Exhibit 4

UNITED STATES DISTRICT COURT
SOURTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA CIVIL LIBERTIES UNION, INC., INDIANA CIVIL LIBERTIES UNION FOUNDATION, INC., together d/b/a the American Civil Liberties Union of Indiana; JAMES A. TANFORD; REV. KEVIN ARMSTRONG; PATRICE MUUMBA ABDUALLAH, Plaintiffs, v. MIKE BRAUN, in his official capacity as the Governor of the State of Indiana, Defendant.	No. 1:00-cv-00811-SEB-MKK

Corrected Declaration of Mark David Hall

I, Mark David Hall, pursuant to 28 U.S.C. § 1746, declare the following:

1. I am over the age of 18 and competent to make this declaration.
2. I have personal knowledge of the matters stated in this declaration, and could and would so testify if called as a witness.
3. I am a Professor in Regent University's Robertson School of Government, Director of Religious Liberty in the States, and a Senior Fellow at the Center for Religion, Culture & Democracy. I am also Distinguished Faculty Fellow at George Fox University, a Senior Fellow at the Center for the Study of Law and Religion at Emory University, and a Senior Fellow at Baylor University's Institute for Studies of Religion. In addition, I am the author or co-editor of numerous works on religious liberty and church-state relations. A copy of my

curriculum vitae ("CV") is attached as **Exhibit A** to the Expert Report of Mark David Hall, which is in turn attached as **Exhibit 1** to this declaration.

4. I was asked to give my expert opinions as to several matters, including (1) the characteristics of religious establishments in early America and around the founding era, (2) the history and tradition of American governments (national, state, and local) including religious language and images in or on public buildings, monuments, and property, and (3) specific versions of the Ten Commandments that have been commonly used in the United States.
5. My opinions on these topics are set forth in Exhibit 1, which is a true and correct copy of the Expert Report that I prepared for the Defendant in this case. If called as a witness I could and would competently testify as to the facts and opinions set forth in my Report.
6. I am being compensated at a rate of $250 per hour for expert work in this case.
7. My CV, attached as Exhibit A to the Expert Report, includes a list of the publications that I have authored in the last ten years.
8. My Expert Report includes a list of other cases in which, during the previous four years, I have testified as an expert witness at trial or by deposition.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on September 4, 2026.



Exhibit 1

Expert Report Submitted in
American Civil Liberties Union of Indiana, et al. v. Governor Mike Braun
No. 1:00-cv-00811-SEB-MKK

Mark David Hall
Professor, Robertson School of Government
Regent University
August 15, 2026

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1. Education and Professional Qualifications

I am a Professor in Regent University's Robertson School of Government, Director of Religious Liberty in the States, and a Senior Fellow at the Center for Religion, Culture & Democracy. I am also Distinguished Faculty Fellow at George Fox University, a Senior Fellow at the Center for the Study of Law and Religion at Emory University, and a Senior Fellow at Baylor University's Institute for Studies of Religion.

This report relates to my opinions as an expert in the history of religious liberty, church-state relations, and religion and politics in the United States. My background, experience, and publications are summarized in my curriculum vitae, which is attached to this report. I began teaching politics full time after receiving a Ph.D. in Government from the University of Virginia in 1993.

I am the author or co-editor of numerous works on religious liberty and church-state relations. Publications most relevant to this report are *Proclaim Liberty Throughout All the Land: How Christianity Has Advanced Freedom and Equality for All Americans* (Fidelis, 2023); *Great Christian Jurists in American History*, ed. with Daniel L. Dreisbach (Cambridge, 2019); *Did America Have a Christian Founding?: Separating Modern Myth from Historical Truth* (Nelson, 2019); *Faith and the Founders of the American Republic*, ed. with Dreisbach (Oxford, 2014); *The Sacred Rights of Conscience*: *Selected Readings on Religious Liberty and Church-State Relations in the American Founding*, ed. with Dreisbach (Liberty Fund, 2009); *The Forgotten Founders on Religion and Public Life*, ed. with Dreisbach and Jeffry H. Morrison, (Notre Dame,

2009); *The Founders on God and Government*, ed. with Dreisbach and Morrison (Rowman & Littlefield, 2004); "Ten Commandments in the Public Square and Public Schools," with Andrea Picciotti-Bayer, *William and Mary Bill of Rights Journal,* 34 (2025), 175-237; "America's Founders, Religious Liberty, and the Common Good," *University of St. Thomas Law Journal* 15 (2019): 642-661; "Madison's Memorial and Remonstrance, Jefferson's Statute for Religious Liberty, and the Creation of the First Amendment," *American Political Thought* 3 (Spring 2014): 32-63; "Jeffersonian Walls and Madisonian Lines: The Supreme Court's Use of History in Religion Clause Cases," *Oregon Law Review* 85 (2006): 563-614. As well, much of my work on American political thought touches these issues. See, for instance, *Roger Sherman and the Creation of the American Republic* (Oxford, 2013) and *The Political and Legal Philosophy of James Wilson, 1742-1798* (Missouri, 1997). Portions of this report are drawn from these and other publications.

2. Compensation

I am being compensated at a rate of $250 per hour for preparing this report.

3. Prior Expert Testimony

Stinson v. Fayetteville School District. United States District Court, Western District of Arkansas (October 2025). I served as an expert for Arkansas and filed a report in support of defendants.

Rabbi Mara Nathan v. Alamo Heights Independent School District, Civil Action No. 5: 25-cv-00756 (August 2025). I served as an expert for the State of Texas, wrote a report, and offered live testimony.

Loe, et al. v. Walz, et al. Case No. 23-cv-1527 (U.S. Dist. Ct., Dist. of Minn.) (2024). I was a rebuttal witness for the plaintiffs.

Thornton v. Bullhead City, Case No. 3:22-cv-08195, United States District Court for the District of Arizona (2024). Adam MacLeod and I wrote an expert report in support of the plaintiff.

Donna Cave et al. v. John Thurston, No. 4: 18-cv-00342-KGB; *Anne Orsi et al. v. John Thurston* No. 4: 18-cv-343-KGB (October 2019). I was an expert for the State of Arkansas and wrote a report in this case, another expert filed a rebuttal report, and I wrote a response.

Robert Ingersoll and Curt Freed v. Arlene's Flowers and Barronelle Stutzman, No. 13-2-00953-3; *State of Washington v. Arlene's Flowers and Barronelle Stutzman,* No. 13-2-008715. *Arlene's Flowers and Barronelle Stutzman v. Robert W. Ferguson,* No. 13-2-0189-2 (2019). I was a rebuttal witness for the defendant.

Juliana, et al., v. United States, Case No.: 6:15-cv-01517 (D. Ore.) (2018). I served as a rebuttal witness for the defendant.

4. Basis for Opinion and Research Relied Upon

I base the following opinions on my own knowledge, research, experience, and publications, and the work of other academics and writers.[1] The materials I have used to research and write this report are the standard sources used by other experts in my field. Notably, I rely on a careful analysis of relevant primary sources documents when opining on the historical understanding of an establishment of religion and the history and tradition of incorporating religious language and images into public monuments—especially the Ten Commandments. When I utilize secondary literature, I make sure that the author(s)' arguments are grounded in the appropriate primary sources. I have also reviewed the photographs of the monument at issue in this case that were filed on the docket on December 29, 2025.

5. Introduction

I have been asked by the State of Indiana to offer my informed historical opinion as to several matters, including (1) the characteristics of religious establishments in early America and around the founding era, (2) the history and tradition of American governments (national, state, and local) including religious language and images in or on public buildings, monuments, and property, and (3) specific versions of the Ten Commandments that have been commonly used in the United States. Historical treatment of this subject necessarily involves a discussion of laws and cases, but I am not an attorney and nothing in this report should be construed as offering a legal opinion or suggesting a legal conclusion.

6. Original Understanding of Religious Establishments

a. Hallmarks of Religious Establishments

America's founders were well-acquainted with religious establishments. England's North American colonies were part of an empire that had an established church—the Church of England. Indeed, England still has an established church, one led by the "Supreme Governor of the Church of England," King Charles III.

It is sometimes said that nine of the thirteen colonies also had religious establishments,[2] but that is accurate only if one considers a religious establishment to just involve taxing citizens to support a favored church or churches. Government funding of a select church is a classic hallmark of religious establishments, but according to Professor Michael McConnell there are five others. In an influential 2003 article, he helpfully summarized them as follows:

[1] I provide citations to these sources when quoting them or referring directly to them. But my opinions have been formed by spending many years reading a wide range of primary and secondary sources that are not necessarily cited in this report.

[2] See, for example, Ronald Hoffman and Peter J. Albert, *Religion in a Revolutionary Age*, ed. Ronald Hoffman and Peter J. Albert (Charlottesville: University Press of Virginia, 1994), 4.

1. government control over the doctrines, structure, and personnel of the established church;
2. mandatory attendance at religious worship service in the established church;
3. government financial support of the established church;
4. restrictions on worship by dissenters;[3]
5. use of the state church for civil functions;
6. restrictions on political participation by dissenters;[4]

In this section, I offer an overview of each of the hallmarks of religious establishments in the (mostly) American context. I draw from Professor McConnell's original essay and the revised and expanded version of the article published with Nathan Chapman as *Agreeing to Disagree*.[5] As well, based on my extensive reading of primary sources from the era, I incorporate

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[3] Both McConnell and Chapman/McConnell label this some variation of "Prohibition of Religious Worship in Other Denominations." Michael McConnell, "Establishment and Disestablishment at the Founding, Part I: Establishment of Religion," *William and Mary Law Review* 44 (April 2003), 2159; Nathan S. Chapman and Michael W. McConnell, *Agreeing to Disagree: How the Establishment Clause Protects Religious Diversity and Freedom of Conscience* (New York: Oxford University Press, 2023), 23. That suggests that only worship in other Christian denominations was limited, but states with establishments often limit religious worship by non-Christian groups. As we shall see, this is exactly what Massachusetts Bay did.

