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RELIGIOUS DEFECT
OF THE
CONSTITUTION OF THE UNITED STATES.*

BY E. R. CRAVEN, D.D.

The subject proposed for consideration is, certainly, one of the most important that can engage the attention of Americans. It is with great hesitation, however, that the writer enters upon its discussion. He reveres the memory of the Fathers of the Republic for their moral excellence, their exalted wisdom, their self-sacrificing patriotism, and many of them for their true piety; and he esteems the Constitution they framed as one of the noblest products of human skill. It was with great difficulty he could bring himself to believe that there is an important defect in their great work, and it is with still greater difficulty that he now presumes to point out to others what he regards as the error. This he would scarce dare to do, had not many of the best and wisest of his countrymen preceded him in calling attention to the same defect.

In this tract the effort will be made to show:—*first*, that our National Constitution should contain a recognition of the Sovereignty of God over the Nation; and, *secondly*, that it is defective in this respect. Let it be observed that, by these propositions, it is not affirmed that those who framed the Constitution were irreligious, nor that the people who adopted it were not a Christian people. Truly pious men may sometimes fall into error.

I. THE CONSTITUTION SHOULD CONTAIN A RECOGNITION OF THE
SOVEREIGNTY OF GOD OVER THE NATION.

In the consideration of this topic three things will be assumed, as their establishment (in substance) belongs to another tract of this series, viz,—(1) That every nation is an *organism*, a moral person, of which Je-

* Reprinted from THE CHRISTIAN STATESMAN of March 2d, 1868.

hovah is Creator and Sovereign;—(2) That God, as Sovereign, gives a Nation its prosperity and its adversity, and that He gives these for purposes of reward, of chastisement, and of special training;—(3) That it is the duty of every Nation—especially of every Nation blessed as we have been—to recognize, as an *organism*, His Sovereignty.

On the platform of these assumptions the position is taken that the Federal Constitution should contain such a recognition, and for the following reasons:—

1st. Only therein, or in another instrument framed as it was and therefore of equal dignity with it, can such a recognition be made. Not only is the Constitution the highest utterance of the Nation; but, in an important sense, it, and national acts performed under its authority, are the only organic utterances of the people—the only utterances of the Nation as a Nation.

2nd. In view of the objects professedly contemplated in its formation, a failure to recognize the Divine Sovereignty therein, is, in effect, to deny it. The Constitution is the solemn, well considered declaration of the Nation before the world, not only as to the form of government established, but also as to the ends contemplated in its establishment. The Preamble, which sets forth those ends, is as follows:—“We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.” Manifestly, the ends contemplated are the very blessings the bestowment of which God claims as His own prerogative. For a Nation enlightened by His Word, and peculiarly favored by His Providence, to adopt a Constitution professedly to secure these blessings, without embodying therein a recognition of His Sovereignty and an expression of dependence on Him, is, in effect, to deny that Sovereignty and to claim for itself His prerogative.

Nor can such a defect in the Fundamental Instrument be supplemented by any means short of a correction of the Instrument itself. A congregation of the whole people, or of a majority thereof, for prayer or praise, in compliance with a presidential or congressional recommendation, would be, it is acknowledged, *in a sense*, a National act; but still, not being provided for in the Constitution, it would not be an *organic* act—it would not reach the dignity and importance of a constitutional declaration. Notwithstanding such an act, the formal organic utterance of the Nation in the Constitution (an utterance *ignoring* the Divine Sovereignty) would still remain before the world as the Nation's declaration of its position *as a Nation* in reference to God.

U. S. GOVERNMENT PRINTING OFFICE

1870

II. NO RECOGNITION OF THE SOVEREIGNTY OF GOD IN THE CONSTITUTION.

That there is no recognition of the Divine Sovereignty in our Fundamental Instrument would seem to be evident from bare inspection. *The name of God does not once appear therein.* It is contended, however, on three distinct grounds, that His Sovereignty is therein implied. These grounds will now be stated and examined:—

1st. It is so contended because an oath (which, in its proper sense, is an appeal to the Divine Being) is required therein as a qualification to office. In answer it may be said,

(1) The conclusion would not follow, though an oath, *in the proper sense of the term*, were required. A voluntary association, professedly recognizing the Sovereignty of God only over the individuals who compose it, may legitimately require of any one whom it entrusts with important interests an affirmation in the name of God that he will faithfully execute his trust.

