Independent American News

Independent News for Independent Americans

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Are you a Practicing Marxist and Can the RFRA Help You

By Christopher Hansen

The following is for those of you that do not wish to wait for someone else to free you from tyranny but want to pledge your own life, fortune and sacred honor to the cause of liberty… especially personal liberty.

Can the Religious Freedom Restoration Act be used to Free Christians and other traditional religion adherents from the slavery of the Cult of Marxism/Obamaism/Bushism?

Let us take a look at both the law and the facts and then you can make your own choice.

The United States government has established a religious cult whose stated purpose is to "free[] the workers from their belief in life after death …" This statements and many more concerning the need to free people from 'fog' of traditional religions was made by a man that was, according to Leon Trotsky "the greatest executor of the testament" which testament came from the "tables of the law" that had been written by the "prophet Marx." (see the report at the Seventh All Russian Party conference of April 5th, 1923 as published in LENIN by Blue Ribbon Books, New York,1925).

That man was Marx's Apostle. We know him as Lenin.

Many believe that the RFRA cannot allow people to avoid the payment of Marxist religious taxation. They rely on such faulty logic as was used in *Browne v. U.S.* 176 F.3d 25, 26 (C.A.2 (Vt.),1999):

> "The Brownes' RFRA claim must also fail because voluntary compliance is the least restrictive means by which the IRS furthers the compelling governmental interest in uniform, mandatory participation in the federal income tax system.

The 2nd Circuit may have forgotten that the United States Supreme Court in *Engel v. Vitale* 370 U.S. 421, 433, (U.S.N.Y. 1962) ruled:

> [T]he fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause, of the First Amendment…

The IRS is limited by the establishment clause and even more so by the RFRA. There can be no compelling government interest that allows the government to establish a religion. (See *Flast v. Cohen* 392 U.S. 83, 106, 88 S.Ct. 1942, 1956 (U.S.N.Y. 1968) Also, there was no Establishment Clause violation claim noted in *Browne v. U.S.* nor was there a claim that the government has acted in an invidious and/or covert manner to establish a religion or discriminate against a religion, whatever form it may take.

> "[T]he Supreme Court has established that uniform, mandatory participation in the Federal income tax system, irrespective of religious belief, is a compelling governmental interest." Adams v. Commissioner IRS, 110 T.C. No. 13 (March 3, 1998) (citations omitted). It is beyond peradventure that the Government's interests in areas such as national defense, public safety and the funding of public health and welfare plans are sufficiently compelling to require general compliance with income tax laws.
>
> *Browne v. U.S.* 22 F.Supp.2d 309, 313 (D.Vt.,1998)

So is income tax mandatory or voluntary?

Adams v. Commissioner IRS is only an Article IV "particularized tribunal" strictly for adjudicating differences arising out of Congressionally created statutory right[s] for""persons seeking to vindicate that right" (See Northern Pipeline Const. Co. v. Marathon Pipe Line Co. 458 U.S. 50, 84, (U.S.Minn.,1982) and holds no precedent in Article III Courts. But *Adams* does cite *United States v. Lee* which stated:

> "[W]idespread individual voluntary coverage under social security … would undermine the soundness of the social security program." … Moreover, a comprehensive national social security system providing for voluntary participation would be almost a contradiction in terms and difficult, if not impossible, to administer. Thus, the Government's interest in assuring mandatory and continuous participation in and contribution to the social security system is very high.
> *U.S. v. Lee* 455 U.S. 252, 259, 102 S.Ct. 1051, 1056 (U.S.Pa.,1982)

Lee continues:

> Because the broad public interest in maintaining a sound tax system is of such a high order, religious belief in conflict with the payment of taxes affords no basis for resisting the tax.
> *U.S. v. Lee* 455 U.S. 252, 260, 102 S.Ct. 1051, 1057 (U.S.Pa.,1982)

Lee was decided BEFORE the RFRA was passed into law. Congress did not look to Lee to reestablish religious liberty they felt that the Court had rejected and sought to reestablish under the RFRA. *Lee* is also in conflict with *Hein v. Freedom From Religion Foundation, Inc.* 551 U.S. 587, 593, 127 S.Ct. 2553, 2559 (U.S.,2007) concerning standing to challenge "taxing and spending" on First Amendment grounds. Here the Court was clear that Americans can challenge taxing and spending if they violate the First Amendment.

