

Religious Expression and the American Constitution 9780870139239 264 pages Franklyn S. Haiman 2003 MSU Press, 2003

Religion and free expression. First amendment. Congress shall make no law respecting an establishment of. The test may be stated as follows: what are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion. If Americans have learned to make constitutional mountains out of religious molehills, it is because crucial principles may become endangered. The creche or the menorah on public property becomes the nose of the camel sneaking into the tent where Americans have carefully enshrined the constitutional separation of church and state. The godless Constitution must be understood as part of the American system of voluntary church support that has proved itself a much greater boon to the fortunes of organized religion than the prior systems of church establishment ever were. The argument of the book proceeds in the following way. Chapter 2 reviews the central arguments that were made for and against the godless Constitution in the late eighteenth century. By implication, the book also raises questions about whether any constitutional theory can keep pace with the dynamic pluralism of American constitutional argument. (William E. Nelson, Weinfeld Professor of Law, New York University School of Law). By exploring the odd and interesting lives and lawsuits of dissenting twentieth-century believers, Sarah Barringer Gordon provides us with a novel and compelling modern constitutional history of American religion. One has to admire the wisdom of the framers of the US Constitution. Within the "establishment" clause of the first amendment the founders established an inherent tension: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof". The Constitution of the United States said little about religion. Congress adopted the First Amendment to the Constitution, which when ratified in 1791, forbade Congress to make any law. Proposed Constitutional Amendments. The Virginia Ratifying Convention approved the Constitution with the understanding that the state's representatives in the First Federal Congress would try to procure amendments that the Convention recommended. Constitution Day Pocket Constitution Books. U.s. constitution & amendments. Overview. Dates to remember. Fascinating facts. Read the constitution. Constitutional convention. Father of the constitution. About the signers. Those Who Didn't Sign. We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, 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.