. Knicely, *supra* note 6, at 265.

25. *Id.* Knicely goes on to state that the principal government at the time of the Constitution was state government and in every state religion played a significant role in public affairs. The new federal government was designed for limited purposes compared with the governments of the states. It was viewed as too remote and too restricted to require an official religious dimension. “It was not so much that church and state had to be separated at the federal level, then, as that there was no federal state to be kept separate.” *Id.* at 274 (citing Stephen Botein, *Religious Dimensions of the Early American State*, in *BEYOND CONFEDERATION: ORIGINS OF THE CONSTITUTION AND AMERICAN NATIONAL IDENTITY* 315, 322 (Richard Beeman et al. eds., 1987)).

to issue a Thanksgiving Day proclamation to recommend to the people of the United States "a day of public thanksgiving and prayer, to be observed, by acknowledging, with grateful hearts, the many and signal favors of Almighty God"²⁶ Washington's proclamation of the day of prayer directly attributed the success of America to God:

Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the signal and manifold mercies and the favorable interpositions of His providence in the course and conclusion of the late war; for the great degree of tranquility, union, and plenty which we have since enjoyed; for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.²⁷

Washington's Farewell Address in 1796 also stressed the importance of religion: "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports."²⁸

II. HISTORY SINCE THE FOUNDING FATHERS

Congress itself has stated that religion plays an important role in our country. In the House report discussing adding the term, "under God" to the Pledge of Allegiance, the Committee on the Judiciary determined, "From the time of our earliest history our peoples and our institutions have reflected the tradi-

26. 2 ANNALS OF CONG. 92 (1789); *see also* *Lynch v. Donnelly*, 465 U.S. 668, 675 n.2 (1984).

27. 1 JAMES D. RICHARDSON, A COMPILATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS, 1789-1897, at 64 (1899); *see also* *Van Orden v. Perry*, 125 S. Ct. 2854, 2861 (2005).

28. George Washington, Farewell Address (Sept. 17, 1796), *in* RICHARDSON, *supra* note 27, at 220.

tional concept that our Nation was founded on a fundamental belief in God.”²⁹ Other commentators agree.³⁰

On July 21, 1789, on the same day it approved the Establishment Clause of the First Amendment, the First Congress also passed the Northwest Ordinance. The statute provided for a territorial government stating, “Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”³¹

Alexis de Tocqueville, the French writer, noted, “On my arrival in the United States it was the religious aspect of the country that first struck my eye.”³² The Supreme Court stated in 1892 that America “is a religious nation.”³³ Justice Douglas, speaking for a majority of the Supreme Court five years after *Everson*,³⁴ stated, “We are a religious people whose institutions presuppose a Supreme Being.”³⁵ As recently as June 27, 2005, the Supreme Court acknowledged the strong religious belief of the Founding Fathers, while noting the differing conclusions it has reached:

Our cases, Januslike, point in two directions in applying the Establishment Clause. One face looks toward the

29. H.R. REP. NO. 83-1693, at 2 (1954).

30. See Knicely, *supra* note 6, at 263 (quoting *City of Boerne v. Flores*, 521 U.S. 507, 564 (1997) (O'Connor J., dissenting)) (“It is generally recognized that the early leaders of our country ‘shared the conviction that true religion and good morals are the only foundation of public liberty and happiness.’”). In 1781 Thomas Jefferson wrote:

God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God. That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.

Act of Nov. 13, 2002, Pub. L. No. 107-293, § 1, 116 Stat. 2057 (2002) (reaffirming the reference to one Nation under God in the Pledge of Allegiance) (quoting THOMAS JEFFERSON, NOTES ON THE STATE OF VIRGINIA (1781)).

31. See Act of Nov. 13, 2002, Pub. L. No. 107-293, 116 Stat. 2057.

32. ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA 282 (Harvey C. Mansfield & Delba Winthrop trans., Univ. of Chi. Press 2000) (1835). De Tocqueville also stated:

I do not know if all Americans have faith in their religion—for who can read to the bottom of hearts?—but I am sure that they believe it is necessary to the maintenance of republican institutions. This opinion does not belong only to one class of citizens or to one party, but to the entire nation; one finds it in all ranks.

Id. at 280.

33. *Church of the Holy Trinity v. United States*, 143 U.S. 457, 470 (1892).

34. *Everson v. Bd. of Educ.*, 330 U.S. 1 (1947).

35. *Zorach v. Clauson*, 343 U.S. 306, 313 (1952).

strong role played by religion and religious traditions throughout our Nation's history. As we observed in *School District of Abington Township v. Schempp*, 374 U.S. 203 (1963):

"It is true that religion has been closely identified with our history and government The fact that the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself It can be truly said, therefore, that today, as in the beginning, our national life reflects a religious people who, in the words of Madison, are 'earnestly praying, as . . . in duty bound, that the Supreme Lawgiver of the Universe . . . guide them into every measure which may be worthy of his [blessing]'"

The other face looks toward the principle that governmental intervention in religious matters can itself endanger religious freedom.³⁶

Much has been said by the Supreme Court and others of a statement attributed to Thomas Jefferson. In *Everson*, the Supreme Court recognized Jefferson as an authority on religion in the Constitution and stated, "In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and State.'"³⁷ However, as I state below, it is clear that Jefferson himself believed the wall of separation was not very high. In fact, just two days after issuing the Danbury Baptist letter in which he referred to the wall between church and state, Jefferson first attended church

36. *Van Orden v. Perry*, 125 S. Ct. 2854, 2859 (2005) (citations omitted).

37. *Everson*, 330 U.S. at 16 (quoting *Reynolds v. United States*, 98 U.S. 145, 164 (1878)). The full quotation in *Reynolds* is as follows:

Mr. Jefferson afterwards, in reply to an address to him by a committee of the Danbury Baptist Association, took occasion to say:

"Believing with you that religion is a matter which lies solely between man and his god; that he owes account to none other for his faith or his worship; that the legislative powers of the government reach actions only, and not opinions,—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."

Reynolds, 98 U.S. at 164.

services in the House of Representatives.³⁸ In addition, Jefferson sought divine support when he argued against slavery:

God who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble for my country when I reflect that God is just, that his justice cannot sleep forever. Commerce between master and slave is despotism.³⁹

In 1800, when Congress moved to the Capitol, it approved the use of the Capitol building for church services, and as President, Jefferson attended church in the House chamber every Sunday.⁴⁰ The services were held in what is now called Statuary Hall from 1807 to 1857 and then in the current Hall until after the Civil War.⁴¹ David Barton, who has given a "spiritual heritage" tour of the Capitol over a hundred times, states that by 1867, the Capitol church service had become one of the largest in the country.⁴² Jefferson himself, far from being the atheistic deist portrayed by some, actually believed in the importance of religion, stating, "No nation has ever existed or been governed

38. Library of Congress, Religion and the Federal Government: Part 2, <http://www.loc.gov/exhibits/religion/rel06-2.html> (last visited Mar. 24, 2006). In his diary, Representative Manasseh Cutler, a congressman from Massachusetts and a Congregationalist minister, noted that on January 3, 1802, Jefferson attended church in the House. In a letter dated January 3, 1803, Cutler wrote that Jefferson and his family "have constantly attended public worship in the Hall" of the House. *Id.* Another description, by Margaret Smith, the wife of Samuel Smith, publisher of the *National Intelligencer* noted Jefferson's regular attendance at services in the House: "Jefferson during his whole administration was a most regular attendant. The seat he chose the first day of Sabbath, and the adjoining one, which his private secretary occupied, were ever afterwards by the courtesy of the congregation, left for him." *Id.*

39. GINGRICH, *supra* note 2, at 38–39.

40. David Barton, *The Image and the Reality: Thomas Jefferson and the First Amendment*, 17 NOTRE DAME J.L. ETHICS & PUBLIC POL'Y 399, 403 (2003); *see also* JAMES H. HUTSON, RELIGION AND THE FOUNDING OF THE AMERICAN REPUBLIC (1998).

