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Historical Wall Between Church and State Takes Another Small Blow

The Consumer Financial Protection Bureau, a government panel, met in December, opening proceedings with a prayer given by a White House official — highly unusual for this group. The official even said, “Thank you for your son, Jesus, who died for our sins.”

What has been rare in recent administrations — on either side of the aisle — has become commonplace under the current administration. A religious “revival” of sorts is happening inside government operations following numerous faith initiatives championed by President Donald Trump.

Americans have been encouraged to pray for an hour each week, government agencies open meetings with prayer, and Bible verses and Christian artwork appear on official government social media accounts.

Conservative organizations leaning towards Christian nationalism — not necessarily politically conservative groups — welcome these changes. Interfaith leaders, religious legal activists, and po-

litical allies of the President are pressing for a broader role of religion in government and in public.

Trump's Religious Liberty Commission is a group creating suggested policy changes. “We have to bring back religion in America ... stronger than ever before,” the President told them. Their policies could make grave changes to the boundaries between church and state. Longtime defenders of this historical separation are alarmed.

Brian Kaylor, a Baptist minister and scholar, warns: “Such state establishment of religion is a threat to democratic ideals, a pluralistic workforce and nation, and the sanctity of Christian worship.” The threat is real.

“I think it's time to kick in the rotten door that's barring religion from the public square,” said Gerard Bradley, of James Wilson Institute, a conservative legal training organization, noting that the current Supreme Court has effectively “prepared the way” for the government to promote religion as a “common good.”

NEWS OF THE WORLD

Religious Liberty Challenged in Canada, Clarified in Germany

Canada

Canada's House of Commons has recently passed the Combatting Hate Act (Bill C-9), citing a rise in "antisemitism, Islamophobia, homophobia, and transphobia."

Canada's Bill C-9 will ...

- "Make it a crime to intimidate and obstruct people from accessing places of worship, as well as schools, community centres and other places primarily used by an identifiable group."

- "Make hate motivated crime a specific offence, ensuring such conduct is more clearly denounced and that offenders are held accountable."

- "Make it a crime to wilfully promote hatred against an identifiable group by displaying certain terrorism or hate symbols in public."

At first glance, this seems a positive step. However, unlike the United States, Canada has no First Amendment which protects freedom of speech. In the U.S., even "hate speech" is constitutionally protected unless it is used as a true threat or for incitement. Canada uses the broader terms of "hate propaganda" or "hatred" to encompass speech. The new bill will expand already loose definitions of "hate speech," and could remove what little protections exist for religious Canadians. Ultimately, the bill would change how speech is policed.

The language of the bill both hides and even invites many speech restrictions. It could get rid of protections for people of faith who have expressed sincerely held religious convictions — not expressed in a hateful or aggressive manner, but shared as something they believe. It removes the "good faith" religious defense that has protected sincere expressions of belief from criminal prosecution.

"The state will be able to jail people who express religious beliefs or quote religious texts the government finds offensive for up to two years," protests Member of Parliament Andrew Lawton.

Germany

In a current ruling on an old case, a European court has decided that a German Catholic organization cannot dismiss an employee who left the church, on the basis that it would be employment discrimination on the basis of religion or belief. The Catholic agency offers counseling on pregnancy.

The employee filing suit, JB, entered service of the association in 2006. Until her maternity leave from 2013 to 2019, she performed pregnancy counseling. Shortly after her leave started, she told a local authority she was leaving the Catholic Church. She left because of an added tax on interfaith

marriages to high-earning spouses, which she had levied against her. The association dismissed her on her return in 2019 on grounds of her leaving the church. However, two other employees there were also not members of the church.

The court found that, since other employees were also not church members, and because JB had not acted antagonistically towards the church in her position, her dismissal was not legitimate or justified.