[4] McConnell, "Establishment and Disestablishment," 2131; Chapman and McConnell, *Agreeing to Disagree*; Philip Hamburger, *Separation of Church and State* (Cambridge: Harvard University Press, 2002), 53–107.

[5] Carl Esbeck and Jonathan Den Hartog offer a similar list of "five recurring legal features that constituted a British-like establishment" in *Religious Dissent and Disestablishment: Church-State Relations in the New American States, 1776–1833* (Columbia: University of Missouri Press, 2019), 6-7. Their list takes McConnell's category of "restrictions on worship in dissenting churches" and places it into their second and third "recurring legal features." Like them, I find this hallmark to be somewhat problematic.

Similarly, Stephanie Barclay and her coauthors provide a corpus linguistics analysis of founding era texts to identify the founders' understanding of what constitutes an establishment of religion. They conclude that "the most common characteristic discussed in the context of an establishment of religion involved legal or official designation of a specific church or faith. Beyond that, the most common characteristics of an establishment of religion involved: (1) government coercion of individuals involving prohibitions or mandates on religious practices enforced by legal penalties or government persecution of dissenters; (2) government interference with affairs of both established churches and non-established churches; (3) preferential public support of the established church (particularly in the form of direct taxes levied for the church); and (4) restrictions of civic or political participation to members of the established church. Our results are thus consistent with a modern constitutional theory that treats any one of these characteristics as a necessary condition for an Establishment Clause violation. *On the other hand, our data did not reveal confirming evidence for a number of current theories regarding the original meaning of the Establishment Clause, including: (1) concerns about government display of religious symbols* . . . [emphasis added]" Stephanie H. Barclay, Brady Earley, and Annika

additional examples of laws representing the different hallmarks of religious establishments into my discussion.

By the late eighteenth century, Americans were coming to oppose religious establishments at both the state and national level. During the War for American Independence, states began the process of disestablishing official churches. In 1789, the first federal Congress proposed and the states later ratified an amendment prohibiting Congress from making a law "respecting an establishment of religion." The founders understood the "establishment of religion" referenced in these words to include the following categories of action:

1. Government control over doctrine, structure, and personnel of the established church

The Church of England, as its name makes clear, was the established church of England. Although religious leaders such as Thomas Cranmer, the first Protestant Archbishop of Canterbury, were involved in drafting both the Book of Common Prayer (1549/1552) and the Thirty-Nine Articles of Faith (1563), both were ultimately approved by Parliament.[6] The 1662 Act of Uniformity required the use of the 1662 Book of Common Prayer in all English churches/chapels and insisted that clergy declare their "unfeigned assent and consent" to everything in the Book of Common Prayer.[7]

The Church of England was the established church of Georgia, South Carolina, North Carolina, Virginia, Maryland, and four counties in New York. Virginia illustrates well the first hallmark of an establishment. The colony's 1610 "Articles, Laws, and Orders" did not hesitate to tell priests how often they must preach, when to preach, and what to teach:

> [a]ll Preachers or Ministers within this our Colonie, or Colonies, shall in the Forts, where they are resident, after divine Service, duly preach every Sabbath day in the forenoone, and Catechise in the afternoone, and weekly say the divine service, twice every day, and preach every Wednesday, likewise every Minister where he is resident, within the same Fort, or Fortresse, Townes or Towne . . .[8]

Fourteen years later, the General Assembly passed a statute instructing localities to erect churches and required "a uniformity in our church as neere as may be to the canons of England

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Boone, "Original Meaning and the Establishment Clause: A Corpus Linguistics Analysis," *Arizona Law Review* 61 (2019): 505-06, 543-44, but see generally 505–557.

[6] *The Book of Common Prayer and Administration of the Sacraments, and Other Rites and Ceremonies of the Church, According to the Use of the Church of England; Together with the Psalter or Psalms of David* (1662); Alan Jacobs, *The Book of Common Prayer: A Biography* (Princeton: Princeton University Press, 2013); McConnell, "Establishment and Disestablishment," 2132.

[7] The Act of Uniformity 1662 (14 Cha. II c. 4). Available here: https://www.legislation.gov.uk/aep/Cha2/14/4/enacted (accessed August 11, 2026).

[8] Daniel L. Dreisbach and Mark David Hall, *The Sacred Rights of Conscience* (Indianapolis: Liberty Fund Press, 2009), 86. Throughout this report, I quote passages as they appear in the original without including "[*sic*]."

both in substance and circumstance, and that all persons yeild readie obedience unto them under paine of censure."[9] In 1629, the Assembly ordered that "all ministers ... shall conforme themselves in all things according to the canons of the church of England." As Professor McConnell noted, that meant there was no "more latitude for special circumstances and no exceptions even for trinitarian Protestant dissenters, let alone Catholics, who were detested and generally excluded from the colony."[10]

The Virginia legislature continued to exercise control over the Anglican church into the 1780s. Thomas Buckley, the great student of religion in Virginia, once observed to me that "[e]xactly when disestablishment took place has been a favorite parlor game for Virginia historians for years. But it seems to me that it was the repeal of the Incorporation Act in 1787 that really disestablished the church. That 1784 act had fixed the polity of the Protestant Episcopal Church in Virginia. I think that's about as close to an establishment as one can get."[11]

Civic control over colonial clergy in states with establishments sometimes included colonies requiring ministers to perform sacraments. For instance, in 1664 New York passed a law stipulating that: "No Minister shall refuse the Sacrament of Baptism to the Children of Christian parents when they shall be tendered under penalty of loss of preferment."[12] The only penalty for refusing to do so is the "loss of preferment," but presumably ministers did not want to lose their positions and so might feel compelled to baptize a child even if they had religious objections to doing so.

The South Carolina Constitution of 1778 established the "Christian Protestant religion" as the "established religion of this State." It permitted any group of fifteen men over twenty-years of age to form a church so long as they affirmed the following doctrines:

1st. That there is one eternal God, and a future state of rewards and punishments.

2d. That God is publicly to be worshipped.

3d. That the Christian religion is the true religion

4th. That the holy scriptures of the Old and New Testaments are of divine inspiration, and are the rule of faith and practice.

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[9] "Laws and Orders Concluded by the Virginia General Assembly" March 1624. Available here: Laws and Orders Concluded by the Virginia General Assembly - Teaching American History (accessed 8/11/2026); Chapman and McConnell, *Agreeing to Disagree*, 19.
[10] McConnell, "Establishment and Disestablishment," 2133-34.
[11] Thomas Buckley to Mark David Hall, February 12, 2012. Similarly, H. J. Eckenrode asserts that the "repeal of the incorporation act definitely marks the separation of church and state in Virginia." Eckenrode, *Separation of Church and State in Virginia* (Richmond: Virginia State Library, 1910), 129.
[12] *The Colonial Laws of New York from the Year 1664 to the Revolution*, vol. 1 (Albany: James B. Lyon, 1894).

5th. That it is lawful and the duty of every man being thereunto called by those that govern, to bear witness to the truth.[13]

South Carolina's establishment of Protestantism lasted twelve years until the state adopted a new constitution. By moving in this direction, South Carolina was joining its fellow states in removing elements of religious establishments. This certainly included State officials having control over the doctrine and personnel of churches.

2. Mandatory attendance in the established church

As seen in the previous section, Virginia's 1610 "Articles, Laws, and Orders" didn't hesitate to tell ministers how often to preach, when to preach, and the like. And it didn't hesitate to tell residents how often they should worship:

> Everie man and woman duly twice a day upon the first towling of the Bell shall upon the working daies repaire unto the Church, to hear divine Service upon pain of losing his or her dayes allowance for the first omission, for the second to be whipt, and for the third to be condemned to the Gallies for six Moneths. Likewise no man or woman shall dare to violate or breake the Sabboth by any gaming, publique or private abroad, or at home, but duly sanctifie and observe the same, both himselfe and his familie, by preparing themselves at home with private prayer, that they may be the better fitted for the publique, according to the commandements of God, and the orders of our Church, as also every man and woman shall repaire in the morning to the divine service, and Sermons preached upon the Saboth day, and in the afternoon to divine service, and Catechising, upon paine for the first fault to lose their provision, and allowance for the whole weeke following, for the second to lose the said allowance, and also to be whipt, and for the third to suffer death.[14]

Residents were thus required to go to church fourteen times a week, and the penalties for violating these rules were steep. These and similar laws did not go unenforced.[15]

John Adams is regularly credited as the chief drafter of the Massachusetts Constitution of 1780. In addition to providing mechanisms for funding select churches, the constitution stipulated that:

> the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.[16]

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[13] Dreisbach and Hall, *Sacred Rights,* 244.
[14] *Ibid.*, 85-86.
[15] Chapman and McConnell, *Agreeing to Disagree*, 21.
[16] Dreisbach and Hall, *Sacred Rights*, 246.

This provision remained in place until constitution was revised in 1832/33. Many colonies and, later, states had similar laws.[17] Perhaps most surprisingly, William G. McLoughlin reports that Seventh Day Baptists in Rhode Island "petitioned the legislature in 1784 for the repeal of a law requiring all persons to attend church on Sunday; the petition was granted, but the existence of the law in that state dominated by Baptists and Quakers indicated the pervasiveness of the belief that the Sabbath must be kept holy."[18]

Some of these laws required residents to attend *some* church, not a favored one. For instance, in 1692 New Hampshire exempted "conscientious" dissenters from ministerial taxes provided they "constantly attend the publick worship of God on the Lord's day according to their own persuasion."[19] Such laws are more generous than ones requiring everyone to attend a favored church, but they could still require some citizens to pay taxes to support the established church or worship at a church to which they had objections. There were few if any open atheists in seventeenth- and eighteenth-century America, but there must have been closet ones. Even New Hampshire's statute would require such a person to support the established church, worship against his convictions, or be in violation of the law. Fortunately for religious minorities, by the founding era there was little support for this hallmark of an establishment.

