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Does the Separation of Church and State really exist?

The Constitution does not contain the phrase, “Separation of Church and State.”

Many use the phrase “Separation of Church and State” as a rallying cry, view it as the epitome of the First Amendment, or use it in an attempt to remove religious influence from the public square. However, the Constitution itself does not contain the phrase, “Separation of Church and State.” The phrase originated after the Constitution was written, in a letter from Thomas Jefferson to the Danbury Baptist Association. The Danbury Baptists wrote to President Jefferson in October of 1801 concerning their fear of government restrictions on their ability to continue as a minority religion in Connecticut (“religion” was used in the sense of a denomination of Christianity). [1]

President Jefferson responded by encouraging their desire for religious liberty. [2] He agreed with them that officially established, government-mandated state denominations were harmful. President Jefferson used the phrase “wall of separation between Church & State” not to keep religious influence out of culture or politics, but to protect the church from the coercive power of the government being used to regulate the internal affairs of local congregations. Religious influence was appreciated in culture and politics at that time, and President Jefferson himself even ended his letter to the Danbury Baptists by joining with their prayers. [3]

The First Amendment states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” Thus, the First Amendment restricts certain kinds of government interference with religion.

- First, the Establishment Clause forbids the government from establishing an official religion or denomination. The Supreme Court of the United States has interpreted the

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Establishment Clause of the First Amendment to mean that government action is unconstitutional if its primary purpose or effect is to advance or inhibit religion (or a particular religious viewpoint), or if it creates an excessive government entanglement with religion. [4] The state is prohibited from endorsing a religion or coercing citizens to participate in religious activity.

•Second, the Free Exercise clause protects the ability of citizens to freely live out their faith. The freedom of religion is a cherished liberty protected by the First Amendment. The Supreme Court noted, in *Lee v. Wiseman*, that the First Amendment's two religion clauses "mean that religious beliefs and religious expression are too precious to be either proscribed or prescribed by the State." [5]

[1] Letter from Nehemiah Dodge, Ephraim Robbins, & Stephen S. Nelson on behalf of the Danbury Baptist Association to President Thomas Jefferson (Oct. 7, 1801) (on file with Princeton University's collection: The Papers of Thomas Jefferson, <https://jeffersonpapers.princeton.edu/selected-documents/danbury-baptist-association>).

[2] Letter from President Thomas Jefferson to Nehemiah Dodge, Ephraim Robbins, Stephen S. Nelson, & the Danbury Baptist Association (Jan. 1, 1802) (on file with the Library of Congress, <https://www.loc.gov/loc/lcib/9806/danpre.html>).

[3] Jefferson ended his letter with these words: "I reciprocate your kind prayers for the protection & blessing of the common father and creator of man, and tender you for yourselves & your religious association, assurances of my high respect & esteem." *Id.*

[4] *Lemon v. Kurtzman*, 403 U.S. 602, 612–13 (1971).

[5] *Lee v. Wiseman*, 505 U.S. 577, 589 (1992).