> In *Flast v. Cohen*, 392 U.S. 83, 88 S.Ct. 1942, 20 L.Ed.2d 947 (1968), we recognized a narrow exception to the general rule against federal taxpayer standing. Under Flast, a plaintiff asserting an Establishment Clause claim has standing to challenge a law authorizing the use of federal funds in a way that allegedly violates the Establishment Clause.

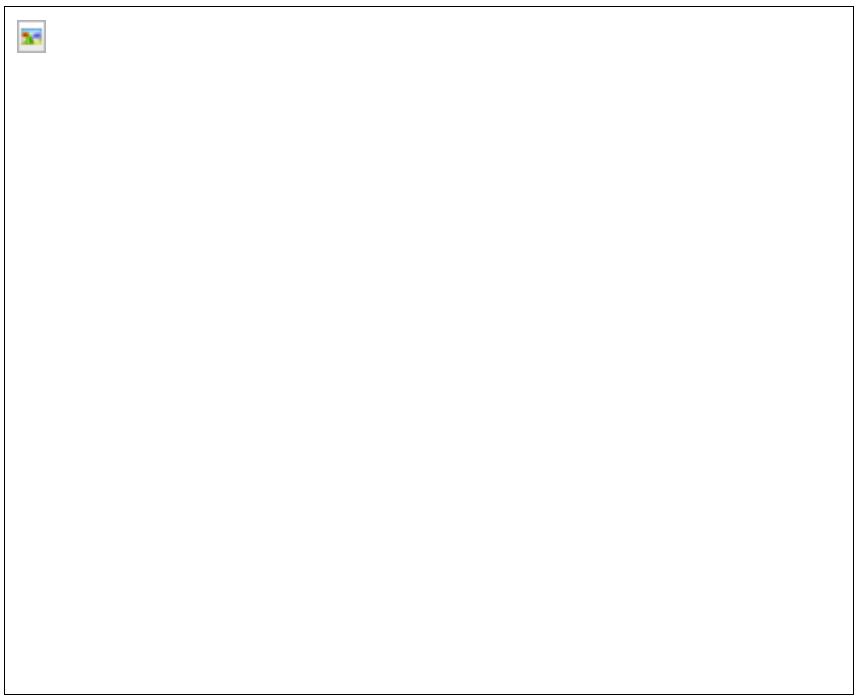
Flast is very clear:

> We have noted that the Establishment Clause of the First Amendment does specifically limit the taxing and spending power conferred by Art. I, s 8. Whether the Constitution contains other specific limitations can be determined only in the context of future cases. However, whenever such specific limitations are found, we believe a taxpayer will have a clear stake as a taxpayer in assuring that they are not breached by Congress.
> Flast v. Cohen 392 U.S. 83, 106, 88 S.Ct. 1942, 1956 (U.S.N.Y. 1968)

Claims of conflicts concerning taxing and spending power conferred by Art. I, s 8 because they are in violation of "specific limitations" with the limiting restrictions found in the First Amendment have now arisen and the Supreme Court has not decided this issue except that "voluntary compliance" is not a viable or least restrictive means of violating the Establishment clause. Remember:

> [T]he fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause, of the First Amendment…
> *Engel v. Vitale* 370 U.S. 421, 433, (U.S.N.Y. 1962)

One must presume that a voluntary taxation must be voluntary or it is not voluntary.



Therefore no compliant that can be made with what the government does with moneys it relieves from these voluntary contributions as long as the taxing and spending power conferred by Art. I, s 8 does not violate the clear limitations upon those taxing and spending powers. For if either or both the taxing or spending power is used to inhibit the free exercise of religion or to establish a religion, whatever it may be called or whatever form it may adopt, then Americans do have the standing to challenge any such taxing or spending and *U.S. v. Lee* 455 U.S. 252, (U.S.Pa.,1982) does not apply. Even *Lee* at footnote 11 states that they did not make a ruling concerning the Establishment Clause.