3. *Government financial support of the established church*

Historically, it has been common for governments to subsidize favored churches. In America, this was usually done in one of two ways. First, the church and/or minister might be given a grant of land (sometimes called glebe land). They would then be supported by income the property generated. Second, especially in New England, colonies allowed localities to create local funding districts to tax citizens to support favored churches.[20]

In Virginia, for instance, every citizen was taxed to support the Church of England as late as 1775. Motivated at least in part to encourage Baptists and Presbyterians to join the patriot cause, in 1776 the General Assembly passed legislation exempting dissenters from laws requiring church attendance, regulating "modes of worship," and paying ecclesiastical taxes.[21] During the War for Independence, the legislature was so distracted that it did not even tax Anglicans to support the Anglican church.[22] This bothered Patrick Henry, who thought that religion was so important that should be supported by the State. He proposed a "Bill Establishing a Provision for Teachers of the Christian Religion" in 1784. If it had become law, it would have taxed individuals to support the churches to which they belong, with the exception of "Quakers

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[17] McConnell, "Establishment and Disestablishment," 2144-2146.
[18] William G. McLoughlin, *New England Dissent: The Baptists and Separation of Church and State* (Cambridge: Harvard University Press, 1971) 2:758.
[19] Quoted in McConnell, "Establishment and Disestablishment," 2153-54.
[20] Chapman and McConnell, *Agreeing to Disagree*, 21-22.
[21] Thomas Buckley, *Church and State in Revolutionary Virginia* (Charlottesville: University of Virginia Press, 1977), 36; John Ragosta, *Wellspring of Liberty: How Virginia's Religious Dissenters Helped Win the American Revolution and Secured Religious Liberty* (New York: Oxford University Press, 2010), 60–61.
[22] Buckley, *Church and State*, 33–37, 60–61.

and Mennonists," who firmly opposed state involvement in such matters. Citizens could also designate their taxes to support "seminaries of learning," a provision presumably aimed at non–church members.[23]

Supporters of this bill represented well the presumption that "religion is absolutely requisite for the well ordering of society" *and* that State subsidies are necessary to keep salaries high enough to attract the best candidates into the ministry.[24] Evangelical opponents of the plan, on the other hand, were adamant that assessments were against "the spirit of the Gospel," that "the Holy Author of our Religion" did not require state support, and that Christianity was far purer before "Constantine first established Christianity by human laws."[25] Rejecting their fellow petitioners' arguments that government support was necessary to attract good candidates to the ministry, they argued that clergy should

> manifest to the world "that they are inwardly moved by the Holy Ghost to take upon them that Office," that they seek the good of mankind and not worldly Interest. Let their doctrines be scriptural and their Lives upright. Then shall Religion (if departed) speedily return, and Deism be put to open shame, and its dreaded Consequences removed.[26]

In his famous Memorial and Remonstrance, written in the same context, Madison argued that "ecclesiastical establishments, instead of maintaining the purity and efficacy of religion, have had a contrary operation" and "the bill is adverse to the diffusion of the light of Christianity." Freeing Christianity from state control, he explained, will lead it to flourish, which will in turn "establish more firmly the liberties, the prosperity, and the happiness of the Commonwealth."[27] Henry's bill was defeated, and in its place Madison convinced the Assembly to enact Jefferson's "Bill for Establishing Religious Freedom," which likewise proclaimed that state compulsion in matters of faith tends "only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion."[28]

In the late 18th century, whether states should subsidize houses of worship and ministers remained a contested question. But the movement was mostly in one direction; states stopped subsidizing churches and ministers because they were concluding that such support is detrimental to the flourishing of what they considered to be true Christianity.[29]

The conviction that religion is so important that it must be subsidized did not simply evaporate in the founding era. Ohio's 1802 constitution simultaneously stated that "no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent," *and* that the

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[23] Dreisbach and Hall, *Sacred Rights*, 252-53.
[24] *Ibid.*, 307.
[25] *Ibid.,* 307-08.
[26] *Ibid.,* 308.
[27] *Ibid.* 309-13.
[28] *Ibid.,* 250.
[29] Hall, *Did America Have a Christian Founding?*, 89-120

> laws shall be passed by the legislature which shall secure to each and every denomination of religious societies in each surveyed township, which now is or may hereafter be formed in the State, an equal participation, according to their number of adherents, of the profits arising from the land granted by Congress for the support of religion.

Acting upon this provision, the Ohio legislature passed laws directing revenue from "ministerial lands" to churches. These statutes were amended and revised, but they remained law until voters amended the state constitution in 1968.[30]

Ohio is not usually thought of as once having an established church, and perhaps it would go too far to say that it did. But it *is* accurate to say that it participated in at least one of the hallmarks of a religious establishment.

4. Restrictions on worship by dissenters

In his 2003 article, Professor McConnell called this category of action "Prohibition of Religious Worship in Other Denominations."[31] This title suggests that only worship in other Christian denominations was limited, but states with establishments also restricted religious worship by non-Christians. As well, civic rulers often imposed restrictions that dissenters considered to be unfair or onerous, but that didn't actual "prohibit" worship by them. These laws/restrictions would seem to be as much a hallmark of religious establishments as laws restricting worship of dissenting Christians. In my view, it is better to characterize this hallmark as "restrictions on worship by dissenters."

Before proceeding, it is worth noting that rather than merely restricting religious dissenters, some colonies banned them altogether. For instance, Massachusetts Bay banned "Jesuits," and, effectively, Quakers.[32] Similarly, Virginia banned Quakers.[33] Individuals who ignored these bans were punished, most famously Mary Dyer and two of her colleagues, who were hanged in 1659-1660 for doing so.[34]

Massachusetts's first three capital laws (1641) restrict various religious activities. Although some of them might be done by religious dissenters, to my knowledge no dissenting tradition at the time approved of any of these actions and their members would have condemned all three practices. And, of course, each could also be committed by a member of the established church.

> 1. If any man after legal conviction shall have or worship any other God, but the lord god: he shall be put to death. Exod. 22. 20. Deut. 13.6. & 10. Deut. 17. 2. 6.

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[30] Esbeck and Den Hartog, *Disestablishment and Religious Dissent*, 256-63, 267
[31] McConnell, "Establishment and Disestablishment," 2159; Chapman and McConnell, *Agreeing to Disagree*, 23.
[32] Dreisbach and Hall, *Sacred Rights*, 92, 98.
[33] *Ibid*., 113-14.
[34] Hall, *Proclaim Liberty*, 29-30.

> 2. If any man or woman be a witch, that is, hath or consulteth with a familiar spirit, they shall be put to death. Exod. 22. 18. Levit. 20. 27. Deut. 18. 10. 11.
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> 3. If any person within this Jurisdiction whether Christian or Pagan shall wittingly and willingly presume to blaspheme the holy Name of God, Father, Son or Holy-Ghost, with direct, expresse, presumptuous, or highhanded blasphemy, either by wilfull or obstinate denying the true God, or his Creation, or Government of the world: or shall curse God in like manner, or reproach the holy religion of God as if it were but a politick device to keep ignorant men in awe; or shal utter any other kinde of Blasphemy of the like nature & degree they shall be put to death. Levit. 24. 15. 16.[35]

To "have or worship any other God, but the lord god" clearly includes worshiping a non-Christian deity. To "have . . . any other God" implies that simply believing a non-Christian deity to be the true god was punishable by death, but I am not aware of the law ever being applied in this manner. Restrictions on witchcraft involve prohibitions on interacting with what Christians consider to be evil spiritual forces, which is reasonably considered to be a type of religious activity.[36] Finally, historically all Christians have condemned blasphemy, although of course there is disagreement about what, exactly, constitutes such speech and whether it should be punished at all by the civil state.

An even clearer restriction on non-Christian worship is found in Massachusetts's 1646 law stating that:

> no Indian shall at any time powaw, or performe outward worship to their false gods: or to the devil in any part of our Jurisdiction; whether they be such as shall dwell heer, or shall come hither: and if any shall transgresse this Law, the Powawer shall pay five pounds; the Procurer five pounds; and every other countenancing by his presence or otherwise being of age of discretion twenty shillings.[37]

To "powaw" was understood by the Puritans to involve demonic activity. English colonist Edward Winslow wrote in his 1624 account *Good Newes from New England* that "the office and duty of the Powah is to be exercised principally in calling up the Devil, and curing diseases of the sick and wounded."[38] Regardless of what Native-Americans understood a "powaw" to symbolize, it should come as little surprise that a colony with a Puritan religious establishment would ban what it understood to be consorting with demons.

Concern over "Ana-Baptists" led Massachusetts Bay to prohibit "any person or persons within this Jurisdiction [from] either openly condemn or oppose the baptizing of Infants, or goe about secretly to reduce others from the approbation or use thereof" or "shall deny the Ordinance of Magistracy, or their lawfull right or authoritie to make war, or to punish the outward breaches

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[35] Dreisbach and Hall, *Sacred Rights*, 93.
[36] Hall, *Proclaim Liberty*, 30-32.
[37] Dreisbach and Hall, *Sacred Rights,* 99.
[38] Edward Winslow, *Good Newes from New England* (1624) in Edward Arber, ed., *The Story of the Pilgrim Fathers* (Boston: Houghton, Mifflin, 1893), 583.

of the first Table."[39] Note that the mere advocating of religious beliefs concerning baptism and pacifism could be punished.