41. Library of Congress, *supra* note 38. Prior to 1807, the services were held in various temporary chambers used by the House in the Capitol or on the Capitol grounds. *See also* David Kirkpatrick, *Putting God Back into American History*, N.Y. TIMES, Feb. 27, 2005, § 4, at 1.

42. Barton, *supra* note 40, at 404. The House Chamber contained the "largest Protestant Sabbath audience" in the United States when the First Congregational Church of Washington held services there from 1865 to 1868. *See* HUTSON, *supra* note 40, at 84. Charles Boynton, was the chaplain of the House in 1867 and also the pastor of the First Congregational Church. He wrote a fundraising brochure in late 1867 which stated "nearly 2000 assembled every Sabbath" for services, making the congregation the "largest Protestant Sabbath audience then in the United States."

without religion. Nor can be. The Christian religion is the best religion that has been given to man and I, as Chief Magistrate of this nation, am bound to give it the sanction of my example."⁴³

In times of national crisis, leaders, like Franklin at the Constitutional Convention, have reminded the nation of our belief in God. Abraham Lincoln summoned the Lord at two of his periods of greatest need: the Gettysburg Address and his Second Inaugural. On November 19, 1863, Lincoln delivered his address on the battlefield and for one of the first times in our history used the phrase "under God":

It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.⁴⁴

Lincoln evoked God no fewer than thirteen times in his second inaugural address in 1865:

If we shall suppose that American Slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war, as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a Living God always ascribe to Him? Fondly do we hope—fervently do we pray—that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue, until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, "the judgments of the Lord are true and righteous altogether."⁴⁵

43. Barton, *supra* note 40, at 405.

44. Act of Nov. 13, 2002, Pub. L. No. 107-293, § 1, 116 Stat. 2057 (2002).

45. GINGRICH, *supra* note 2, at 39. Earlier in this famous speech, Lincoln stated:

Both read the same Bible, and pray to the same God; and each invokes his aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the seat of other men's faces; but let us not, that we be not judged. The

In April 2, 1917, President Woodrow Wilson requested Congress to declare war on Germany. He concluded:

But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts,—for democracy, for the right of those who submit to authority to have a voice in their own Governments, for the rights and liberties of small nations, for a universal dominion of right for such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other.⁴⁶

President Franklin Roosevelt, on June 6, 1944, after telling the nation of the landing on Omaha Beach, asked the country to join him in a prayer to God:

Almighty God, our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our public, our religion, and our civilization and to set free a suffering humanity. Lead them straight and true, give strength to their arms, starkness to their hearts, steadfastness in their faith. They will need thy blessings . . . Some will never return. Embrace these, Father, and receive them, thy heroic servants, into thy kingdom. And for us at home, fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them, help us, Almighty God, to rededicate ourselves in renewed faith in thee, in this hour of great sacrifice. Many people have urged that I call the nation into a single day of special prayer, but because the road is long and the desire is great, I ask that our people devote them-

prayers of both could not be answered—that of neither has been answered fully.

Abraham Lincoln, Second Inaugural Address (Mar. 4, 1865), in *INAUGURAL ADDRESSES OF THE PRESIDENTS OF THE UNITED STATES* 142, 143 (Bicentennial ed. 1989). He concluded the address with the famous words, "With malice towards none; with charity for all; with firmness in the right as God gives us to see the right." *Id.*

46. *Elk Grove Unified Sch. Dist. v. Newdow*, 542 U.S. 1, 28–29 (2004) (quoting Woodrow Wilson, Address to Congress Requesting Declaration of War on Germany (Apr. 2, 1917), in *2 DOCUMENTS OF AMERICAN HISTORY* 132 (H. Commager ed., 8th ed. 1968)).

selves in a continuance of prayer as we rise to each new day and again when the day is spent . . . And O Lord, give us faith, faith in thee, faith in our sons, faith in each other, faith in our united crusade. . . Thy will be done, Almighty God.⁴⁷

President Ronald Reagan, who rarely attended church services while President, was in fact, very religious. It is a little known fact that he actually taught Sunday School for several years.⁴⁸ However, he saved God for when it really counted. During his visit to Moscow in 1988 for his summit with Soviet leader Mikhail Gorbachev, Reagan ended many of his statements with "God bless you" and "God bless the Soviet people."⁴⁹ Finally, our current President, George W. Bush, spoke to the nation on September 20, 2001, nine days after the terrorist attacks on the World Trade Center and the Pentagon. He concluded:

The course of this conflict is not known, yet its outcome is certain. Freedom and fear, justice and cruelty have always been at war, and we know that God is not neutral between them. Fellow citizens, we'll meet violence with patient justice—assured of the rightness of our cause, and confident of the victories to come. In all that lies before us, may God grant us wisdom, and may He watch over the United States of America.⁵⁰

"In God We Trust" has been found on coins since the Civil War and has appeared on all coins since 1938.⁵¹ Congress declared the phrase was the national motto on July 30, 1956.⁵² On June 22, 1942, Congress adopted the Pledge of Allegiance

47. GINGRICH, *supra* note 2, at 40–41. General Dwight D. Eisenhower, concluded his "Order of the Day" to the soldiers about to invade France with the words: "Good Luck! And let us all beseech the blessings of Almighty God upon this great and noble undertaking." *Elk Grove*, 542 U.S. at 29.

48. Stephen Goode, *The Christian Faith of Ronald Reagan*, INSIGHT ON THE NEWS, May 24, 2004, at 41.

49. *Id.*; see also, LOU CANNON, PRESIDENT REAGAN: THE ROLE OF A LIFETIME 784 (1991).

50. George W. Bush, Address Before a Joint Session of the Congress on the United States Response to the Terrorist Attacks of September 11 (Sept. 20, 2001), in II PUB. PAPERS OF THE PRESIDENTS: GEORGE W. BUSH: 2001, at 1140 (2003).

51. *Elk Grove*, 542 U.S. at 46. In addition, President Washington specified that the U.S. one dollar bill include a memorial to the Jewish people. Over the head of the eagle on the reverse side of the current bill there are thirteen stars that form the six-pointed Star of David. Around the stars is a cloudburst, "representing the glory in the tabernacle in Jerusalem." EVANS, *supra* note 18, at 42.