> Nor do we need to decide whether…conflicts with the Establishment Clause would arise.

In order for the IRC to be a compelling government interest the IRC must not violate the Establishment Clause and if it has violated the Establishment Clause then it will also violate the Free Exercise Clause and the RFRA because: "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." Torcaso v. Watkins 367 U.S. 488, 493, 81 S.Ct. 1680, 1683 (U.S. 1961) Neither can the government "aid one religion, aid all religions, or prefer one religion over another. Neither can [state nor the Federal Government] force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance." Torcaso v. Watkins 367 U.S. 488, 493, 81 S.Ct. 1680, 1683 (U.S. 1961)

Being forced or influenced by threat, duress and/or coercion, aka by being indicted or harassed or sent threatening letters by the IRS, into signing a 1040 Form under penalty of perjury when a person does not believe it is even possible, to the best of their knowledge and belief for the 1040 form to be true and correct due to so many legal and factual discrepancies and vagaries, is forcing him to profess a belief or disbelief in any religion and to be punished for entertaining or professing religious beliefs or disbeliefs.

Such a person must choose between possible civil or criminal sanctions or becoming a practicing member of the Cult of Marxism. There is more compulsion to practice this, the 2nd commandment (a graduated income tax) established by the prophet Marx (see Trotsky) than there was upon a high school student to refrain from attending an optional graduation ceremony and hearing a prayer given there. (See Lee v. Weisman 505 U.S. 577,(U.S.R.I.,1992)) Yet the Supreme Court ruled that such a prayer was an Establishment violation because "In this society, high school graduation is one of life's most significant occasions, and a student is not free to absent herself from the exercise in any real sense of the term 'voluntary.'" *Lee v. Weisman* 505 U.S. 577, 578-579, 112 S.Ct. 2649, 2651 (U.S.R.I.,1992)

If voluntary participation in a prayer violates the Establishment Clause when tradition religions are the subject of the controversy then "voluntary compliance" (see *Browne v. U.S.* 176 F.3d 25, 26 (C.A.2 (Vt.),1999)) with the Internal Revenue Code, if it is establishing or aiding one religion must be held to the same standard or Americans are not equal.

In Section (d) 0f the ruling in *Lee v. Weisman* 505 U.S. 577, 578-579, 112 S.Ct. 2649, 2651 (U.S.R.I.,1992) the court defines voluntary:

> (d) Petitioners' argument that the option of not attending the ceremony excuses any inducement or coercion in the ceremony itself is rejected. **In this society, high school graduation is one of life's most significant occasions, and a student is not free to absent herself from the exercise in any real sense of the term "voluntary."** Also not dispositive is the contention that prayers are an essential part of these ceremonies because for many persons the occasion would lack meaning without the recognition that human achievements cannot be understood apart from their spiritual essence. This position fails to acknowledge that what for many was a spiritual imperative was for the Weismans religious conformance compelled by the State. It also gives insufficient recognition to the real conflict of conscience faced by a student who would have to choose whether to miss graduation or conform to the state-sponsored practice, in an environment where the risk of compulsion is especially high. Pp. 2659-2660.

Lee v. Weisman 505 U.S. 577, 578-579, 112 S.Ct. 2649, 2651 (U.S.R.I.,1992)

In the dicta in the same case the Court confirms what voluntary in matter of religion means.