It was not uncommon for colonies to ban public worship and/or the construction of church by religious dissenters. According to Chapman and McConnell, most "of New England, South Carolina, and Georgia maintained laws forbidding Catholic churches."[40] As the eighteenth century progressed, dissenting Protestants were more likely to be tolerated and they could even meet for public worship—provided their ministers were properly licensed. But those who refused to get licenses were fined, jailed, and subjected to extrajudicial violence. For instance, according to McConnell, in 1722, "two dissenting ministers were sentenced to thirty-one lashes for baptizing children without a license and Catholic priests were barred from the colony."[41] One Baptist source asserts that around thirty Baptist ministers were imprisoned between 1768-1775, and there is no doubt that James Madison was profoundly moved by the imprisonment of Baptist ministers near his home.[42]

American students of church-state relations usually think of establishments in the original thirteen colonies, but it is worth recalling that some future states had establishments before they were even American territory. For instance, when the United States "acquired the Louisiana Territory in 1803, Roman Catholicism had been the established religion for more than one hundred years." Indeed, a 1724 Royal Edict by the King of France "regarded non-Catholic religious assemblies as 'illicit and seditious councils' and prohibited them."[43] This is not surprising or unusual, it was common for colonies or countries with religious establishments to ban religious dissenters or to limit their ability to worship the God according to the dictates of their own consciences.

5. Use of state church for civil functions.

The fifth hallmark of an establishment identified by Professor McConnell is the use of the established church for what are now often considered to be civic functions. He observes that southern colonies were more likely to make use of ecclesiastical bodies for these purposes than those in New England.[44]

Perhaps the most obvious civil function of colonial established churches was the keeping of we now call vital statistics. Returning once again to the Virginia "Articles, Laws, and Orders," we can see the mandate that

> every Minister shall keepe a faithful and true Record, or Church Booke of all Christnings, Marriages, and deaths of such our people, as shall happen within their Fort, or Fortresses, Townes or Towne at any time, upon the burthen of a neglectfull conscience, and upon

[39] Dreisbach and Hall, *Sacred Rights,* 92.
[40] Chapman and McConnell, *Agreeing to Disagree*, 23.
[41] McConnell, "Establishment and Disestablishment," 2164
[42] Chapman and McConnell, *Agreeing to Disagree*, 24.
[43] Esbeck and Den Hartog, *Disestablishment and Religious Dissent,* 273, 277.
[44] McConnell, "Establishment and Disestablishment," 2169-70.

paine of losing their Entertainment."[45]

"Entertainment," in this context, simply means "provisions." The threat may not have been sufficient to encourage ministers to keep these records, as indicated by a later Virginia statute fining ministers 500 pounds of tobacco if he failed in this duty. According to McConnell, "[t]he principal purpose of these records was to ascertain the number of taxable units, or 'titheables,' in the parish and in the county."[46]

In America, individual Anglican churches were overseen by a "vestry," a group of elite white male church members. Twice each year, the vestry would appoint churchwardens to effectively act as prosecutors in county courts for offenses including "profaning God's name," "sabbath abusing," and "foule and abominable sins of drunkenness, fornication, and adultery."[47]

In England, only ministers of the Church of England could lawfully marry individuals. This practice was adopted by the southern colonies that made the Church of England their established church. Today, many marriages are still performed by ministers and Roman Catholics, at least, insist that a marriage ceremony is sacramental. So, it is probably not accurate to call marrying people a "civil" function, but limiting officiants to ministers of the official church certainly had civil implications as all children of couples married outside of the established church were considered to be illegitimate.[48]

Professor McConnell also includes "social welfare" and "education" as "civil functions" overseen by the Anglican vestry members or churchwardens. It is certainly the case that in the nineteenth and twentieth centuries welfare and education have come to be seen as the responsibility of the State, but historically they were largely the responsibility of families, churches, and voluntary societies.[49] I will not consider them as "civic functions," but I agree with Professor McConnell that "*use of state church for civil functions*" is one of the hallmarks of a religious establishment.

6. Restrictions on political participation by dissenters

Restrictions on the ability of religious dissenters to vote and/or hold office were very common hallmarks of religious establishments. England's Test and Corporation Acts required individuals who desired to "hold civil, military, academic, or municipal office . . . to have taken

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[45] Dreisbach and Hall, *Sacred Rights*, 86.
[46] McConnell, "Establishment and Disestablishment," 2175.
[47] William Waller Hening, *The Statutes at Large, Being a Collection of all the Laws in Virginia* (New York, 1823), 51-52.
[48] McConnell, "Establishment and Disestablishment, 2175.
[49] *Ibid.,* 2170-2174. See Christian Edmonds, Mark David Hall, and S. Ernie Walton, "History, Tradition, and the Right of Parents to Direct the Education and Moral Formation of their Children." With Christian Edmonds and S. Ernie Walton (2026). Available here: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=7202698 and Adam MacLeod and Mark David Hall, "Foundations of the Right of Charitable Uses." *Mississippi Law Journal* 94 (February 2025), 251-320 (Peer Reviewed).

communion in the established church within a certain period and to swear an oath against belief in transubstantiation."[50] South Carolina adopted virtually identical restrictions in 1704.[51] But many colonies had more generous religious tests for voting and office holding permitting, for instance, all Protestants to vote and hold office. Some colonies excluded specific sects, most commonly Roman Catholics, from voting or office-holding.[52]

Maryland was initially founded as a haven for English Catholics, and its Toleration Act of 1649 famously protected the ability of all Trinitarian Christians to exercise their faiths. However, after Protestants seized control of the colonial assembly in 1654, they amended the act to exclude "those who profess and Exercise the popish religion."[53] Eventually, Catholics were disenfranchised in the colony and the Church of England was made its established church.[54]

Most states retained religious tests for civic offices until at least the founding era. For example, when delegates met in Philadelphia to draft a new national constitution, Georgia, New Hampshire, Massachusetts, New Jersey, North Carolina, South Carolina, Vermont, and even Rhode Island required civic officials to be Protestants, whereas Delaware, Maryland, and Pennsylvania insisted that they must "merely" be Christians. [55] Connecticut, New York, and Virginia did not have religious tests, a "problem" New York "fixed" in 1788 when the General Assembly passed a law requiring office holders to "renounce and abjure all allegiance and subjection to all and every foreign king, prince, potentate and State, in all matters ecclesiastical as well as civil . . ."[56] The reference to ecclesiastical authorities was widely understood to prohibit Roman Catholics from holding office.

Article VI of the federal Constitution prohibits religious tests for federal office, which made it an outlier among American constitutions. But it is not particularly surprising as there was a general consensus among the founders that America should not have a national establishment. Accordingly, they did not give Congress the power to establish a national church in Article I, Section 8, they banned at least one hallmark of establishments in the text of the Constitution (religious tests), and the first federal Congress proposed and the states ratified an amendment making it clear that Congress is prohibited from making a law "respecting an establishment of religion."

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[50] McConnell, "Establishment and Disestablishment," 2176.
[51] *Ibid.,* 2177.
[52] *Ibid.*
[53] Esbeck and Den Hartog, *Disestablishment and Religious Dissent*, 312.
[54] *Ibid.*, 312-322.
[55] Hall, *Did America Have a Christian Founding?*, 90; Dreisbach and Hall, *Sacred Rights,* 242-64; John K. Wilson, "Religion Under the State Constitutions, 1776-1800," *The Journal of Church and State* 32 (Autumn 1990), 764; Derek Davis, *Religion and the Continental Congress,* (New York: Oxford University Press, 2000), 34; and Gerard V. Bradley, "The No Religious Test Clause and the Constitution of Religious Liberty: A Machine That Has Gone of Itself," *Case Western Law Review* 37 (1987), 681-87.
[56] *Laws of the State of New York* (Albany, 1886), 2: 637; James S. Kabala, *Church-State Relations in the Early American Republic, 1787-1846* (London: Pickering & Chatto, 2013), 94-95.

America's founders were intimately familiar with religious establishments, and few wanted the new national government to create one. For some, this was mostly a matter of federalism. Many founders continued to believe that state and local governments had important roles to play in fostering religion and morality. Some even supported retaining various hallmarks of religious establishments at the state level (e.g., religious tests for office, which remained (and remain) on the books even after they were declared to be unconstitutional in *Torcaso v. Watkins*, 367 U.S. 488 (1961)).[57]

It is often asserted that America's founders desired the sort of strict separation between church and state that would require a religion-free public square. There is virtually no evidence to support this claim. Indeed, as Chapman and McConnell observe, "[n]o one—to the best of our researches—ever claimed at the founding that the display of religious symbols was a form of religious establishment."[58] Stephanie Barclay and her coauthors reached a similar finding after performing an extensive corpus linguistics analysis of founding era texts.[59]

Scholars and jurists who assert that the founders desired the strict separation of church and state often err by focusing on just two founders, Thomas Jefferson and James Madison. And they often distort their views and practices.[60] More significantly, when one turns from these two important founders to consider the wide array of men who served in constitutional conventions, ratification conventions, the first federal Congress, state legislatures, and the like, evidence that the founders desired the sort of church-state separation that necessitates a religion free public square disappears almost entirely.[61]

b. A Wall of Separation?