(2) But an oath, *in the proper sense of the term*, is not required by the Constitution. The form of oath prescribed for administration to a President elect, (which is the model of all oaths administered under the Constitution,) is lacking in any expressed appeal to God;—it is as follows, “I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.” And not only is the model oath thus lacking; but, in Art. VI. Sec. III., immediately after the requirement that all officers “shall be bound by oath or affirmation to support the Constitution,” occurs the proviso—“but *no religious test* shall ever be required as a qualification to any office or public trust under the United States.” By this proviso the *constitutional* oath is degraded from the high and sacred position of an appeal to God to the low platform of a solemn promise. In view of it, an atheist, even as he is about to take the oath prescribed for the President elect, may publicly declare his disbelief in the existence of the Divine Being, and no human authority can stay his inauguration.*

* The writer of this tract is most decidedly of opinion that the *proviso* is proper in so far as it forbids the requirement of the adoption of any particular creed, or of participation in any specific religious rite, as a qualification to office. He thinks, however, that, in its present form, it is too general—that it should be so limited as not to forbid the requirement of *an appeal to God* in the administration of an oath. He is also of opinion that the form of the Presidential oath should be so amended as to embody a direct appeal to the Supreme Being. Of course the Constitution, in its present form, does not *forbid* that any man in taking an oath should make an appeal to God, *if he chooses so to do*—it does, however, most emphatically forbid that he should be *required* to make such an appeal.

2d. That the Constitution impliedly recognizes the Sovereignty of God, is again argued from the fact that, in Art. I. Sec. VII., it is provided, "If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, &c." It is contended that the recognition of Sunday as a day retired from business implies a recognition of the authority of the Divine Lawgiver.

(1) Even upon the supposition that the proviso contemplates the *divinely* imposed obligation of the Sabbath, it would not necessarily imply a recognition of the Divine Sovereignty *over the Nation*. A strictly voluntary association, if it acts wisely, will make provision not to interfere with the personal obligations of its members.

(2) The proviso, however, does not necessarily imply a recognition of the *divinely* imposed obligation of the Sabbath. It is, indeed, consistent with such a recognition; but, since the observance of regularly recurring rest days may be defended on merely human considerations, it is equally consistent with the idea of a merely human origination of the custom of observing such days. The enactment of a law against murder does not necessarily imply a recognition of the authority of Him who ordained—Thou shalt not kill. And so, a body of legislators may, without any intended reference to God, on merely human considerations, legalize the observance of a rest day. An objector, however, may query—Why fix upon one day in *seven*, and that, the *first* day of the week? The answer is patent. A body of wise legislators finding such an arrangement prevalent in the community, and perceiving that it is as good as any other, would naturally adopt it. Manifestly the proviso does not *necessarily* imply a recognition of the Divine Sovereignty.

3d. It is also contended that the (so-called) concluding clause of the Constitution does most distinctly recognize the Sovereignty of our Lord Jesus Christ. The clause is in these words—"Done in Convention, by the unanimous consent of the States present, the seventeenth day of September *in the year of our Lord* one thousand seven hundred and eighty-seven, &c."

(1.) This clause forms no part of the Constitution as adopted *by the people*. It is merely an *attesting* clause, appended to the Instrument by the Convention that framed it and recommended it to the people for their adoption.

(2.) The words "*in the year of our Lord*," form no part of the clause as adopted *by the Convention*. They were inserted probably by the Clerk. The clause *as adopted* was in this abbreviated form: "Done in Convention by the unanimous consent of the States present, the 17th of September, &c. In witness whereof we have hereunto subscribed our

names." See *Elliot's Debates*, Vol. 1, p. 317, (*Madison's Minutes*); also, Vol. 5, p. 555, (*Madison's Debates*).

So far from the reasons alleged showing that the Sovereignty of God is implied in our Fundamental Instrument, a careful examination of them serves to make manifest that there is not an implied reference therein, even to His existence.

As proving that there was no designed exclusion of the name of God from the Constitution, and, indeed, that the Divine Sovereignty was fully recognized by the Federal Convention, allusion has been made to the alleged fact that the sessions of that body were opened with prayer. That such was the fact has been frequently stated and is generally believed. The evidence to the contrary, however, is clear and decisive. The facts as set forth in the Madison Papers (*Elliot's Debates*, Vol. 5, pages 253-255), are as follows:—On the 28th of June, Benjamin Franklin, after one of his most able addresses, made a motion that the sessions of the Convention should be opened with prayer; this motion was seconded by Roger Sherman, but was opposed by several distinguished gentlemen; the final disposition of the subject is presented in the following words of Madison's record:—"After several unsuccessful attempts for silently postponing the matter by adjourning, the adjournment was carried without any vote on the motion." The speech of Franklin, which was in manuscript, is preserved amongst his papers, bearing this note by himself,—“The Convention, except three or four persons, thought prayers unnecessary!” The speech, together with the accompanying note, as they appear in the Works of Franklin by Sparks, Vol. 5, p. 155, are printed as an appendix to this paper.*

As against the conclusion that there is an important religious defect in our Fundamental Instrument, is alleged our continued prosperity under it. God, it is argued, would not permit the prolonged prosperity of a Government based upon an instrument in which His Sovereignty was sinfully ignored. The argument takes for granted that God will always punish *immediately*. On the contrary,—He may permit a nation that