> A school rule which excuses attendance is beside the point. Attendance may not be required by official decree, yet it is apparent that a student is not free to absent herself from the graduation exercise in any real sense of the term "voluntary," for absence would require forfeiture of those intangible benefits which have motivated the student through youth and all her high school years. Graduation is a time for family and those closest to the student to celebrate success and express mutual wishes of gratitude and respect, all to the end of impressing upon the young person the role that it is his or her right and duty to assume in the community and all of its diverse parts.
> Lee v. Weisman 505 U.S. 577, 595, 112 S.Ct. 2649, 2659 (U.S.R.I.,1992)

> To say that a student must remain apart from the ceremony at the opening invocation and closing benediction is to risk compelling conformity in an environment analogous to the classroom setting, where we have said the risk of compulsion is especially high. See supra, at 2658-2659. Just as in Engel v. Vitale, 370 U.S., at 430, 82 S.Ct., at 1266, and School Dist. of Abington v. Schempp, 374 U.S., at 224-225, 83 S.Ct., at 1572-1573, where we found that provisions within the challenged legislation permitting a student to be voluntarily excused from attendance or participation in the daily prayers did not shield those practices from invalidation, the fact that attendance at the graduation ceremonies is voluntary in a legal sense does not save the religious exercise.
> Lee v. Weisman 505 U.S. 577, 596, 112 S.Ct. 2649, 2660 (U.S.R.I.,1992)

> More recently, in Wallace v. Jaffree, 472 U.S. 38, 105 S.Ct. 2479, 86 L.Ed.2d 29 (1985), we held that an Alabama moment-of-silence statute passed for the sole purpose of "returning voluntary prayer to public schools," id., at 57, 105 S.Ct., at 2490, violated the Establishment Clause even though it did not encourage students to pray to any particular deity. We said that "when the underlying principle has been examined in the crucible of litigation, the Court has unambiguously concluded that the individual freedom of conscience protected by the First Amendment embraces the right to select any religious faith or none at all." Id., at 52-53, 105 S.Ct., at 2487-2488.
> Lee v. Weisman 505 U.S. 577, 610, 112 S.Ct. 2649, 2667 (U.S.R.I.,1992)

If the word "voluntary" cannot mean that a child that must choose to miss a strictly optional graduation ceremony or listen to a prayer or it is not in any real sense of the term "voluntary" then "voluntary compliance" cannot mean that a person must choose between prison or being forced to commit perjury by lying and saying that a 1040 Form that would say a person understands what the true value of a dollar is or that they owe a tax when they cannot find a law that says they do and the IRS will not assist them or violate their deeply held religious beliefs cannot be voluntary in any real sense of the term "voluntary."

To claim that the word 'voluntary' has these two entirely different meanings is the same as claiming that the word "religion" in the First Amendment has two different meanings. One for the Establishment Clause that can allow for Marxism/Socialism/Welfare State to be declared not to be a religion so that welfare programs and the taking of property from A. and giving it to B. is not a religion while at the same time it allows for Secular Humanists and members of the Ethical Culture movement to obtain liberty under the free exercise clause.

Either the word 'voluntary' means what the Court said it meant in *Lee v. Weisman* or the word has been verbicided and makes the Constitution a worthless scrap of paper. Verbicide is a powerful and dangerous weapon in American Law that has been used by the enemies of liberty to quietly steal

liberty and destroy the Constitution. Senator Sam Ervin, of Watergate hearing fame, understood this verbicide and its possible effects on law and the Constitution. He said:

> "[J]udicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our government of laws with a judicial oligarchy."

This type of dual definitions that create verbicide is addressed in *Malnak v. Yogi* 592 F.2d 197, 211 (C.A.N.J., 1979)

> Another commentator has come to the same conclusion, apparently for the same underlying reasons:
>
> To borrow the ultimate concern test from the free exercise context and use it with present establishment clause doctrines would be to invite attack on all programs that further the ultimate concerns of individuals or entangle the government with such concerns. Doctrinal chaos might well result, and with it might come the wholesale invalidation of programs which, if analyzed in light of the values underlying the establishment clause, would be found benign. [FN47]
>
> FN47. Note, Toward a Constitutional Definition of Religion, 91 Harv.L.Rev. 1056, 1084 (1978). The Harvard illustration differs from Tribe's:For example, the Secularization movement in contemporary Christianity is unquestionably deserving of protection under the free exercise clause. Yet, the conclusion that Secularization Theology is a religion for establishment clause purposes might lead some to conclude that numerous humanitarian government programs should be regarded as unconstitutional.Id.