In 1802, Thomas Jefferson wrote to the Danbury Baptist Association suggesting that the First Amendment created a "wall of separation between Church & State."[62] The letter was first referenced by the Supreme Court in the Free Exercise Clause case of *Reynolds v. United States*,

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[57] Hall, *Did America Have a Christian Founding?* 59-120.
[58] Chapman and McConnell, *Agreeing to Disagree*, 159.
[59] Barclay, Earley, and Boone, "Original Meaning and the Establishment Clause," 506, 510, 538.
[60] I give multiple examples of scholars overemphasizing both Jefferson's and Madison's commitment to the strict separation of church and state in Hall, *Did America Have a Christian Founding?*," 58, 88, 185-86,193-94, "Jeffersonian Walls and Madisonian Lines," and "Madison's Memorial." Scholars such as Steven Green continue to highlight Jefferson and Madison and overlook evidence that suggests they were not the sort of separationists he wishes they were. See, for instance, Steven K. Green, *The Grand Collaboration: Thomas Jefferson, James Madison, and the Invention of American Religious Freedom* (Charlottesville: University of Virginia Press, 2024) and my review of it here: https://lawliberty.org/book-review/religious-freedom-and-the-founding/ (accessed August 13, 2026).
[61] Hall, *Did America Have a Christian Founding?*; Dreisbach, Hall, Morrison, eds. *The Founders on God and Government*; Dreisbach, Hall, and Morrison, eds. *The Forgotten Founders on Religion and Public Life*; Dreisbach and Hall, eds. *Faith and the Founders of the American Republic*.
[62] Dreisbach and Hall, *Sacred Rights*, 528.

98 U.S. 145 (1879), but lay dormant with respect to the Supreme Court's Establishment Clause jurisprudence until *Everson v. Board of* Education, 330 U.S. 1 (1947).[63]

As appealing as the wall metaphor has proven to some opponents of religion in public contexts, as a historical matter it obscures far more than it illuminates. Jefferson did not help draft or ratify the First Amendment, so his understanding of it should not be privileged. As well, the letter was a profoundly political document, not a principled statement of Jefferson's constitutional views. Indeed, the metaphor did not originate with Jefferson, and he used it only once in his life.[64] And in his public life, he did not act as if there was a wall of separation between church and state—certainly not one that prohibited any recognition of religion in the public square.

In 1776, the Continental Congress appointed Benjamin Franklin, John Adams, and Thomas Jefferson to a committee to begin the process of creating a national seal. Jefferson proposed that the Nation adopt one with the images of:

> Pharaoh sitting in an open chariot, a crown on his head & a sword in his hand, passing through the divided waters of the Red Sea in pursuit of the Israelites: rays from a pillar of fire in the cloud, expressive of the divine presence & command, reaching to Moses who stands on the shore &, extending his hand over the sea, causes it to overwhelm Pharaoh.[65]

His motto for the new Nation would have been: "Rebellion to tyrants is obedience to God."[66] Jefferson "later suggested it as an alternative motto for the Great Seal of Virginia, and he later added it to his personal seal."[67]

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[63] *Ibid.*, 533–34.
[64] Daniel L. Dreisbach, *Thomas Jefferson and the Wall of Separation Between Church and State* (New York: New York University Press, 2002), 21–22.
[65] Dreisbach and Hall, *Sacred Rights*, 229.
[66] *Ibid.*
[67] Derek H. Davis, *Religion and the Continental Congress, 1774 – 1789: Contributions to Original Intent* (New York: Oxford University Press, 2000), 138.



Jefferson's proposed national seal was drawn by Benjamin J. Lossing and originally published in the July 1856 issue of Harpers' *New Monthly Magazine*.

Note that Jefferson thought it appropriate to portray a miraculous event involving the prophet Moses *on the national seal*. According to Exodus 19–20, it was Moses who received the Ten Commandments from God on Mount Sinai. It thus seems unlikely that he would have a principled objection to a state erecting a monument commemorating the Ten Commandments on public property.

As governor of Virginia, Jefferson encouraged "the good people of this commonwealth" to set apart a day for "public and solemn thanksgiving and prayer to Almighty God" and urged "ministers of religion to meet their respective societies . . . to assist them in their prayers, edify

them with their discourses, and generally to perform the sacred duties of their function, proper for the occasion."[68] He also drafted bills stipulating when the governor could appoint "days of public fasting and humiliation, or thanksgiving."[69]

Unlike Washington, Adams, and Madison, Jefferson did not issue formal calls for prayer when he was president of the United States. Yet in more than one speech he invited his audiences to pray. For instance, Jefferson closed his second inaugural address by asking his listeners to "join with me in supplications, that he [the "Being in whose hands we are, who led our forefathers, as Israel of old"] will enlighten the minds of your servants . . ."[70]

Remarkably, for someone supposedly committed to a "wall of separation between church and state," in 1803 Jefferson sent a treaty concerning the Kaskaskia Indians to the Senate for approval. The third article in the treaty stipulated that:

> *whereas*, the greater part of the said tribe have been baptized and received into the Catholic church to which they are much attached, the United States will give annually for seven years one hundred dollars towards the support of a priest of that religion, who will engage to perform for the said tribe the duties of his office and also to instruct as many of their children as possible in the rudiments of literature. And the United States will further give the sum of three hundred dollars to assist the said tribe in the erection of a church.[71]

According to James Hutson, when he was president, Jefferson regularly worshipped in the Capitol and, in addition, "made executive-branch buildings—the Treasury and the War Office—available for church services."[72] After he "retired from the presidency, he resumed his earlier habit of worshiping in the Albemarle County Courthouse."[73]

Jefferson's private letters indicate that he was not an orthodox Christian, and his public arguments and actions demonstrate that he favored a stricter separation between church and state than virtually any other founder. Yet even Jefferson, at least in his actions, did not attempt to remove religion from the public square. And what Jefferson did not completely exclude, most founders embraced.[74]

c. The First Federal Congress and George Washington

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[68] Dreisbach, *Thomas Jefferson*, 138–39.
[69] Dreisbach & Hall, *Sacred Rights*, 251–52.
[70] *Ibid.*, 530
[71] *Ibid.*, 476.
[72] James Hutson, "Thomas Jefferson's Letter to the Danbury Baptists: A Controversy Rejoined," *The William and Mary Quarterly* 56 (Oct. 1999): 786.
[73] *Ibid.*, 788.
[74] Hall, *Did America Have a Christian Founding?*; John Witte, "From Establishment to Freedom of Public Religion" (2004). Available here: From Establishment to Freedom of Public Religion by John Witte, Jr. :: SSRN (accessed 7/30/2026).

Like Jefferson, as an elected official James Madison did not act as if there was wall of separation between church and state. On February 29, 1788, the Confederation Congress voted to pay congressional chaplains $300 per year. Madison was present and voted in favor of doing so. Once the Constitution was ratified, the new Congress met and appointed a committee to select chaplains—a committee on which Madison served. Shortly after doing so, it reauthorized the Northwest Ordinance, which holds that "Religion, Morality, and knowledge being necessary to good government and the happiness of mankind, Schools and the means of education shall forever be encouraged."[75] There is no evidence that Madison objected to any of these actions at the time.

Like Jefferson, Madison attended worship services in the U.S. Capitol. He shared his predecessor's distaste for presidential calls for public prayer, but he issued four of them anyway. The second recommends

> to all who shall be piously disposed to unite their hearts and voices in addressing the one and the same time their vows and adorations to the Great Parent and Sovereign of the Universe . . . [supplicating Him to] pardon our manifold transgressions and awaken and strengthen in all the wholesome purposes of repentance and amendment . . . [so that] we may be enabled to beat our swords into plowshares [Isaiah 2: 4] and enjoy in peace ever man the fruits of his honest industry and rewards of his lawful enterprise.[76]

James Madison was an important advocate for a bill of rights in the first federal Congress. But he did not act alone, and his colleagues were certainly not cowed by his every word. Understanding his significant but limited role helps show why relying on the views of just two founders—Jefferson and Madison—is problematic from a historical perspective.

In a major speech on June 8, 1789, Madison proposed a host of amendments, but the House declined to discuss them at that time. Madison pushed the issue again on July 21, and he was again put off; although this time the House approved a motion by Fisher Ames to form a select committee composed of one member from each State to consider amendments. Madison served on the committee, but it was chaired by John Vining of Delaware. There is no reason to believe that Vining, or seasoned statesmen on the committee such as Roger Sherman, Elias Boudinot, and Abraham Baldwin, simply deferred to Madison. There are no records of the committee's deliberations, but it did produce a handwritten draft bill of rights in Sherman's handwriting.[77] This is the only handwritten draft of the Bill of Rights known to exist.

The select committee eventually issued a printed report proposing nineteen changes to the Constitution. The full House debated these proposed amendments, not the amendments suggested by Madison on June 8. Madison and a majority of the committee thought that the amendments should be interspersed throughout the Constitution, but Roger Sherman objected, arguing that

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[75] Dreisbach and Hall, *Sacred Rights*, 471–73, 238.
[76] Hall, *Did America Have a Christian Founding?*, 82.
[77] *Documentary History of the First Federal Congress, 1789-1791*, ed. Linda Grant De Pauw et al. (Baltimore: Johns Hopkins University Press, 1972-2012), 3: 283 [Hereafter *DHFFC*].

> we cannot incorporate these amendments in the body of the Constitution. It would be mixing brass, iron, and clay [Daniel 2:35]. . . . I conceive that we have no right to do this, as the Constitution is an act of the people, and ought to remain entire—whereas the amendments will be the act of the several legislatures.

Sherman was overruled, but he eventually won the day and the amendments were annexed to the Constitution rather than interspersed throughout it.[78]

Madison originally suggested three amendments that touched on religion:

a. "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext infringed."

b. "No person religiously scrupulous of bearing arms, shall be compelled to render military service in person."

c. "No state shall violate the equal rights of conscience."[79]

He considered the third proposal to be "the most valuable amendment" of all, but it was rejected by the Senate and he was unable to save it.[80] Nor was he successful in protecting religious pacifists in what became the Second Amendment.