- *A man in Hayward, California, sued the park district and park rangers, saying the no-feeding ordinance violated his 1st Amendment free exercise rights because, as a Catholic, it was his religious "duty to God to take care of and love all God's animals," including stray cats. The federal court ruled against him.*

- *Parents' and teachers' challenge to a California school district policy that requires student consent before disclosing a student's gender transition was knocked down by a California federal district court. However, the Supreme Court of the U.S. ruled for the parents, saying it would interfere with their right to guide the religious development of their children."*

- *A Muslim parent has filed suit in Texas challenging the state's exclusion of accredited Islamic private school from participating in Texas Education Freedom Accounts (TEFA), a publicly funded school choice program. The suit says the state has violated both 1st and 14th Amendments. Christian, Jewish, and other non-Islamic schools may participate, which the plaintiff claims is clearly religious discrimination.*

Interesting Trivia on Separation of Church and State Shared

The following are some interesting facts about the history of church and state in this country, selected from the site Facing History and Ourselves.

- The First Amendment established religious freedom as a constitutional right — a safeguard no other nation had before.

- Europe had some limited religious tolerance for centuries, but it was always as a privilege granted by rulers who could revoke it. The First Amendment in the United States was unique for the times: It banned the government from interfering with religion, making religious freedom a permanent constitutional limit on state power. However, Colonial life looked a little different.

- Religion dominated

many aspects of Colonial life and was enforced by the government. Eight of the 13 British Colonies in America had official, established churches, and laws mandated that everyone attend a house of worship and pay taxes that funded ministers' salaries.

- Roger Williams founded the first American colony without an established church. Banished from Massachusetts in 1636 for preaching religious dissent, Williams founded Providence, Rhode Island, one of the earliest governments in the Western world to guarantee broad religious liberty. His phrase "wall of separation" between church and state directly influenced Thomas Jefferson and the Constitution's framers.

- The Religious Freedom

Restoration Act of 1993 restricted the government's ability to limit religious practice. Congress enacted RFRA in response to the Supreme Court's decision in *Employment Division v. Smith*. The law requires the government to use the least restrictive means before substantially burdening an individual's religious exercise.

- A 2021 Pew survey found that 55% of Americans strongly or moderately support the separation of church and state, while 14% favor integrating religion more into government.

- Research found a correlation between a country's relative stability and whether it has either very low or very high levels of religious diversity. Countries in the middle range — with

moderate diversity and active competition between groups — show higher levels of conflict.

Trump "Anointed by Jesus" to Attack Iran

A military commander has proclaimed that President Donald Trump is "anointed by Jesus" to attack Iran, and other military leaders are telling troops that the war is part of "God's divine plan," according to a religious freedom advocacy group.

In just over a week, the nonprofit group, Military Religious Freedom Foundation (MRFF), received more than 300 complaints from more than 80 military installations,

with reports of commanders linking Christianity to the "biblically sanctioned" war in Iran, including references to Revelation, Armageddon, and the Second Coming of Christ.

A.P. Weinstein, a former Air Force officer and with MRFF, said the complaints violate the Uniform Code of Military Justice (UCMJ) prohibitions against injecting religious beliefs into military messaging.



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Supreme Court Finds Christian Therapist's Free Speech Violated by Colorado Law for Minors

The Supreme Court has ruled 8-1 in the *Chiles v. Salazar* case involving conversion therapy and free speech. They found that Colorado's ban on conversion therapy for minors likely violates the First Amendment free speech rights of Christian counselor Kaley Chiles, and they have sent the case back to lower courts for review.

The Colorado law bars licensed therapists from working with minors in an

attempt to change their sexual orientation or gender identity. Chiles challenged the law, saying that she provides faith-based talk therapy for clients, and the law restricts her ability to do this.

SCOTUS agreed with her, and Justice Neil Gorsuch wrote the law "censors speech based on viewpoint." It allows counselors to provide affirmation for changed sexual orientation, but does not allow counselors to try to change that orientation back.

They ruled it was unconstitutional as applied to her type of talk therapy, but did not strike the entire law, instead sending it back to lower courts for review. However, their ruling is still expected to make it harder to enforce similar bans in other states.

Justice Katanii Brown Jackson dissented, stating she was concerned the ruling could protect previously discredited practices found to be harmful.