If such dual definitions can be used for religion because it may jeopardize "numerous humanitarian government programs" then the establishment of Rousseau's civil religion of Socialism/ Leninism/ Marxism has been made complete and all other religions must bow before this state religion or practitioners that do not embrace this civil religion must be "banished" to prisons just as Rousseau required.

The Seventh Circuit Court of Appeals was clear about this exact issue.

> The First Amendment prohibits the establishment of religion but does not define religion. There seems to be an unresolved issue as to whether the definition of religion should be the same for the Establishment Clause as it is for the Free Exercise Clause. While one view believes that one definition will suffice, another view sees only one definition as absolutely unworkable. Compare Everson v. Board of Educ., 330 U.S. 1, 32, 67 S.Ct. 504, 519, 91 L.Ed. 711 (1947) (Rutledge, J. dissenting) (" 'Religion' appears only once in the [First] Amendment. But the word governs two prohibitions and governs them alike. It does not have two meanings, one narrow to forbid 'an establishment' and another, much broader, for securing 'the free exercise thereof.' 'Thereof' brings down 'religion' with its entire and exact content, no more and no less…."); with Grove, 753 F.2d at 1537 (Canby, J. concurring) ("While a generous functional (and even idiosyncratic) definition best serves free exercise values, the same expansiveness in interpreting the establishment clause is simply untenable in an age of such pervasive governmental activity.").
>
> This is not much of a problem when referring to the recitation of the Lord's Prayer, readings from the Bible, and the distribution of Gideon Bibles, i.e. when "traditional religions" are at issue. The problem is evident where, as here, the "religion" that is allegedly being established is much less widespread or cohesive. Where a district court

> has before it one who swears or (more likely) affirms that he sincerely and truthfully holds certain beliefs which comport with the general*688 definition of religion,FN5 we are comfortable those beliefs represent his "religion." FN6 In this case, however, the district court had and we have before us a party claiming that the use of a collection of stories, a very few of which resonate with beliefs held by some people, somewhere, of some religion, has established this religion in a public school. This allegation of some amorphous religion becomes so much speculation as to what some people might believe. This amorphous character makes it difficult for us to reconcile the parents' claim with the purpose of the Establishment Clause.
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> FN5. A general working definition of religion for Free Exercise purposes is any set of beliefs addressing matters of "ultimate concern" occupying a " 'place parallel to that filled by … God' in traditionally religious persons." Welsh v. United States, 398 U.S. 333, 340, 90 S.Ct. 1792, 1796, 26 L.Ed.2d 308 (1970).
>
> Fleischfresser v. Directors of School Dist. 200 15 F.3d 680, 687 -688 (C.A.7,1994)

This "pervasive government activity" (aka socialism) is exactly what is invidious and/or covert about the establishment of the religion founded by the prophet Marx (see statements by Trotsky) and there can be no doubt that one of Marxism/Communism's goals was to establish Communism as a replacement for "God in traditionally religious persons." Indeed all that is needed to establish a religion is for the government to label that religion to be strictly secular.

"Lenin the greatest executor of the testament" according to Trotsky in Socialism and Religion, was in addressing matters of "ultimate concern" occupying a " 'place parallel to that filled by … God' in traditionally religious persons."

Lenin said:

> Religion is one of the forms of spiritual oppression which everywhere weighs down heavily upon the masses of the people, over burdened by their perpetual work for others, by want and isolation. Impotence of the exploited classes in their struggle against the exploiters just as inevitably gives rise to the belief in a better life after death as impotence of the savage in his battle with nature gives rise to belief in gods, devils, miracles, and the like. Those who toil and live in want all their lives are taught by religion to be submissive and patient while here on earth, and to take comfort in the hope of a heavenly reward. But those who live by the labour of others are taught by religion to practise charity while on earth, thus offering them a very cheap way of justifying their entire existence as exploiters and selling them at a moderate price tickets to well-being in heaven. **Religion is opium for the people. Religion is a sort of spiritual booze, in which the slaves of capital drown their human image, their demand for a life more or less worthy of man.**
> But a slave who has become conscious of his slavery and has risen to struggle for his emancipation has already half ceased to be a slave. The modern class-conscious worker, reared by large-scale factory industry and enlightened by urban life, contemptuously casts aside religious prejudices, leaves heaven to the priests and bourgeois bigots, and tries to win a better life for himself here on earth. T**he proletariat of today takes the side of socialism, which enlists science in the battle against the fog of religion, and frees the workers from their belief in life after death by welding them together to fight in the present for a better life on earth.**
> Lenin Collected Works, Progress Publishers, 1965, Moscow, Volume 10, pages 83-87.