On August 22, the House appointed Sherman, Egbert Benson, and Theodore Sedgwick to "prepare an introduction to and arrangement of Articles of Amendment."[81] Their report consisted of sixteen articles and was sent to the Senate, which amended and returned them to the House. The House agreed to some of the Senate's amendments, disagreed with others, and appointed Madison, Sherman, and John Vining to a conference committee to reconcile the differences.

The Senate chose Oliver Ellsworth to head the Senate delegation, and he was joined by Charles Carroll and William Paterson. The committee eventually reported twelve proposed amendments (in Ellsworth's handwriting), which the House approved with a few minor changes. The Senate approved the twelve amendments passed by the House, and they were sent to the States where the ten that we now know as the Bill of Rights were quickly ratified.

Particularly relevant for present purposes is the final wording of the First Amendment's religion clauses: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof…"[82]

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[78] *Ibid*., 11: 1208, 1212, 1233; 4: 27–31.
[79] Dreisbach and Hall, *Sacred Rights*, 420–21.
[80] *Ibid*., 430; *DHFFC*, 11: 1292; 4: 39.
[81] *DHFFC*, 4: 7.
[82] *Ibid*., 4: 6–9; 35–48; 3: 216–218, 228–229; 11: 1292, 19: 1430, 1827; Robert A. Rutland, *Birth of the Bill of Rights* (New York: Collier, 1962), 194–221. For a discussion of Ellsworth's role on

Madison certainly deserves credit for his contributions to the framing of the Bill of Rights and the First Amendment. Yet, as this brief treatment makes clear, he did not act alone. Approximately eighty-seven Representatives and Senators participated in the debates over, and voted for or against, what became the First Amendment. And a list of those who played significant roles must include, besides Madison: Roger Sherman, Oliver Ellsworth, Benjamin Huntington, Abraham Baldwin, Elias Boudinot, William Paterson, Samuel Livermore, Charles Carroll, and Fisher Ames.[83]

In addition to studying debates over the First Amendment, other actions by the first federal Congress shed light on its understanding of the Establishment Clause. Consider this: *on the day after* the House approved the final wording of the Bill of Rights, Elias Boudinot, later president of the American Bible Society, proposed that Congress ask the President to recommend a day of public thanksgiving and prayer. In response to objections by Aedenus Burke and Thomas Tucker that these practices mimicked European customs and that such calls were properly issued by States, Roger Sherman:

> justified the practice of thanksgiving, on any signal event, not only as a laudable one in itself, but as warranted by a number of precedents in holy writ: for instance, the solemn thanksgivings and rejoicings which took place in the time of Solomon, after the building of the temple, was a case in point. This example, he thought, worthy of Christian imitation on the present occasion; and he would agree with the gentleman who moved the resolution.[84]

Note that Sherman explicitly appealed to the Bible—i.e. "holy writ"—to defend the practice of civic leaders encouraging citizens to pray. The House approved the motion and appointed Boudinot, Sherman, and Peter Silvester of New York to a committee to meet with Senators about the matter.

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the conference committee, see William R. Casto, "Oliver Ellsworth's Calvinist Vision of Church and State in the Early Republic," in Dreisbach, Hall, and Morrison, *The Forgotten Founders on Religion and Public Life*, 65–100.

[83] For profiles of many of these individuals, and others who played important roles in America's founding, see, Dreisbach, Hall, Morrison, eds. *The Founders on God and Government* (George Washington, John Adams, Thomas Jefferson, James Madison, John Witherspoon, Benjamin Franklin, James Wilson, George Mason, and the Carrolls of Maryland); Dreisbach, Hall, and Morrison, eds. *The Forgotten Founders on Religion and Public Life* (Abigail Adams, Samuel Adams, Oliver Ellsworth, Alexander Hamilton, Patrick Henry, John Jay, Thomas Paine, Edmund Randolph, Benjamin Rush, Roger Sherman, and Mercy Otis Warren); Dreisbach and Hall, eds. *Faith and the Founders of the American Republic* (Gouverneur Morris, John Hancock, Elias Boudinot, John Dickinson, and Isaac Backus. This book also includes eight thematic chapters on topics including deism, Judaism, and Islam).

[84] *DHFFC*, 11: 1500–1501.

The Senate concurred with the House, and Congress requested that President Washington issue his famous 1789 Thanksgiving Proclamation. The text of his proclamation is worth quoting at some length:

> Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor . . .
>
> I do recommend and assign Thursday the 26th day of November next to be devoted by the people of these states to the service of that great and glorious Being, who is the beneficent Author of all the good that was, that is, or that will be—That we may then all unite in rendering unto him our sincere and humble thanks—for his kind care and protection of the people of this country previous to their becoming a nation—for the signal and manifold mercies, and the favorable interpositions of his Providence which we experienced in the course and conclusion of the late war—for the great degree of tranquility, union, and plenty, which we have since enjoyed—for the peaceable and rational manner, in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted—for the civil and religious liberty with which we are blessed; and the means we have of acquiring and diffusing useful knowledge; and in general for all the great and various favors which he hath been pleased to confer upon us.
>
> And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations and beseech him to pardon our national and other transgressions—to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually—to render our national government a blessing to all the people, by constantly being a government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed—to protect and guide all sovereigns and nations (especially such as have shewn kindness unto us) and to bless them with good government, peace, and concord—To promote the knowledge and practice of true religion and virtue, and the increase of science among them and us—and generally to grant unto all mankind such a degree of temporal prosperity as he alone knows to be best.[85]

Similar proclamations were routinely issued by the Continental and Confederation Congresses and Presidents Washington, Adams, and Madison.[86]

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[85] Dreisbach and Hall, *Sacred Rights*, 453–54.

[86] After he left the presidency, Madison penned a document known today as the "Detached Memoranda." In this text, which was unpublished in his lifetime and essentially unknown until it was printed in the *William and Mary Quarterly* in 1946, Madison stated that the federal government should not pay chaplains and that presidents should not issue religious proclamations. These post-presidential reflections carry no legal weight, and there is little reason to believe that they reflect Madison's long-held views. It is possible, of course, that he had always held these views even as his actions suggested otherwise. More likely, it seems to me, is that he simply changed his mind on these points. Hall, *Did America Have a Christian Founding?*, 84.

The historical evidence suggests that at the time of the founding no one thought a public display of religious imagery constituted an establishment of that religion. Moreover, there is long history and tradition of governments (national, state, and local) permitting religious images and language on public property. It is to this tradition that I now turn.

7. History and Tradition of Displays Containing Religious Images and Language on Public Property

a. Religious Inscriptions on Public Buildings

Numerous public buildings contain biblical and religious inscriptions. This brief section primarily considers structures in our Nation's capital, but there are many other examples in state capitals across the country.

The most prominent structure in District of Columbia is the Washington Monument. It is capped with an 8.9 inch aluminum tip that faces east and is inscribed with the Latin words "'Laus Deo,' which translate to, 'Praise be to God.'"[87]

Inside the monument, one can find "[o]ne hundred and ninety-three unique stone tablets [that] are set into interior walls of the Washington Monument, donated to the monument in honor of the Nation's first president."[88] Some of these include biblical verses such as Proverbs 10:7 ("the memory of the just is blessed"),[89] and phrases including "In God We Trust."[90] One includes a sculpted image of an open Bible.[91]

Biblical quotations and religious phrases can be found in or on numerous federal buildings.

a. For instance, the Department of Agriculture's exterior northern wall includes a verse from II Timothy: "The husbandman that laboreth must be first partaker of the fruit" (II Tim. 2:6).[92]

b. Similarly, the Library of Congress's Jefferson Building includes the following quotations: "What doth the Lord require of thee, but to do justly, to love mercy, and to walk humbly with thy God?" (Micah 6:8); "The Heavens declare he glory of God; and the firmament

[87] https://www.nps.gov/wamo/learn/historyculture/index.htm (accessed June 28, 2019).
[88] Judith M. Jacob, *The Washington Monument: A Technical History and Catalog of the Commemorative Stones* (Washington, D.C.: National Park Service, 2005), 1. Available at: https://www.nps.gov/parkhistory/online_books/wamo/stones.pdf (accessed June 28, 2019).
[89] *Ibid*., 192.
[90] *Ibid*., 57.
[91] *Ibid*., 190.
[92] Clint W. Ensign, *Inscriptions of a Nation: Collected Quotations from Washington Monuments* (Washington: Congressional Quarterly, 1994).

showeth his handiwork" (Proverbs 19:1); and "The light shineth in darkness and the darkness comprehendeth it not" (John 15:1).[93]

c. In addition, both chambers of Congress and the U.S. Capitol Visitors Center feature prominently the phrase "In God We Trust," and the Capitol's prayer room includes the inscription "Preserve me, O God: for in Thee do I put my trust."[94]

d. On the north interior wall of the Lincoln Memorial is inscribed the full text of Lincoln's Second Inaugural Address, which repeatedly quotes and alludes to biblical passages, including Psalm 19:9 ("the judgments of the Lord are true and righteous altogether" (KJV)).[95]

e. The Barbara Rose Johns statue is located in the Crypt of the U.S. Capitol. On the left pedestal are the engraved the words of Isaiah 11:6 "and a little child shall lead them." The State of Virginia gave the statue as one of its two contributions to the Statuary Hall collection in 2025.[96]

f. As we shall see below, there are more than a hundred representations of Moses and/or the Ten Commandments on public property in Washington, DC and throughout the nation.

b. Images/Language from Minority Faiths

In the late eighteenth century, approximately 98% of Americans of European descent were Protestants, 2% were Roman Catholics, and there were approximately 2,000 Jews in a handful of American cities.[97] As America became more diverse, so did its practices and

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[93] *Ibid*., 22, 24, 31.