52. *Elk Grove*, 542 U.S. at 46. The motto can be traced back to the final stanza of "The Star Spangled Banner", adopted by Congress as the national anthem in 1931, which concludes, "Then conquer we must, when our cause it is

and added it to the United States Code without reference to "God."⁵³ Eight years later, on June 14, 1954, Congress amended the Pledge to add the words, "under God."⁵⁴

III. THE CAPITOL TODAY

The Capitol today is replete with religious images. For a complete list of religious symbols, quotes, and images in Washington, I direct the reader to Father Eugene F. Hemrick's work, *One Nation Under God*.⁵⁵ Father Hemrick's first chapter, entitled "Finding God's Presence in the U.S. Capitol," reminds us what the Founding Fathers knew, that "America's greatness is founded on its trust in God."⁵⁶ Many buildings in Washington, D.C., in addition to the Capitol, contain religious acknowledgments, including the Supreme Court, the Library of Congress, the National Archives, and the Department of Justice.⁵⁷

At least thirteen statues in the Capitol are of religious or spiritual leaders. These include Father Jacques Marquette,⁵⁸ Father Eusebio Kino,⁵⁹ Father Junipero Serra,⁶⁰ Joseph de

just, And this be our motto: 'In God is our Trust.' And the star-spangled banner in triumph shall wave O'er the land of the free and the home of the brave!"

53. See Act of June 22, ch. 435, § 7, 56 Stat. 377, 380 (1942).

54. See Act of June 14, ch. 297, 68 Stat. 249 (1954). The Pledge as amended states, "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all." (codified as amended at 4 U.S.C. § 4 (2000 & Supp. II 2002)).

55. EUGENE F. HEMRICK, *ONE NATION UNDER GOD: RELIGIOUS SYMBOLS, QUOTES, AND IMAGES IN OUR NATION'S CAPITAL* (2001). Father Hemrick, a priest in residence at St. Joseph's on Capitol Hill, published his work in 2001. He is well known on Capitol Hill for his walking tours. The tours include the Supreme Court, the Library of Congress, and other areas in addition to the Capitol complex. Also see NEWT GINGRICH, *WINNING THE FUTURE: A 21ST CENTURY CONTRACT WITH AMERICA* (2005), in which former House Speaker Newt Gingrich (R-GA) includes "A Walking Tour with God in Washington."

56. HEMRICK, *supra* note 55, at 25.

57. See *Van Orden v. Perry*, 125 S. Ct. 2854, 2863 n.9 (2005). In addition, the Washington, Jefferson, and Lincoln Memorials all contain invocations of God's importance. At the top of the Washington Monument, the words "Laus Deo," which means "Praise be to God," are carved into the stone. The Jefferson Memorial has three quotes from Jefferson regarding God. Finally, the Lincoln Memorial contains quotes from the Gettysburg Address and his Second Inaugural Address, which both discuss God repeatedly. *Id.*

58. See Architect of the Capitol, Jacques Marquette, <http://www.aoc.gov/cc/art/nsh/Marquette.cfm> (last visited Nov. 20, 2005). The statue of Marquette (1637-1675), a French Jesuit missionary and explorer, was given by the state of Wisconsin.

59. See Architect of the Capitol, Eusebio F. Kino, <http://www.aoc.gov/cc/art/nsh/kino.cfm> (last visited Nov. 20, 2005). The statue of Kino

Veuster (later known as Father Damien),⁶¹ Mother Joseph,⁶² John Winthrop,⁶³ John Peter Gabriel Muhlenberg,⁶⁴ Marcus Whitman,⁶⁵ John McLoughlin,⁶⁶ Brigham Young,⁶⁷ Thomas Starr

(1645–1711), an Italian Jesuit who explored Arizona and California, was given by the state of Arizona.

60. See Architect of the Capitol, Father Junipero Serra, <http://www.aoc.gov/cc/art/nsh/serra.cfm> (last visited Nov. 20, 2005). California gave the statue of Serra (1713–1784) to the nation in 1931. Father Serra was one of the most important Spanish missionaries, founding the first mission in San Diego in 1769. He has been beatified by the Catholic Church. See also HEMRICK, *supra* note 55, at 70, 77.

61. See Architect of the Capitol, Father Damien, <http://www.aoc.gov/cc/art/nsh/Damien.cfm> (last visited Nov. 20, 2005). Father Damien (1840–1889) devoted his life to the lepers on the Hawaiian island of Molokai. His statue, based on photographs taken after he himself developed leprosy, is among the most beloved in the Capitol. It is located on the first floor of the Capitol, on the main corridor connecting the House wing to the rest of the Capitol. See also HEMRICK, *supra* note 55, at 77 (stating that Father Damien is being considered for sainthood by the Catholic Church).

62. See Architect of the Capitol, Mother Joseph, http://www.aoc.gov/cc/art/nsh/joseph_m.cfm (last visited Nov. 20, 2005). Mother Joseph (1823–1902) was presented to her order, the Sisters of Charity of Providence, by her father with the following comment:

I bring you my daughter, Esther, who wishes to dedicate herself to the religious life. She can read, write, figure accurately, sew, cook, spin and do all manner of housework. She can even do carpentering, handling a hammer and saw as well as her father. She can also plan for others and she succeeds in anything she undertakes.

Id. She succeeded so well that in 1953 she was declared “The First Architect of the Pacific Northwest” by the American Institute of Architects. Her statue was presented by the State of Washington in 1980. *Id.*

63. See Architect of the Capitol, John Winthrop, <http://www.aoc.gov/cc/art/nsh/winthrop.cfm> (last visited Nov. 20, 2005). Winthrop (c.1587–1649) was an English lawyer who later became governor of the Massachusetts Bay Colony. While a layman, he became the leader of the Puritans in Massachusetts. He famously described that Boston would be a “Citty upon a Hill” and wrote a sermon, “A Modell of Christian Charity” while on board the *Arbella* on the way to New England. *Id.*

64. See Architect of the Capitol, John Peter Gabriel Muhlenberg, <http://www.aoc.gov/cc/art/nsh/Muhlenberg.cfm> (last visited Nov. 20, 2005). Muhlenberg (1747–1807), an Anglican minister, fought in the American Revolution and served in the First Congress in the House of Representatives and later in the Senate. His statue, from Pennsylvania, shows him in both a minister’s robe and a military uniform. *Id.*

65. See Architect of the Capitol, Marcus Whitman, <http://www.aoc.gov/cc/art/nsh/Whitman.cfm> (last visited Nov. 20, 2005). Whitman (1802–1847) traveled the West as a Presbyterian missionary doctor to Native Americans. *Id.* See also HEMRICK, *supra* note 55, at 78.

66. See Architect of the Capitol, John McLoughlin, <http://www.aoc.gov/cc/art/nsh/mcloughlin.cfm> (last visited Nov. 20, 2005). Dr. McLoughlin (1784–1857) welcomed new settlers, especially the missionaries, to the Northwest (Spanish California to Russian Alaska) through his position as head of the

King,⁶⁸ Martin Luther King, Jr.,⁶⁹ and Chief Washakie.⁷⁰

In the House Chamber, in addition to the portrait of Moses that faces the Speaker, the national motto is on the wall behind the Speaker's rostrum. Every time a Member of the House votes and looks up to the tally on the wall above the Speaker's rostrum, he or she sees the national motto, "In God We Trust," behind the rostrum.⁷¹ We also find the seals or medallions of twenty-three lawmakers in the Hall of the House, with Moses in the most prominent position.⁷² These seals include Popes, saints, a Jewish

Columbia Department of the Hudson Bay Company; Oregon gave his statue to the nation in 1953. *Id.* See also HEMRICK, *supra* note 55, at 77 (stating that McLoughlin ministered to both Catholics and Protestants).