This Civil Religion of Leninism and Marxism is unconstitutional:

> The suggestion that government may establish an official or civic religion as a means of avoiding the establishment of a religion with more specific creeds strikes us as a contradiction that cannot be accepted.
> *Lee v. Weisman* 505 U.S. 577, 590, 1992

> [T]he State may not establish a 'religion of secularism' in the sense of affirmatively opposing or showing hostility to religion, thus 'preferring those who believe in no religion over those who do believe.' Zorach v. Clauson, supra, 343 U.S., at 314, 72 S.Ct., at 684, 96 L.Ed. 954.
> *School Dist. of Abington Tp., Pa. v. Schempp*, 374 U.S. 203, 225, U.S.Md. 1963.

So what are the characteristics of a civic/civil religion? According to the Yale law Journal these civil religions are nonsacral and politically motivated.

> A second characteristic of civil religion is its essentially political, nonsacral character. While traditional religions have, at least in the West, taken politics very seriously, they have generally done so in the name of something sacred. Civil religions, on the other hand, train their gaze on politics. Political life is the source of their concerns and provides the raw material for rituals, moments and imagery.
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> 95 Yale L.J. 1237 May, 1986, CIVIL RELIGION AND THE ESTABLISHMENT CLAUSE by Yehudah Mirsky

Therefore we need to look, not to the characteristics of traditional religion but to the defined characteristics of a civil religion that trains its gaze upon politics because political life is the source of their concerns and provides the raw material for rituals, moments and imagery.

In *Malnak v. Yogi* 592 F.2d 197, 212 (C.A.N.J., 1979) Circuit Judge, Adams wrote a thought provoking concurring opinion concerning what is and what is not religion when considering the establishment clause in which he stated:

> A more difficult question would be presented by government propagation of doctrinaire Marxism, either in the schools or elsewhere. Under certain circumstances **Marxism might be classifiable as a religion** and an establishment thereof could result.

Therefore we must determine if Marxism can be classifiable as a religion and if an establishment could result. Webster's defines Marxism as:

> the political, economic, and social principles and policies advocated by Marx; especially : a theory and practice of socialism including the labor theory of value, dialectical materialism, the class struggle, and dictatorship of the proletariat until the establishment of a classless society "marxism." (Merriam-Webster Online Dictionary. 2009.)

Webster's defines 'dialectical materialism' as:

> the Marxist theory that maintains the material basis of a reality constantly changing in a dialectical process and the priority of matter over mind." (Merriam-Webster Online Dictionary. 2009.)

Because Marxism proclaims that "reality" is "constantly changing" then dialectical materialism is a Marxist theory that promotes an "ultimate reality" (See *Rosenberger v. Rector and Visitors of University of Virginia* 515 U.S. 819, 819, (U.S.Va.,1995)) or an "ultimate concern" for believers and followers which occupies a place parallel to that filled by God in traditionally religious persons according to the C.A. 7 in 1994.

> A general working definition of religion for Free Exercise purposes is any set of beliefs addressing matters of "ultimate concern" occupying a " 'place parallel to that filled by … God' in traditionally religious persons." *Welsh v. United States*, 398 U.S. 333, 340, 90 S.Ct. 1792, 1796, 26 L.Ed.2d 308 (1970).
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> *Fleischfresser v. Directors of School Dist.* 200 15 F.3d 680, 688 (C.A.7,1994)

In TOWARD A CONSTITUTIONAL DEFINITION OF RELIGION from the Harvard Law Review 91 HVLR 1056 it is clear that political philosophies can become civic religions.