[94] *Ibid*., 57, 58; Tim Schmig, *Our Story in Stones* (self-published, 2017), 12-13. In 1865, Congress authorized the inscription of "In God We Trust" on U.S. coins. In 1956, Congress made "In God We Trust" the national motto, see 36 U.S.C. 302, and directed that it be inscribed on all currency, 31 U.S.C. 5112(d)(1). The latter practice was upheld by the United States Court of Appeals for the Eighth Circuit in *New Doe Child #1 v. United States*, 901 F.3d 1015 (2018). In 2006, the State of Florida adopted "In God We Trust" as its State motto. https://dos.myflorida.com/florida-facts/florida-state-symbols/state-motto/ (accessed July 4, 2019).

[95] Lincoln's Second Inaugural Address may be found here: https://www.nps.gov/linc/learn/historyculture/lincoln-second-inaugural.htm See also Daniel L. Dreisbach, "Lincoln's 700 Words of Biblical Meditation," *Law and Liberty* (March 4, 2015) available here: https://lawliberty.org/lincolns-700-words-of-biblical-meditation/ (both accessed August 4, 2026).

[96] See: https://www.aoc.gov/explore-capitol-campus/art/barbara-rose-johns-statue (accessed August 10, 2026).

[97] Barry A. Kosmin and Seymour P. Lachman, *One Nation Under God: Religion in Contemporary American Society* (New York: Harmony Books, 1993), 28–29; David G. Dalin, "Jews, Judaism, and the American Founding," in Dreisbach and Hall, *Faith and the Founders of the American Republic*, 63.

monuments.[98] For instance, after World War I, the tombstones of Jewish soldiers buried in national cemeteries could include the Star of David rather than a Latin Cross.[99] Later, the tombstones of Muslim soldiers could include the Crescent and Star, adherents of Baha'i a 9 Pointed Star, and so on.[100]

In the nineteenth century, the Star of David became widely accepted by European Jews as "a striking symbol that would represent Judaism as the cross did Christianity."[101] It appears on Israel's flag, and as the central symbol in the Magen David Adom or "Red Shield of David"; Israel's member of The International Federation of Red Cross and Red Crescent Societies.[102] In 2012, Ohio approved a Holocaust and Liberators Memorial, a central feature of which is a fractured Star of David.[103]

Other monuments with Jewish symbols exist around the Nation. South Carolina's 2001 Holocaust Memorial features the Star of David prominently, as does New Orleans's 2003 memorial.[104] Philadelphia's monument to "Six Million Jewish Martyrs," on the other hand, depicts, according to Justice Alito, "a burning bush, Torah scrolls, and a blazing menorah."[105] Charleston, South Carolina's 1999 memorial contains as its "the central element" a "lonely discarded tallit, the Jewish prayer shawl used by men in the synagogue and also in which for

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[98] For instance, a rabbi was invited to open the House of Representatives with prayer in 1860. He appeared in "full rabbinic dress, 'piously in a white tallit and a large velvet skullcap,'" and his prayer 'invoked several uniquely Jewish themes and repeated the Biblical priestly blessing in Hebrew." *Greece v. Galloway*, 595.

[99] See: https://www.cem.va.gov/cem/history/hmhist.asp (accessed July 1, 2019).

[100] See: https://www.cem.va.gov/cem/hmm/emblems.asp (accessed August 4, 2026). These are not just theoretical possibilities, even for small religious groups. For instance, according to Jay Wexler, there are eight Wiccan pentacle markers in Arlington National Cemetery. Wexler, *Our Non-Christian Nation: How Atheists, Satanists, Pagans, and Others Are Demanding Their Rightful Place in Public Life* (Stanford: Redwood Press, 2019), 56.

[101] Adele Berlin and Maxine Grossman, ed. *The Oxford Dictionary of the Jewish Religion*, 2nd (New York: Oxford University Press, 2011), n.p. (entry for "Magen David") (accessed online June 29, 2019).

[102] Elon Gilad, "How Israel Got Its Flag and What It Means," *Haaretz* (May 11, 2016) available at: https://www.haaretz.com/israel-news/.premium-how-israel-got-its-flag-and-what-it-means-1.5381190 (accessed October 30, 2019); https://www.mdais.org/en (accessed October 30, 2019).

[103] See: http://www.ohiostatehouse.org/about/capitol-square/statues-and-monuments/ohio-holocaust-and-liberators-memorial (accessed June 28, 2019) and https://ohioholocaustmemorial.org/ (accessed June 29, 2019).

[104] https://www.onecolumbiasc.com/public-art/south-carolina-holocaust-memorial/ and http://star-of-david.blogspot.com/2007/05/new-orleans-holocaust-memorial.html (accessed June 29, 2019). Stars of David, alongside other religious symbols, are included in the National September 11 Memorial & Museum: https://www.911memorial.org/blog/collection-symbols-forged-wtc-steel (accessed June 29, 2019).

[105] *American Legion v. American Humanist Association*, 588 U.S. __, 30 (2019) (Alito, J.). See also: https://www.associationforpublicart.org/artwork/monument-to-six-million-jewish-martyrs/ (accessed June 29, 2019).

some it was customary to be wrapped for burial."[106] A mural entitled "Defense of Human Freedoms" by Kindred McLeary in the Harry S. Truman State Department Building contains a Star of David, a Latin Cross, a Cross of Lorraine, and, perhaps, an image of the Buddha.[107]

The United States Holocaust Memorial Museum in Washington, D.C. was built on land donated by the federal government and receives annual appropriations from the United States Congress. Its Hall of Remembrance can be interpreted as referencing the Star of David, and passages from the Hebrew Scriptures are inscribed on the building's walls, including: "What have you done? Hark, thy brother's blood cries out to me from the ground!" (Genesis 4:10); "Only guard yourself and guard your soul carefully, lest you forget the things your eyes saw, and lest these things depart your heart all the days of your life, and you shall make them known to your children, and to your children's children." (Deuteronomy 4:9); "I call heaven and earth to witness this day: I have put before you life and death, blessing and curse. Choose life—that you and your offspring shall live." (Deuteronomy 30:19); and "You are my witnesses." (Isaiah 43:10).[108]

Similarly, Idaho's Anne Frank Human Rights Memorial, dedicated in 2002, contains numerous inscriptions, including: "Let my people go" (Moses); "Let justice roll down like waters, and righteousness like an ever-flowing stream" (Amos); "What you do not want done to yourself, do not do to others" (Confucius);[109] "Not in the sky, nor in mid-ocean, in a mountain cave, is found that place on earth where abiding one may escape from the consequences of one's evil deed" (Buddha).[110]

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[106] See: http://samgrubersjewishartmonuments.blogspot.com/2017/02/usa-charlestons-holocaust-memorial-in.html (accessed June 29, 2019); See also, http://www.waymarking.com/waymarks/WM4HN4_Charleston_Holocaust_Memorial_Charleston_South_Carolina and http://jhssc.org/2018/04/28/building-a-memorial-in-marion-square/ (accessed July 8, 2019).

[107] Kindred McLeary, *Defense of Human Freedoms* (illustration), Libr. of Cong., https://www.loc.gov/resource/highsm.42355/?r=0.169,0.208,0.23,0.078,0 [https://perma.cc/9V2B-R2VN] (last visited July 13, 2025). The religious images are at the bottom left. It is not clear to me what the two images on the far left represent

[108] Avril Alba, *The Holocaust Memorial Museum Sacred Secular Space* (London: Palgrave Macmillan, 2015), 78-79, 66; https://www.ushmm.org/collections/ask-a-research-question/frequently-asked-questions#1 (accessed July 5, 2019); and Ryan Coonerty, *Etched in Stone: Enduring Words From Our Nation's Monuments* (Washington, D.C.: National Geographic, 2008), 112.

[109] The Memorial's website describes Confucius as "a Chinese teacher, philosopher and political figure," but some followers and scholars consider him to be a religious figure as well. On this debate see Peter L. Berger, "Is Confucianism a Religion?" available at: https://www.the-american-interest.com/2012/02/15/is-confucianism-a-religion/

[110] All of these quotations may be found here: https://annefrankmemorial.org/memorial-tour/#section9 (accessed July 10, 2019). The Memorial was built by the Wassmuth Center for Human Rights on land owned by the City of Boise. It is considered to be a public park.

As America becomes more diverse, the range of religious images and language used in public memorials is bound to expand. For instance, in 2001, New York City dedicated a tree and plaque to commemorate "the founding of the Hare Krishna religion in the United States." The plaque included "the group's distinctive 16-word mantra: 'Hare Krishna, Hare Krishna, Krishna Krishna, Hare Hare Hare Rama, Hare Rama, Rama Rama, Hare Hare.'"[111] And, to give one last example, Justice Alito noted in his opinion in the Bladensburg Cross case that "a new memorial to Native American veterans in Washington, D.C., will portray a steel circle to represent 'the hole in the sky where the creator lives.'"[112] Such diversity is properly celebrated.[113]

c. Crosses

The cross is perhaps the best known symbol of Christianity. Christians regularly display and wear crosses in remembrance of what they consider to be God's Son, Jesus Christ's, sacrifice for humanity. But symbols can and do have more than one meaning.[114] In the West, and throughout American history, crosses have often been used to commemorate and honor the dead. In the context of war, they have often been used to recognize the sacrifice that soldiers have made for their Nation.[115] Most notably, hundreds of thousands of tombstones with crosses on

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[111] See http://www.harekrsna.com/philosophy/acarya/newyork.htm (accessed July 5, 2019).

[112] *American Legion v. American Humanist Association*, 588 U.S. __, 30 (2019) (Alito, J.). The Memorial is now open, see: National Native American Veterans Memorial | National Museum of the American Indian. In a July 24, 2019 article, Cheyenne, Arapaho, and Sioux artist Harvey Pratt, who designed the Memorial, explained that "the big vertical circle that stands in the middle, I call it the hole in the sky where the Creator lives. When you pray, that prayer goes through there and the Creator receives it and he sends his gift back down through that vertical circle, that hole in the sky for you. He blesses you." Available at: National Native American Veterans Memorial artist explains his design | Buffalo's Fire (last two website accessed on August 4, 2026).