67. See Architect of the Capitol, Brigham Young, <http://www.aoc.gov/cc/art/nsh/young.cfm> (last visited Nov. 20, 2005). Young (1801–1877) was described by some as a "modern Moses" and led a party of Mormons to the Salt Lake Valley of Utah in 1847. Young was the first governor of the Utah Territory and is also known as one of the founders of the Mormon Church. *Id.*

68. See Architect of the Capitol, Thomas Starr King, http://www.aoc.gov/cc/art/nsh/king_t.cfm (last visited Nov. 20, 2005). King (1824–1864), known as "the orator who saved the nation," was a Unitarian minister and a famous national preacher who spoke strongly in favor of the Union during the Civil War. *Id.* See also DICTIONARY OF UNITARIAN & UNIVERSALIST BIOGRAPHY, <http://www.uua.org/uuhs/duub/articles/thomasstarking.html> (quoting General Winfield Scott, who stated that King "saved California to the Union").

69. See Architect of the Capitol, Martin Luther King, Jr., Bust, http://www.aoc.gov/cc/art/mlk_bust.cfm (last visited Nov. 20, 2005). Dr. King (1929–1968) is the only African-American honored with a statue in the Capitol. On December 21, 1982, Congress adopted H.R. Con. Res. 153, which directed the selection of a bust to commemorate Dr. King's contributions affecting civil rights and the right to vote. The statue is currently located in the Rotunda. Dr. King was the son of a minister and became pastor of the Dexter Avenue Baptist Church in Montgomery, Alabama. He also founded the Southern Christian Leadership Conference.

70. See Architect of the Capitol, Washakie, <http://www.aoc.gov/cc/art/nsh/Washakie.cfm> (last visited Nov. 20, 2005). Washakie (c. 1800–1900) gave land to the Welsh clergyman John Roberts to found a boarding school for Shoshone girls. Wyoming gave his statue to the nation in 2000; "[H]is prowess in battle, his efforts for peace, and his commitment to his people's welfare made him one of the most respected leaders in Native American history. Upon his death . . . he became the only known Native American to be given a full military funeral." See also HEMRICK, *supra* note 55, at 80 (stating that he was a warrior who defended his tribe and was a "revered spiritual leader").

71. See H.R. Res. 740, 87th Cong. (1962) (stating that the motto was added to the Speaker's rostrum in 1962); *Elk Grove Unified Sch. Dist. v. Newdow*, 542 U.S. 1, 29 (2004) (stating that "In God We Trust" was declared the national motto in 1956). See generally THE ARCHITECT OF THE CAPITOL, COMPILATION OF WORKS OF ART AND OTHER OBJECTS IN THE UNITED STATES CAPITOL, H.R. Doc. No. 88-362 (1965).

72. See HEMRICK, *supra* note 55, at 28, 49–51. Moses also appears on the walls of the Supreme Court courtroom itself, in a frieze and on a medallion on the Supreme Court building, as well as in a statue in the Main Reading Room of

Rabbi, and a Muslim sultan. The figures of religious importance include Saint Louis IX of France,⁷³ Pope Innocent III,⁷⁴ Pope Gregory IX,⁷⁵ Miamonides,⁷⁶ and Suleiman I.⁷⁷

I also pass these seals when I go to vote, as copies are also in the Rayburn House Office Building subway terminal. Every time I take the subway from my office in the Rayburn building to the Capitol, I also pass the flags of each state in the Union. I cannot help but recall that the flag of my state, Colorado, has the inscription, "*Nihil sine Numine*." Translated, this means, "Nothing without Providence."⁷⁸ Thus my own state directs me to seek divine inspiration when voting. When I meet with constituents or colleagues for lunch or dinner in the Member's Dining Room

the Library of Congress. *Id.* Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Supreme Court courtroom, as well as the doors leading into the courtroom. In addition, a 24-foot tall sculpture, depicting the Ten Commandments and a cross, among other things, stands outside the federal courthouse for both the Court of Appeals and the District Court for the District of Columbia. *See also* Van Orden v. Perry, 125 S. Ct. 2854, 2862–63 (2005).

73. *See* Office of the Clerk, U.S. House of Representatives, St. Louis (2003), http://clerk.house.gov/histHigh/Virtual_Tours/Artifacts/stlouis.html (stating that the reign of St. Louis (1214–1270) "was marked by justice and competence, and he has been characterized as the ideal king of the Middle Ages").

74. *See* Office of the Clerk, U.S. House of Representatives, Pope Innocent III (2003), <http://clerk.house.gov/histHigh/VirtualTours/Artifacts/inno-cent.html> (stating that Innocent (1161–1216) was "[a]ctive and diligent as a judge, respected for his judicial impartiality," and was "one of the foremost figures of medieval times").

75. *See* Office of the Clerk, U.S. House of Representatives, Pope Gregory IX (2003), <http://clerk.house.gov/histHigh/VirtualTours/Artifacts/Gregory.html> (stating that Pope Gregory (1147–1241) "[p]romulgated an impressive compilation of decretals—a collection of decrees—as a standard textbook in canon law").

76. *See* Office of the Clerk, U.S. House of Representatives, Miamonides (2003), http://clerk.house.gov/histHigh/Virtual_Tours/Artifacts/miam.html (last visited Nov. 20, 2005) (stating that Miamonides (1135–1204) was a "rabbi, physician, and law-codifier" who "profoundly influenced non-Jewish and Jewish thought with his monumental work organizing and systematizing Jewish oral law. His *Guide for the Perplexed*, which has been translated into English, is widely known.>").

77. *See* Office of the Clerk, U.S. House of Representatives, Suleiman I (2003), http://clerk.house.gov/histHigh/Virtual_Tours/Artifacts/Suleiman.html (stating that Suleiman (1494–1566) was a Turkish Sultan known as "Suleiman the Magnificent." He "improved the status of Christians in domains and set up a new and better system of laws to govern a widely extended empire. He won himself immortality as a legislator.>").

78. HEMRICK, *supra* note 55, at 71; *see also* Elk Grove Unified Sch. Dist. v. Newdow, 542 U.S. 1, 35–36 (2004) (stating that other state mottos that reference God include the states of Arizona, Florida, Ohio, and South Dakota).

in the Capitol, I pass through the Cox Corridors, which have a painting representing the Spanish missions in California.

The Senate wing of the Capitol has similar representations. Among the most famous is the President's Room. The frescos on the ceiling of this room symbolize the four principles upon which this country is built: Liberty, Legislation, Executive Authority, and Religion.⁷⁹ In 1950, the words, "In God We Trust" were placed over the Senate Chamber.⁸⁰ They also appear in plaques at the Dirksen Senate Office Building and the Longworth House Office Building.⁸¹

The Capitol's front door, the famous "History of Columbus," is replete with crucifixes and other religious symbols. These symbols include depictions of Popes, Franciscan monks, and rosaries.⁸²

The Capitol Rotunda, the very center of the building, contains numerous religious references. Five of the eight grand historical paintings in the Rotunda directly evoke religion.⁸³ The frieze around the top of the original sandstone wall, Brumidi's *Frieze of American History*, portrays the Pilgrims in prayer and the death of the explorer, Hernando de Soto, complete with a depiction of his funeral Mass conducted by a priest with a cross.⁸⁴ And, of course, the heart of the Rotunda is Brumidi's famous

79. HEMRICK, *supra* note 55, at 105.

80. *Id.* at 107.