> Even political and social beliefs may be religious. Tillich suggests: "If a national group makes the life and growth of the nation its ultimate concern … [e]verything is centered in the only god, the nation …." [FN91] This point has been variously made about "civil religion in America," [FN92] Communism, [FN93] Marxism, [FN94] Nazism, Italian Fascism, and Japanese militarism. [FN95]
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> [FN91]. P. TILLICH, supra note 66, at 44.
>
> [FN92]. Bellah, Civil Religion in America, 96 DAEDALUS 1, 1-9 (1967). See also Cousins, La Politique Comme Religion aux Etats-Unis, in RELIGION ET POLITIQUE: ACTES DE COLLOQUE ORGANISÉ PAR LE CENTRE INTERNATIONAL D'ETUDES HUMANISTES ET PAR L'INSTITUT D'ETUDES PHILOSOPHIQUES DE ROME, JANVIER 3-7, 1978 (forthcoming, 1978).
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> [FN93]. J. BENNETT, CHRISTIANITY AND COMMUNISM 87-88 (1970). See also J. MURRY, THE NECESSITY OF COMMUNISM (1932) (arguing that Communism is the world's one living religion).
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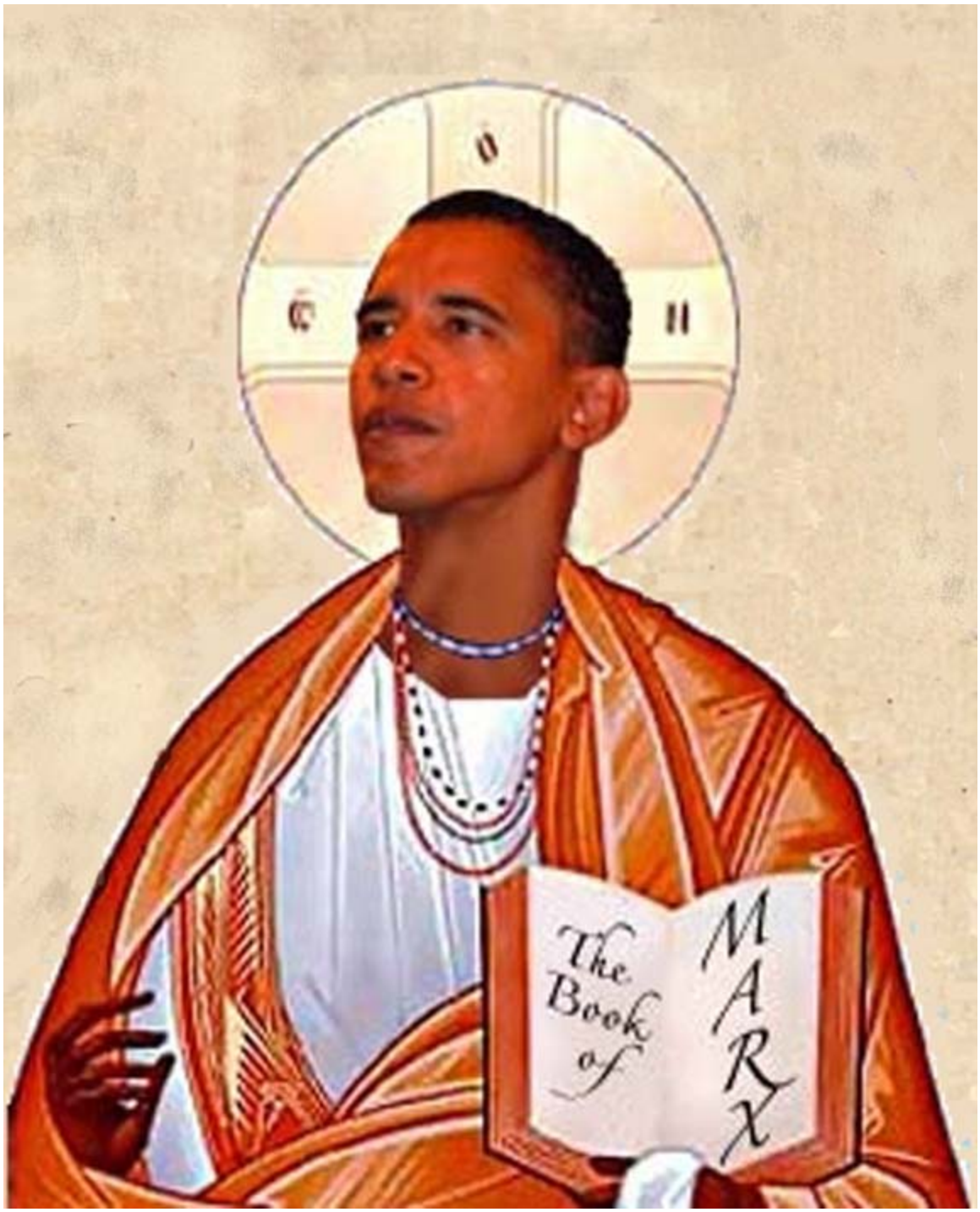
> [FN94]. See L. DEWART, THE FUTURE OF BELIEF 56-58 (1966).
>
> [FN95]. See E. SHILLITO, NATIONALISM: MAN'S OTHER RELIGION (1933).

