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Washington's Religiously Free America Today

The United States has failed to construct Washington's image of true religious freedom. Washington supported the people of the United States in their “enlarged and liberal policy” and disavowed the European ideals of religious “toleration”. America after the adoption of the First Amendment still struggled from religious persecution. Freedom of religion in the United States continues to be controversial and divide the country. Today's America is scarcely the religiously free country Washington had imagined.

Washington's letter promised full liberties, regardless of background and religious beliefs. After Washington's election, religious groups wrote to congratulate him, and he replied with letters of thanks. One of the congratulatory religious groups was the Hebrew Congregation of Newport. In his response to the Congregation he promised “liberty of conscience and immunities of citizenship” given as a natural right, to everyone no matter their background. Washington's letter, is the foundation of American religious liberty.

The limitations of the First Amendment would constantly be tested. The First Amendment of the U.S. Constitution prohibits hindering citizens right to exercise religion. Only forty seven years after the establishment of the First Amendment, religious persecution came to a head. In 1838, Mormons clashed with Protestants in Missouri. Following the orders of Governor Lilburn Boggs, the Missouri militia killed seventeen Mormons. Religious persecution would

continue to rampage into the early twentieth century. The U.S. government allowed some schools to deny Native American children basic rights. It was strictly prohibited for them to wear ceremonial clothes or practice native religions. Late into the twentieth century, public office in some states required religious tests. Maryland didn't debar this test until 1961. The limits of the First Amendment were challenged in the Supreme Court, in 1878 during *Reynolds V. United States*. Reynolds, was charged with bigamy under the federal Morrill Anti-Bigamy Act, after he married a woman while legally still married to his previous wife. He argued that his religion allowed him to marry multiple women, therefore his First Amendment right to free exercise of religion had been violated. The Court upheld Reynolds's conviction. The Court declared that people cannot avoid a law due to their religion and that religion can be regulated by law. The limitations of the First Amendment were tested again in *Braunfeld v. Brown* in 1961. The Supreme Court allowed Pennsylvania to require stores to close on Sundays. Although it was argued by local Jewish communities the law was unfair, since their religion required stores close on Saturdays as well. This was the first clear display of the United States Supreme Court's religious bias, a trend that would continue into current-day.

The people's uncertainty on the limits of religious freedom recently has become more transparent. The court system displayed in 2005 that the rules of the First Amendment are up to debate. In *Van Orden V. Perry*, Thomas Van Orden argued a Ten Commandments monument on the Texas capitol building was an unconstitutional government endorsement of religion. Orden sued the state of Texas arguing the monument violated the First Amendment, which prohibits the United States from passing laws "respecting an establishment of religion" (*Van Orden v. Perry*). The Fifth Circuit Court of Appeals which is a federal court with appellate jurisdiction over the

district courts ruled against Orden, they ruled “the monument served a valid secular purpose and would not appear to a reasonable observer to represent a government endorsement of religion”(Van Orden v. Perry). The U.S Supreme Court that same year took on a similar case, but the Supreme Court did not share the same perspective of the First Amendment. The American Civil Liberties Union or ACLU sued three Kentucky local governments in federal district court, they claimed it was unconstitutional to put up copies of the Ten Commandments in courthouses and public schools. The ACLU argued that the First Amendment prohibits the government from passing laws "respecting an establishment of religion. The district court and the Sixth Circuit Court of Appeals ruled the displays violated the establishment clause”(McCreary County v. American Civil Liberties Union of Ky.). The difference in decisions in the same short time span shows the uncertainty in the American people about the First Amendment.

Washington's view of religious freedom hasn't been built. In Washington's letter to the Hebrew Congregation of Newport it's clear he wants religion to be complimentary, and no one not to be treated differently because of religion. The years following Washington's death were filled with religious persecution. Americans debated the power of the First Amendment. Today people are still divided on the limits of the First Amendment. While the United States is far from the truly religiously free America Washington wrote about, it's recently ensued making decisions more inclusive of all religions.

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