81. *Id.*

82. *Id.* at 34. See also Architect of the Capitol, Columbus Doors Main Page, <http://www.aoc.gov/cc/art/coldoors/index.cfm> (last visited Nov. 20, 2005). Three panels in particular emphasize my point. The first, *Departure of Columbus from Palos*, portrays Columbus giving his son into the custody of Franciscan monks prior to his embarkation. Pedro Gonzales de Mendoza, the Archbishop of Toledo and Grand Cardinal of Spain is in the border. In *Landing of Columbus in the New World*, a cross is raised prominently behind Columbus in the center of the lunette. Finally, in *Columbus's First Encounter with the Indians*, the panel shows the Spaniards taking possession of the island of Hispaniola by erecting a cross on top of a hill. This panel is flanked by a statuette of Pope Alexander VI, who supported Spain's claim.

83. See Architect of the Capitol, Capitol Rotunda, <http://www.aoc.gov/cc/capitol/rotunda.cfm> (last visited Nov. 20, 2005). These include *Discovery of the Mississippi* by William Powell (1855), *Embarkation of the Pilgrims* by Robert Weir (1844), *Baptism of Pocahontas* by John Chapman (1840), and *Landing of Columbus* by John Vanderlyn (1847). *Id.* Mr. Steven Livengood, of the U.S. Capitol Historical Society, was kind enough to direct my attention to the flags of St. Andrew and St. George in John Trumbull's, *Declaration of Independence* (1826).

84. See Architect of the Capitol, Landing of the Pilgrims, http://www.aoc.gov/cc/art/rotunda/frieze/landing_p.cfm (last visited Nov. 12, 2005); Architect of the Capitol, Burial of DeSoto, <http://www.aoc.gov/cc/art/rotunda/frieze/burial.cfm> (last visited Nov. 12, 2005).

fresco of George Washington ascending into heaven, the *Apotheosis of Washington*.⁸⁵

Brumidi also depicted religious scenes in the famous "Brumidi Corridors" of the Senate wing of the Capitol. In *Bartholomé de las Casas*, an 1876 oil on plaster painting done late in his career, Brumidi portrayed the missionary priest at his desk with a Native American.⁸⁶ In H-144, the former meeting room of the House Agriculture Committee, Brumidi created lunettes of Washington and Jefferson surrounded by angels.⁸⁷

I can pray in the Capitol. Yes, the United States Capitol contains a "Prayer Room."⁸⁸ Located on the second floor, right off the Rotunda, the room contains a stained glass window of George Washington praying. The window portrays Washington kneeling in prayer with the words, "Preserve Me, O God, for in Thee do I put my trust."⁸⁹ Prayer groups and Bible study groups use this room. There is a House and Senate prayer breakfast held each Thursday morning in the Capitol, and the House and Senate prayer breakfast groups sponsor a National Prayer Breakfast each year.⁹⁰ President Bush recently spoke at the National Catholic Prayer Breakfast, which fourteen members of Congress attended.⁹¹ Regular Washington events that combine religion and politics include the Protestant National Day of Prayer, the

85. See Architect of the Capitol, *The Apotheosis of Washington*, <http://www.aoc.gov/cc/art/rotunda/apotheosis/Overview.cfm> (last visited Nov. 12, 2005).

86. See generally BARTOLOMÉ DE LAS CASAS, *A SHORT ACCOUNT OF THE DESTRUCTION OF THE INDIES* (Nigel Griffin ed. & trans., Penguin Classics 1992) (1542). The painting can be seen today over the door to S-133 in the Capitol. See Architect of the Capitol, *Bartholomé de Las Casas*, <http://www.aoc.gov/cc/art/brumidi/bartholome.cfm> (last visited Nov. 12, 2005).

87. See BARBARA WOLANIN, *CONSTANTINO BRUMIDI: ARTIST OF THE CAPITOL* 48, 94 (1998). Brumidi's angels with wings are replete throughout the Capitol. These include, but are not limited to, several figures in S-216 (Executive Authority, a cherub, figures on a ledge), H-144 (flanking the Four Seasons in ceiling arches), S-127 (cherubs over the doorway, flanking floating maiden with pearls), and an angel flanking Washington in the central group of the *Apotheosis of Washington*. *Id.* at 26, 31, 33, 56, 69–70, 124. I recommend Wolanin's book to anyone with an interest in religious art in the Capitol. As she states at the beginning of her work, the Capitol is lavished with "astonishing" works of art, culminating, as I stated above, with the *Apotheosis of Washington*, which is "crowded with men and women, gods and goddesses, some of whom seem to be rising to the heavens above." *Id.* at 1.

88. HEMRICK, *supra* note 55, at 71. A copy of the Bible is also located in room H-234, the chapel of the Capitol.

89. *Id.*

90. See Alan Cooperman, *Bush Lauds Catholics' Role in U.S. Freedom*, WASH. POST, May 21, 2005, at A6.

91. *Id.*

National Hispanic Prayer Breakfast, the Reform Jewish Consultation on Conscience, the Family Research Council's annual Washington briefing, and the Roman Catholic Red Mass at St. Matthew's Cathedral (which commemorates the start of the annual Supreme Court term).⁹²

Senator Charles Grassley (R-IA) attends weekly Senate prayer breakfasts.⁹³ Former Representative Denise Majette (D-GA) prayed often while in Congress, explaining that "As a freshman member of Congress in the minority party [at the time], I need to be constantly connected to the Holy Spirit to stay strong."⁹⁴ I have hosted a National Day of Prayer in the House Caucus Room in the Cannon House Office Building for many years.⁹⁵

Most Members of the 109th Congress cite a specific religious affiliation. Roman Catholics account for the largest single denomination in the House, followed by Baptists, Methodists, Presbyterians, Episcopalians, and members of the Jewish faith.⁹⁶

92. *Id.* The Red Mass is sponsored by the John Carroll Society, an organization named after the first Catholic bishop in America. See the John Carroll Society website, at <http://www.johncarrollsociety.org>, for more information. Supreme Court justices, cabinet officers, and members of the judiciary traditionally attend the Mass to invoke God's blessing upon the administration of justice. President Bush and the new Chief Justice, John Roberts, attended the most recent Red Mass on October 2, 2005. Justices Antonin Scalia, Clarence Thomas, Anthony Kennedy, and Stephen Breyer also attended. See Julia Duin, 'Civility' Called for at Red Mass, WASH. TIMES, Oct. 3, 2005, at A4.

93. Michelle Gabriel, *Prayer Groups Proliferate on Capitol Hill*, RELIGION NEWS SERVICE, Oct. 30, 2003, available at <http://pewforum.org/news/display.php?NewsID=2807>.