The following is from *Engel v. Vitale* Everyone that wants to understand what "voluntary compliance" should mean if we have a religious objection to the taxing and spending Congress has established should read this many times. They have used these Court Ruling to remove Christianity from the Marxist inspired schools (Tenth plank) and from the public square. Let us pick up these weapons and turn them upon our Marxist Priests to free ourselves from their New American Civil Religion of Obamaism/Marxism.



There can be no doubt that New York's state prayer program officially establishes the religious beliefs embodied in the Regents' prayer. The respondents' argument to the contrary, which is largely based upon the contention that the Regents' prayer is 'nondenominational' and the fact that the program, as modified and approved by state courts, does not require all pupils to recite the prayer but permits those who wish to do so to remain silent or be excused from the room, ignores the essential nature of the program's constitutional defects. Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause, of the First Amendment, both of which are operative

against the States by virtue of the Fourteenth Amendment. Although these two clauses may in certain instances overlap, they forbid two quite different kinds of governmental encroachment upon religious freedom. The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce nonobserving individuals or not. This is not to say, of course, that laws officially prescribing a particular form of religious worship do not involve coercion of such individuals. When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain. But the purposes underlying the Establishment Clause go much further than that. Its first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and to degrade religion. The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result had been that it had incurred the hatred, disrespect and even contempt of those who held contrary beliefs. That same history showed that many people had lost their respect for any religion that had relied upon the support for government to spread its faith. The Establishment Clause thus stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its 'unhallowed perversion' by a civil magistrate. Another purpose of the Establishment Clause rested upon an awareness of the historical fact that governmentally established religions and religious persecutions go hand in hand.FN16 The Founders knew that only a few years after the Book of Common Prayer became the only accepted form of religious services in the established Church of England, an Act of Uniformity was passed to compel all Englishmen to attend those services and to make it a criminal offense to conduct or attend religious gatherings of any other kindFN17-a law *433 which was consistently flouted by dissenting religious groups in England and which contributed to widespread persecutions of people like John Bunyan who persisted in holding 'unlawful (religious) meetings * * * to the great disturbance and distraction of the good subjects of this kingdom * * *.' And they knew that similar persecutions had received the sanction of law in several of the colonies in this country soon after the establishment of official religions in those colonies.FN19 It was in large part to get completely away from this sort of systematic religious persecution that the Founders brought into being our Nation, our Constitution, and our Bill of Rights with its prohibition against any governmental establishment of religion. The New York laws officially prescribing the Regents' prayer are inconsistent both with the purposes of the Establishment Clause and with the Establishment Clause itself.

Engel v. Vitale 370 U.S. 421, 433, 82 S.Ct. 1261, 1268 (U.S.N.Y. 1962)

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