

The first sentence of the Bill of Rights reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Why did the Framers think this right was so important? On the Mayflower, some of the first migrants to the Americas sought to practice their religion freely. William Penn founded Pennsylvania as a refuge for Quakers, and Lord Baltimore founded Maryland for Catholics. Perhaps the reason the freedom of religion is the first right in the Bill of Rights is because it was one of the first forces bringing people to the New World. Also, many of the founding fathers cared deeply about religion. Thomas Jefferson was a strong believer in religious freedom. George Washington ended his farewell address by commending the new nation to God's protection, and visited minority religious worship services. Our nation has a strong and varied religious tradition, with all kinds of believers.

On its own, the First Amendment applies only to the Federal Government, not the states. At the beginning of our country, some states had their own religions. Though many had come to the New World seeking the freedom to practice their own religion, they were uninterested in others' freedom. Many states often already had established religions at the ratification of the First Amendment. In New Hampshire, Connecticut, and Massachusetts, the established religion was Congregationalism. With the spread of the Second Great Awakening, however, religious variety became more commonplace, and the practice of established religion diminished. Today, the Fourteenth Amendment has been used to apply the Bill of Rights to the states. Even without actual established religions, there are many other things the freedom of religion clause now addresses in state and local governments.

Among these is the topic of religion as it pertains to public school. An 1847 Supreme Court Case, *McCullum v. Board of Education*, ruled that having religious instructors at a tax-

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funded institution such as a school was illegal, even if they were hired by a third party. In the aftermath of the *McCollum* case, another case emerged that seemed similar: *Zorach v. Clauson*. On the line in *Zorach v. Clauson* was another released time program, and this time, it was upheld. The difference? In this released time program, students went elsewhere for their religious instruction. Writing for the majority, Justice Douglass stated that there is “no constitutional requirement which makes it necessary for the government to be hostile to religion”. Clearly, the Court was trying to allow balance: keeping laws from infringing on religion, while not accidentally establishing a religion by endorsing it. In 1962, the Court found that prayer in public schools was unconstitutional. This idea that the government must remain neutral between religion and nonreligion is fairly recent, as our culture changes.

Today, the struggle to keep our religious freedom rights continues. I live in California, where over the years there have been many attacks on religious freedom. Last year, there was a bill that would have required priests to report certain things they heard in confession. The Catholic Church teaches, however, that a priest must never, never tell what he hears in confession. This is known as the Seal of the Confessional, and it is extremely serious if it is violated. Catholics and even people of other religions all over California swung into action, writing letters to Sacramento. The bill was withdrawn and never even voted on, to the relief of many religious groups in California.

Just last week, however, another issue over religious freedom was once more brought into the forefront. The San Francisco area has been far more restrictive of its churches during the pandemic than of other things, only allowing outdoor worship services of fifty people, while businesses such as shopping centers were allowed twenty-five percent capacity indoors. In order to demonstrate that worship is essential while abiding by the law, the archbishop of San

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Francisco arranged to have multiple guideline-following Masses in the same vicinity. In response, the local government came out with this new Covid guideline for religious gatherings: “Simultaneous gatherings in the same location or vicinity are prohibited” (City and County of Department of Public Health San Francisco, 88). Just a page before, in the section on social gatherings, the same health order stated: “A host can hold simultaneous small outdoor gatherings up to the capacity limit for each kind of gathering, including at a single location” (City and County of Department of Public Health San Francisco 84). Clearly, religion was being singled out for unfair treatment. Unwilling to allow this, hundreds of people showed up and attended Masses, holding signs saying, “We are essential: free the Mass”. We need to be careful, to keep protecting our rights and not become complacent. Too easily, we could lose any of our rights simply by allowing them to be trampled. In the words of Ronald Reagan, “Freedom is never more than one generation away from extinction”.

As a member of a church that has been often persecuted since its founding, I am glad we have the freedom of religion guaranteed in our constitution. We need to appreciate our Constitution, as it is the Constitution that provides for these rights. Many of these rights are also implied in the Constitution itself. It is the Constitution that allows the amendments that made the Bill of Rights. Equally important, however, the Constitution creates a system of government that must actually stick to the Bill of Rights. Many tyrannical governments have Bills of Rights, but since their governments are not forced to follow them, they are useless. On its own, without the government the Constitution creates to enforce it, the Bill of Rights is worth nothing.

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