94. *Id.*

95. The National Day of Prayer dates back to the first call to prayer in 1775, when the Continental Congress asked the colonies to pray for wisdom in forming our nation. President Lincoln proclaimed a day of "humiliation, fasting, and prayer" in 1863. In 1952, President Truman signed a joint resolution by Congress establishing a National Day of Prayer. In 1988, President Reagan permanently set the day as the first Thursday of every May. 143 CONG. REC. H2096 (daily ed. May 1, 1997) (statement of Rep. Hefley).

96. See *Religions in the 109th*, CQ GUIDE TO THE NEW CONGRESS, Nov. 4, 2004, at 63. CQ listed 128 Catholics in the House, followed by sixty-five Baptists, fifty-one Methodists, thirty-six Presbyterians, thirty-three Protestants (unspecified), thirty-one Episcopalians, twenty-six Jews, seventeen Lutherans, eleven Mormons, six Community of Christ and Christian Scientists, four Pentecostals, three African Methodist Episcopalians, three United Church of Christ and Congregationalists, three Eastern Orthodox, along with two Christian Reformed Church, two Seventh-day Adventists, and two Unitarians. The following faiths recorded one member each in the House: Christian Church, Community of Christ, Disciples of Christ, and Quaker. Seven members did not specify a religion. The list of religions for Senators in the 109th Congress included twenty-four Roman Catholics, fourteen Presbyterians, twelve Methodists, eleven Jewish,

James Guth, a political scientist from Furman University, has said, "The House tends to reflect changes in electoral behavior more than the Senate, and it is simply easier for a social movement or new social group to send representatives to the House."⁹⁷ Guth and his colleague, Lyman Kellstedt, have previously found "a massive decline in Mainline Protestants, the migration of Evangelical Protestants from the Democratic to Republican side, the steady growth of Catholic numbers (especially among Republicans), and the solid expansion of religious minorities, especially among Democrats."⁹⁸ Their recent study concludes that "religious factors are a very important part of what constitutes Republican and Democratic partisanship in the modern House."⁹⁹

Representative Ron Lewis (R-KY) is an ordained Baptist minister who represents a district that produces tobacco and bourbon.¹⁰⁰ Representative Lewis has said that while he would advise members of his church against drinking and smoking, he has also tried to eliminate a tax on distilled spirits in an effort to represent his constituents in the liquor industry.¹⁰¹ Another of my colleagues, Representative James Clyburn (D-SC), has said his political beliefs are "biblically based."¹⁰² He notes that his church, the African Methodist Episcopal church, was established as an alternative to the segregationist post-Civil War Methodist Church.¹⁰³ Representative Rob Bishop (R-UT) teaches Sunday School.¹⁰⁴ Representative Henry Hyde (R-IL), a devout Catholic, put his views on religion and politics differently during the Clinton impeachment scandal, stating, "If Jesus had relied on polls

ten Episcopalians, seven Baptists, six United Church of Christ and Congregationalists, five Mormons, five Protestants (unspecified), three Lutherans, two Eastern Orthodox, and one Unitarian.

97. Jerry Spangler, *Faith Openly Colors Politics*, DESERET MORNING NEWS, May 22, 2005, at A4. Professor Guth, along with Professor Lyman Kellstedt, is the co-author of a new study on Congress and religion. James L. Guth & Lyman A. Kellstedt, *The Confessional Congress: Religion and Legislative Behavior* (Apr. 7, 2005) (unpublished manuscript presented at the annual meeting of the Midwest Political Science Association in Chicago on April 7-10, 2005), available at http://www.bsos.umd.edu/gvpt/glyman/guth-kellstedt_mpsa05.pdf.

98. Guth & Kellstedt, *supra* note 97, at 3.

99. *Id.* at 18.

100. Ethan Wallison, *For First Time, Scholars Link Voting, Religion*, ROLL CALL, May 10, 2005, at 26.

101. *Id.*

102. *Id.*

103. *Id.*

104. Spangler, *supra* note 97, at A4.

he might not have given the Sermon on the Mount.”¹⁰⁵ Many members of the Senate agree that religion plays a role in their public life.¹⁰⁶

Former Speaker Thomas P. “Tip” O’Neill (D-MA) is a case in study. He changed his position on abortion several times during his congressional career. Also a devout Catholic, he arranged the House schedule so that he could go to Mass on Ash Wednesday.¹⁰⁷ O’Neill began as an opponent of abortion. He wrote to a constituent in 1972, “It is my deep personal conviction that abortion is wrong”¹⁰⁸ However, after the Supreme Court decision in the case of *Roe v. Wade* in 1973, he felt bound by the holding of the Court, writing, “The command of the Supreme Court is clear. Federal action at this time would further confuse the issue, adding yet another variable to the already volatile combination of forces.”¹⁰⁹ Despite strong criticism from the Catholic Church, O’Neill did not change his opinion. He explained that abortion was a personal issue and in a diverse society an elected official must separate his personal faith from his duties to a broad constituency.¹¹⁰ Eventually, however, O’Neill returned to his opposition to abortion and supported a constitutional amendment banning it.¹¹¹ The Speaker summed up the difficulties of his position as follows:

In my heart I say it’s a mortal sin, it’s against my religion, it’s a question of the death of a living person. But, hey, do I have a right to deny you, who don’t believe like I do? I’ve voted both ways on the subject. Sometimes I say to myself I can’t vote that way because my religion won’t allow me. Next time I say to myself even though I don’t believe it, I don’t have the right to prevent somebody else. I don’t satisfy either group. Sometimes I have to think how my conscience is acting on the day the vote comes up, truly.¹¹²

105. Jerome Zeifman, *Impeachment and ‘Father Bob’*, INSIGHT ON THE NEWS, Jan. 11, 1999, at 32.

106. Spangler, *supra* note 97, at A4 (citing Senator Robert Bennett (R-UT), Senator Orrin Hatch (R-UT), and Senator Joseph Lieberman (D-CT)).

107. See JOHN A. FARRELL, TIP O’NEILL AND THE DEMOCRATIC CENTURY 519–20 (2001).

108. *Id.* at 520.

109. *Id.* (referring to *Roe v. Wade*, 410 U.S. 113 (1973)).

110. See *id.*

111. See *id.* at 521.

112. *Id.*

IV. CURRENT EVENTS

Government cannot stay out of religion; in fact, one of the key roles of our government and of the First Amendment is the protection of religious speech. In *Capitol Square Review and Advisory Board v. Pinette* the Supreme Court directly stated the importance of the protection of religious speech:

Our precedent establishes that private religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression Indeed, in Anglo-American history, at least, government suppression of speech has so commonly been directed precisely at religious speech that a free-speech clause without religion would be Hamlet without a prince.¹¹³

Government cannot avoid religious issues. Recent events that have provoked religious debate include stem cell research,¹¹⁴ the Terry Schiavo case,¹¹⁵ consideration of a constitutional amendment to ban gay marriages,¹¹⁶ federal laws and federal funding on abortion,¹¹⁷ and government funding of the Boy Scouts.¹¹⁸ Congress has also repeatedly created statutory exemptions to take into account the religious needs of various organizations.¹¹⁹

113. *Capitol Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 760 (1995) (internal citations omitted).

114. See, e.g., President George W. Bush, Remarks by the President on Stem Cell Research (Aug. 9, 2001), available at <http://www.whitehouse.gov/news/releases/2001/0809-2.html>.