* In a recent valuable work on “The Christian life and character of the civil institutions of the United States, by B. F. Morris,” the assertion is made that the motion of Franklin was almost unanimously adopted. The author quotes a passage, generally believed to be authentic, from a work published in 1825, entitled, “Religious opinions and character of Washington,” in which a most glowing description is given of Franklin's speech,—its effect upon Washington and the Convention,—the adoption of the motion with only one dissenting voice, &c. It is not intended to assert that Mr. Morris intentionally misrepresented the facts, nor is this believed. It is manifest, however, that the *anonymous* statement republished by him from the work of McGuire is utterly inconsistent with the facts as presented by Madison, and by Franklin himself.

ignores His authority to go on to the highest pitch of prosperity and power, that He may make manifest His Sovereignty in its humiliation. He permitted the tower of Babel to reach a mountain height before He confounded the language of the builders. And from this point of view the following sentence in the accompanying speech of Dr. Franklin assumes portentous proportions:—"I believe that without His concurring aid we shall succeed in this political building no better than the builders of Babel; we shall become divided by our little, partial, local interests, our projects will be confounded, and we ourselves shall become a reproach and a by-word down to future ages." May not our Constitution, confessedly one of the master-pieces of human workmanship—framed (alas! without reference to God) "*to form a more perfect union, and secure the blessings of liberty to ourselves and to our posterity,*" or, in other words, built, as was Babel, "*lest we should be scattered abroad,*"—may it not prove another Babel which shall serve to make manifest that Jehovah is jealous for His honor? It is a fearfully significant fact that the troubles from which God has recently delivered us arose from *confusion of language* in regard to the very Constitution which was the tower of our hope, and the troubles which now threaten us arise from a similar confusion. May it not be that in our past deliverance He manifested His forbearing mercy by giving us opportunity to repent,—an opportunity which, if not improved, will be followed by an utter destruction not only of the government based upon the Constitution, but of the Constitution itself?

No thoughtful observer can entertain doubt as to the glorious future of this people. It may be, however, that for that glory we are to be prepared by national chastisements bitter and severe, scourging us to the recognition of Jehovah as our King. If, indeed, our fathers erred in not according unto Him the honor due, let us not wait for further chastisement, but perform our duty *now*. Let us inscribe His name upon our banner, that we may be that happy people whose *acknowledged* God is the Lord.

SPEECH OF BENJAMIN FRANKLIN ON HIS MOTION FOR PRAYERS IN
THE FEDERAL CONVENTION.

MR. PRESIDENT :—The small progress we have made, after four or five weeks' close attendance and continual reasonings with each other, our different sentiments on almost every question, several of the last producing as many *noes* as *ayes*, is, methinks, a melancholy proof of the imperfection of the human understanding. We indeed seem to *feel* our own want of political wisdom, since we have been running all about in search of it. We have gone back to ancient history for models of government, and examined the different forms of those republics, which, having been

originally formed with the seeds of their own dissolution, now no longer exist; and we have viewed modern states all round Europe, but find none of their constitutions suitable to our circumstances.

In this 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 once thought of humbly applying to the Father of Lights to illuminate our understandings? In the beginning of the contest with Britain, when we were sensible of danger, we had daily prayers in this room for the divine protection. Our prayers, sir, were heard;—and they were graciously answered. All of us, who were engaged in the struggle, must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend?—or, do we imagine we no longer need its (His) assistance? I have lived, sir, a long time; and the longer I live, the more convincing proofs I see of this truth, *that GOD governs in 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? We have been assured, sir, in the Sacred Writings, that “except the Lord build the house, they labor in vain that build it.” I firmly believe this; and I also believe, that, without his concurring aid we shall succeed in this political building no better than the builders of Babel; we shall become divided by our little, partial, local interests, our projects will be confounded, and we ourselves shall become a reproach and a by-word down to future ages. And, what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing government by human wisdom, and leave it to chance, war, and conquest.

I therefore beg leave to move,

That henceforth, prayers, imploring the assistance of Heaven, and its blessing on our deliberations be held in this Assembly every morning, before we proceed to business; and that one or more of the clergy of this city be requested to officiate in that service.

Note by Dr. Franklin.—“The Convention except three or four persons, thought prayers unnecessary!” *Sparks' Works of Benjamin Franklin, Vol. 5, p. 155.*



THE NATIONAL ASSOCIATION whose object is to secure a recognition of ALMIGHTY GOD AND THE CHRISTIAN RELIGION in the Constitution of the United States, ask for the substance of the following amendment:

We, the people of the United States, [acknowledging Almighty God as the source of all authority and power in civil government, the Lord Jesus Christ as the Ruler among the nations, and his Revealed Will as of supreme authority, in order to constitute a Christian government,] form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, and promote the general welfare, do ordain and establish this Constitution for the United States of America.

No one is committed to any precise words of amendment. The above is intended only to suggest the substance of what should be enacted.

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DEVOTED TO THE CAUSE OF
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Civil Society is a Divine Institution—Nations are moral persons and are bound by the moral law—The Lord Jesus Christ is the Ruler among the Nations, and should be recognized as such—The Holy Scriptures, as a revelation of His will, are the supreme law of Nations—Civil office cannot be righteously or safely given to immoral and wicked men.

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