115. See Abby Goodnough, *Schiavo Dies, Ending Bitter Case Over Feeding Tube*, N.Y. TIMES, Apr. 1, 2005, at A1 (summarizing the *Schiavo* case).

116. See Angie Canon, *A Legal Maze And More to Come*, U.S. NEWS & WORLD REP., Mar. 8, 2004, at 30 (summarizing the legal issues involving gay marriage).

117. For years, Congress has banned federal funding of most abortions through the use of Medicaid funds by the "Hyde Amendment," named after Rep. Henry Hyde (R-IL). See Pub. L. No. 103-112, § 509, 107 Stat. 1113 (1993).

118. The Senate agreed to continue government funding of the Boy Scouts in a vote of 98-0 on July 26, 2005. See Jake Thompson, *Senate Backs Scouts' Use of Bases*, OMAHA WORLD-HERALD, July 27, 2005, at A4. On February 9, 2005, by a vote of 418-7, the House of Representatives had previously approved H.R. Con. Res. 6, a measure I introduced, which expressed the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts. See 151 CONG. REC. H479-80 (daily ed. Feb. 9, 2005).

119. LOUIS FISHER, CONGRESSIONAL PROTECTION OF RELIGIOUS LIBERTY 65 (2003). For example, religious groups are exempt from general laws on taxation, social security, military service, peyote use, discrimination in housing and employment, census questions (13 U.S.C. § 221(c) (2000)), rehabilitative ser-

Congress recently confirmed the use of the word "God" in both the Pledge of Allegiance and the national motto. Reacting to a June 9, 2002 ruling by the Ninth Circuit Court of Appeals in the case of *Newdow v. U.S. Congress*,¹²⁰ Congress quickly affirmed the motto and the wording of the Pledge. In *Newdow*, the Ninth Circuit held that the Pledge of Allegiance's use of the phrase "under God" violated the Establishment Clause.¹²¹ The Senate bill, S. 2690, passed 99-0 on June 27, 2002.¹²² The House completed congressional approval on October 8, 2002, by a vote of 401-5.¹²³ I voted in favor of the bill, which reaffirmed the 1954 act of Congress that originally inserted the words "under God" into the Pledge of Allegiance and also reaffirmed that the national motto of the United States, as provided for in Section 302 of title 36 of the U.S. Code, is "In God We Trust."¹²⁴ President Bush signed the bill into law on November 13, 2002.¹²⁵

The Supreme Court has recently upheld the display of the Ten Commandments in a monument on the grounds of the Texas State Capitol,¹²⁶ but, in a decision issued on the same day, June 27, 2005, affirmed the decision of the Sixth Circuit holding that displays of the Ten Commandments in two Kentucky court-houses violated the Establishment Clause.¹²⁷ So, even in the Supreme Court, the debate continues.

As I write this article in my office on Capitol Hill, on the evening of September 7, 2005, the nation mourns the death of Chief Justice William Rehnquist, who lies in state in the Supreme Court, and debates the merits of Judge John Roberts to succeed him.¹²⁸ Among the many topics discussed is the relevance of

vices (42 U.S.C. § 422(b) (2000)), medical examinations (42 U.S.C. § 1396f (2000)), and public health measures.

120. *Newdow v. U.S. Congress*, 292 F.3d 597 (9th Cir. 2002).

121. *Id.* at 612. The Supreme Court later reversed *Newdow* in *Elk Grove Unified School District v. Newdow*, 542 U.S. 1 (2004). The Court did not reverse on the merits; rather, it found *Newdow* lacked standing to challenge the school district's policy in federal court.

122. 148 CONG. REC. S6226 (daily ed. June 26, 2002).

123. 148 CONG. REC. H7186 (daily ed. Oct. 8, 2002).

124. *Id.*

125. Act of Nov. 13, 2002, Pub. L. No. 107-293, 116 Stat. 2057.

126. *See* *Van Orden v. Perry*, 125 S. Ct. 2854 (2005).

127. *See* *McCreary County v. ACLU of Ky.*, 125 S. Ct. 2722 (2005).

128. Later, as I edited this article, President Bush reaffirmed the importance of religion in his selection of his second nominee for the Supreme Court, Harriet Miers. *See* Peter Baker & Charles Babington, *Role of Religion Emerges as Issue*, WASH. POST, Oct. 13, 2005, at A8.

Roberts' religious faith.¹²⁹ I do not have a vote in the confirmation battle, but I am glad to know he is a man of faith.¹³⁰

V. MY EXPERIENCE

I cannot place a wall between my belief in God and my duties as a Member of Congress. I will give several examples of how religion has affected my duties as a Member of the House. I agree with my colleague Representative Henry Hyde (R-IL) who has stated so eloquently, "One of the great errors of modern politics is our foolish attempt to separate our private consciences from our public acts, and it cannot be done."¹³¹ Where do we get our private conscience from? For me, it is my religion and belief in God.

The examples come from my tenure on the Ethics Committee. The Speaker appointed me to the Ethics Committee in 1997.¹³² He did so after I had my arm not so subtly twisted by the Committee's Chairman, Representative Jim Hansen (R-UT). Representative Hansen and I had served together for years on the House Resources Committee, and I knew he was a good man. He was blunt and told me that he needed a person who was fair and a straight-shooter on the Committee. I told both the Speaker and Representative Hansen that I had no desire to be on the Ethics Committee and asked them what I had done to make them mad at me.¹³³ I am not a lawyer and have only served on a jury twice. I thought there were many other Members more suited than I to be on the Committee. They persisted, and I joined the Committee in September 1997, along with eight other new Members.¹³⁴

129. See Cathy Young, *Why Roberts's Religion Matters*, BOSTON GLOBE, Aug. 1, 2005, at A11.

130. See Todd Purdum et al., *Court Nominee's Life Is Rooted In Faith and Respect for Law*, N.Y. TIMES, July 21, 2005, at A1.

131. 142 CONG. REC. H23836 (daily ed. Sept. 19, 1996).

132. The Speaker of the House of Representatives, Representative Dennis Hastert (R-IL), came to Congress with me in 1987, as a Member of the 100th Congress.

133. Politics is difficult enough without seeking a position that guarantees controversy, like the Ethics Committee.

134. The Ethics Committee was reconstituted in the fall of 1997, after a bipartisan task force recommended to the House a series of rule changes designed to increase the nonpartisan nature of the Committee. On January 12, 1997, the House named an Ethics Reform Task Force and announced a moratorium on the filing of new ethics complaints until April 11, 1997. This moratorium was subsequently extended by unanimous consent until September 10, 1997. The Task Force met for several months and issued its recommendations in H.R. Res. 168, 105th Cong. (1997); see H.R. Rep. No. 105-848, at app. B (1999); H.R. ETHICS REFORM TASK FORCE, 105TH CONG., REPORT ON H. RES. 168

My first assignment on the Committee lasted over three years. I was assigned to be Chairman of an investigative subcommittee looking into a complaint filed against Representative E.G. "Bud" Shuster (R-PA). The other members of the subcommittee were Representative Zoe Lofgren (D-CA), who served as the Ranking Minority Member, Representative Jim McCrery (R-LA), and Representative Chet Edwards (D-TX). As you can see, the membership of the investigative subcommittee was bipartisan and evenly divided. Under the Committee Rules, any decision by the investigative subcommittee required a majority vote, thus requiring a bipartisan decision.¹³⁵ The subcommittee's assignment was not easy. The allegations were serious and Representative Shuster was the Chairman of an important committee, the Committee on Transportation and Infrastructure. Finally, after an extensive investigation, Representative Shuster agreed to accept a sanction from the Ethics Committee in October 2000.¹³⁶ Yet, as difficult as the Shuster investigation was procedurally and logistically, it was not difficult for me personally. Yes, the decision to judge a peer was tremendously draining and personally painful, but the values taught to me by my religion demanded I both treat Representative Shuster fairly and follow the evidence uncovered by the investigation, making my ultimate decisions easy.

Another example from the Ethics Committee was the sad tale of the House's expulsion of Representative James Traficant (D-OH) in 2002. By then, I was Chairman of the Ethics Committee, and it was my reluctant duty to review a jury's determination

(Comm. Print 1997). The House adopted three amendments to House Bill 168. The first amendment, sponsored by Representative Livingston, ensured that the rules provided in House Bill 168 would apply to any complaints filed during that Congress and any subsequent Congress. 143 CONG. REC. H7568-72 (daily ed. Sept. 18, 1997). The second amendment, sponsored by Representative Murtha, required that all non-Members filing complaints must have a Member of the House sponsor the complaint. 143 CONG. REC. H7553-55 (daily ed. Sept. 18, 1997). The third amendment, sponsored by Representative Bunning, required a majority vote of the full Committee and the investigative Subcommittee to expand the scope of an investigation and also required that subpoenas be signed by the full Committee Chair and Ranking Minority Member unless otherwise provided by the Committee. 143 CONG. REC. H7555-59 (daily ed. Sept. 18, 1997). House Bill 168 passed on September 18, 1997, by a vote of 258-154, 143 CONG. REC. H7535-36 (daily ed. Sept. 18, 1997). The full Committee was named on September 29, 1997, and the Committee organized on September 30, 1997.

135. See H.R. COMM. ON STANDARDS OF OFFICIAL CONDUCT, 105TH CONG., RULES (1997).

136. For the details of the investigation and the recommendations of the investigative subcommittee, see H.R. REP. NO. 106-979 (2000).

that Representative Traficant had committed ten felonies while a Member of the House.¹³⁷ After an investigative subcommittee filed charges against Representative Traficant, I presided over a three-day hearing in which evidence was presented and Representative Traficant vigorously defended himself. Jim Traficant had been a colleague of mine for over fifteen years. He was funny and passionate in his beliefs. I personally hoped he had not done what he was charged with. I wanted to be anywhere in the world other than in the Chairman's seat in room 2118 of the Rayburn House Office Building. It was very difficult. At one point I had to tell Representative Traficant to sit down and stop threatening to physically attack the Committee staff.¹³⁸ Not fun. Not fun at all. However, again my conscience and the values I have received from my faith dictated that I follow the evidence. The evidence led to the unanimous determination by the members of the Ethics Committee that we should recommend to the House that our colleague be expelled. On July 24th of 2002, I stood on the floor of the House and asked the House to expel Jim Traficant.¹³⁹

Finally, I looked to my values for guidance when the House voted on changing the rules for the Ethics Committee at the start of this Congress. Without going into the merits of the proposed changes, the House leadership decided to change the way the Committee worked without consulting the members of the Committee or, more importantly, the members of the minority party.¹⁴⁰ I opposed the changes and the method by which the changes were presented to the House for consideration. After several months, the proposed changes were withdrawn. Ethics reform must be fair, and the process used to institute any reform must be fair. Changing the rules on the eve of a new Congress, without consulting the members of the minority party, was not fair and not the way a nonpartisan process is supposed to work.

137. Representative Traficant was convicted on April 11, 2002, in federal court of ten counts of conspiracy to commit bribery or to accept illegal gratuities, receipt of illegal gratuity, defrauding the government, obstruction of justice, tax evasion and RICO. For the complete details of his trial and the Ethics Committee's consideration of this matter, see H. REP. NO. 107-594, vols. 1-6 (2002).

138. H. REP. NO. 107-594, vol. 1, at 854-56 (2002).

139. The House voted to expel Representative Traficant by a vote of 420-1, making him only the fifth Member to be so sanctioned. Representative Traficant was subsequently sentenced to eight years in prison, fined \$150,000, ordered to forfeit \$96,000, and ordered to pay \$19,580.96 in unpaid taxes.

140. See Mike Allen, *GOP Abandons Ethics Changes*, WASH. POST, Jan. 4, 2005, at A1.

As John Adams stated, "Our Constitution was made only for a moral and religious people."¹⁴¹

James Madison explained why we need a fair and impartial ethics system in the House and throughout public life:

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controuls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to controul the governed; and in the next place, oblige it to controul itself. A dependence on the people is no doubt the primary controul on the government; but experience has taught mankind the necessity of auxiliary precautions.¹⁴²

Men judging men need guidance. My values are my guidance. My values come from the belief that God is watching over us, and as Representative Hyde has said:

I am not the least embarrassed to say that I believe one day each of us will be called upon to render an account for what we have done, and maybe more importantly, what we fail to do in our lifetime, and while I believe in a merciful God, I believe in a just God, and I would be terrified at the thought of having to explain at the final judgment why [I failed to do what my conscience and values dictated].¹⁴³

CONCLUSION

As I write on a Capitol Hill that abounds with images of the Christian, Jewish, and Muslim faiths, I cannot reject the role of religion in my job as a Congressman.

Which standard applies to me: Justice Black's standard of a wall of separation or the standard of Patrick Henry, who said God is our friend and raises up friends to fight our battles? Ordained ministers currently serve in Congress, and a Catholic priest recently served for over a decade in the House of Representatives.¹⁴⁴ I do not want a theocracy, but I do not think we should

141. EVANS, *supra* note 18, at 40.

142. THE FEDERALIST NO. 51 (James Madison).

143. 142 CONG. REC. H10268 (daily ed. Sept. 19, 1996).

144. Rev. Robert Drinan, a Jesuit, represented the fourth district of Massachusetts from 1971–1981. In 1980, he complied with a request of the Vatican to step down from his congressional seat. He currently teaches at Georgetown University. In an interesting aside, the only other Catholic priest actively involved in recent politics, Rev. John McLaughlin, also a Jesuit, ran for the Senate in 1970 against Senator John Pastore (D-RI). Father McLaughlin lost the

remove religion from our public life either. The wall that Justice Black spoke of in 1947 is too high. If Congress considered placing another quotation behind the Speaker's rostrum, perhaps it should be the famous verse from 2 *Corinthians*: "[W]here the Spirit of the Lord is, there is liberty."¹⁴⁵

I take seriously my responsibility as a member of Congress, and I pray every morning for God's guidance. For me, politics has been my life. My life and my religion cannot be separated.

race and went to work for the Republican Nixon White House, where his defense of the President pitted him against Father Drinan, who introduced a resolution for President Nixon's impeachment on July 31, 1973. Of course, John McLaughlin has since become a noted political commentator. See Zeifman, *supra* note 105.

145. 2 *Corinthians* 3:17.