[113] I do not include in this section temporary recognitions of religious holidays, such as the 45-foot Christmas tree and 18-foot menorah upheld in *County of Allegheny v. ACLU*, 492 U.S. 573 (1989). American governments (national, state, and municipal) have long recognized Christian holidays (especially Christmas), but only in recent decades have they begun to recognize non-Christian ones as well (https://washington.org/visit-dc/holidays-white-house-first-family-traditions) (accessed July 5, 2019). Since the turn of this century, for instance, the White House has hosted events to commemorate Hindu, Islamic, Jewish, and Sikh holy days (https://s3.amazonaws.com/becketpdf/Van-Orden-USSC-BFRL-Amicus.pdf, esp. 6-7) (accessed July 5, 2019).

[114] An obvious, contemporary example of a symbol with more than one meaning is the rainbow. For millennia, Jews and Christians have viewed it as an important sign of God's covenant with Noah that "the waters shall no more become a flood to destroy all flesh" (Genesis 9:15 (and, generally, 9:13–17)). Yet, since 1978, the rainbow flag has been a symbol for LGBTQ rights https://www.insider.com/why-rainbow-lgbt-gay-pride-2017-6 (accessed June 29, 2019). See also, *Pleasant Grove City v. Summum*, 129 S. Ct. 1125, 1135-37 (2009).

[115] *American Legion, et al. v. American Humanist Association*, 588 U.S. __, 2-5 (2019) (Alito, J.).

them fill Arlington National Cemetery and the other 143 National cemeteries throughout the Nation.[116] Other crosses on public land include[117]:

- "In Richmond, Virginia, a large Latin cross set near the falls of the James River. Known as the Christopher Newport Cross, it commemorates the 1607 expedition of Captain Newport, who sailed upriver as far as the falls, and bears the inscription 'Dei Gratia Virginia Condita,' or 'Virginia was founded by the Grace of God.'"[118]

- "In Mobile, Alabama, a large stone cross, known as the Bienville Cross, sits in the heart of downtown in a public square. As shown by its inscription, it is a monument to Jean Baptiste LeMoyne, Sieur de Bienville (1680-1768), founder of the city, whose recited accomplishments include bringing 'the Prosperity of true Civilization and the Happiness of real Christianity.'"[119]

- "The Father Millet Cross, which currently stands in Fort Niagara State Park in upstate New York, was originally erected in 1688 by a Jesuit priest, Father Pierre Millet. In 1925, President Calvin Coolidge set aside a 320-square-foot section of Fort Niagara Military Reservation 'for the erection of another cross commemorative of the cross erected and blessed by Father Millet.'"[120]

- "In Santa Fe, New Mexico, there is the Cross of the Martyrs, a large steel cross erected to commemorate the 21 Franciscan Friars who perished in the 1680 Indian uprising known as the Pueblo Revolt."[121]

- "The Cross Mountain Cross, in Fredericksburg, Texas, stands where the first settlers of what is now Fredericksburg first discovered a timber cross on a hilltop in 1847. A

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[116] Peter Gardella, *American Civil Religion: What Americans Hold Sacred* (New York: Oxford University Press, 2014), 191, 195.

[117] All but the last of the crosses mentioned above come from a professors' *amicus* brief (hereinafter "Professors' brief") I helped write for *The American Legion et al. v. American Humanist Association*. I quote the descriptions from the brief, and then cite an additional internet source that describes the monument and, ideally, provides an image of it. The Professors' brief may be found here: https://www.supremecourt.gov/DocketPDF/17/17-1717/77608/20181226144524325_17-1717%20Professors%20Amicus%20Brief.pdf (accessed June 15, 2019).

[118] Professors' brief, 16. See also, https://www.hmdb.org/marker.asp?marker=23819 (accessed June 27, 2019).

[119] "Professors' brief," 16. See also, http://digital.archives.alabama.gov/cdm/ref/collection/photo/id/19464 (accessed June 27, 2019).

[120] "Professors' brief," 16. Although no longer a national park, the cross is currently on the grounds of the "Old Fort Niagara State Historic Site, a component of New York's state park system." See, https://www.nationalparkstraveler.org/2009/09/pruning-parks-father-millet-cross-national-monument-1925-1949-was-smallest-national-monument-ever-es4482 (accessed June 27, 2019).

[121] "Professors' brief," 17. See also, https://www.hmdb.org/marker.asp?marker=73092 (accessed June 27, 2019).

cross has remained there since; the original replaced with a permanent lighted version in 1946, which today resides in the city-maintained Cross Mountain Park."[122]

- "Since 1858, a cross has stood atop the Chapel of the Centurion at Fort Monroe, in Hampton, Virginia. Named for Cornelius, the Roman centurion converted to Christianity by St. Peter, the Chapel served as the United States Army's oldest wooden structure in continuous use for religious services until it was decommissioned in 2011."[123]

- "The Irish Brigade Monument, a 19-foot Celtic cross, was placed in Gettysburg National Military Park in 1888 to honor soldiers from three New York regiments who fought and died at Gettysburg."[124]

- "The Jeannette Monument at the United States Naval Academy, a Latin cross dedicated to sailors who died exploring the Arctic in 1881, was erected in 1890, and is the largest monument in the Naval Academy Cemetery."[125]

- "The Father Serra Cross is an 11-foot granite Celtic cross donated to the City of Monterey in 1905 and installed on public land in 1908. The cross features a portrait of Father Junipero Serra and an image of his Carmel Mission."[126]

- "A large Celtic cross known as the Wayside Cross sits in New Canaan, Connecticut's historic green. Erected in 1923 as a war memorial, it bears the inscription: 'Dedicated to the glory of Almighty God in memory of the New Canaan men and women who, by their unselfish patriotism, have advanced the American ideals of liberty and the brotherhood of man.'"[127]

- "Then, in New York City, there stands the Ground Zero Cross. Composed of steel beams approximating the shape of a Latin cross and found amid the wreckage of the World Trade Center, the cross is now erected at the National September 11 Memorial & Museum."[128]

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[122] "Professors' brief," 17. See also, https://www.visitfredericksburgtx.com/2019/04/11/the-history-and-mystery-of-cross-mountain/ (accessed June 27, 2019).
[123] "Professors' brief," 17. See also, https://www.loc.gov/item/va1661/ (accessed June 27, 2019).
[124] "Professors' brief," 18. See also, http://gettysburg.stonesentinels.com/union-monuments/new-york/new-york-infantry/irish-brigade/ (accessed June 27, 2019).
[125] "Professors' brief," 18. See also, https://www.usna.edu/Cemetery/History_and_Memory/First_Monuments.php (accessed June 27, 2019).
[126] "Professors' brief," 18. See also, http://www.waymarking.com/waymarks/WM7HF5_Serra_Landing_Monterey_CA (accessed June 27, 2019).
[127] "Professors' brief," 18-19. See also, http://ctmonuments.net/2011/07/wayside-cross-new-canaan/ (accessed June 27, 2019).
[128] "Professors' brief," 19. See also, https://www.911memorial.org/blog/wtc-cross-installed-911-memorial-museum-updated (accessed June 27, 2019).

- And, of course, this list must include the Bladensburg Cross, an "immense Latin cross"[129] on public property in Maryland that the United States Supreme Court determined to be constitutional.[130]

Crosses are widely associated with Christianity, but as noted even crosses on public land have been found to be constitutionally permissible.

d. Ten Commandments Displays

If the cross is often thought of as a symbol of Christianity, the Ten Commandments are accepted by Jews, Christians, and Muslims. The commandments, it is true, can be numbered and listed in different ways within and among various faith traditions (discussed below).[131] Nevertheless, in the words of Bible scholars Bruce Metzger and Michael Coogan, "[t]he contents of the Ten Commandments are, however, the same for all of the religious communities, despite the differences in their enumeration."[132]

Numerous scholars, civic leaders, and jurists have recognized that the Commandments are a source of Western and American law. For instance, Judge John T. Noonan, Jr., wrote that the Ten Commandments "have been the most influential law code in history."[133] Similarly, Stephen Botein observed in *Early American Law and Society* "the ideal polity of early Puritan New England was thought to comprehend divine intentions as revealed through Mosaic law."[134] Yale law professor Stephen L. Carter likewise observes that **"**[t]he Ten Commandments have

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[129] *American Legion v. American Humanist Association*, 588 U.S. __, 3 (2019) (Ginsburg, J., dissenting).
[130] *Ibid.*, (Alito, J.). See also, https://religionnews.com/2019/06/24/the-supreme-court-made-a-special-case-of-the-bladensburg-cross-lets-keep-it-that-way/ (accessed July 8, 2019).
[131] Paul Finkelman, "The Ten Commandments on the Courthouse Lawn and Elsewhere," *Fordham Law Review* 73 (March 2005): 1477-1520.
[132] Bruce Metzger and Michael Coogan, eds., *The Oxford Companion to the Bible* (New York: Oxford University Press, 1993), 736. As shown on Table 1, many Jews consider "I am the LORD thy God, who brought thee out of the land of Egypt" to be the First Commandment, or First "Word," but as also shown on Table 1 Jews, Catholics, and Protestants generally agree with the basic content of the Commands, i.e., do not blaspheme, do not steal, etc. David L. Baker, "Ten Commandments, Two Tables: The Shape of the Decalogue," *Themelios* 30 (2005) available at: https://www.thegospelcoalition.org/themelios/article/ten-commandments-two-tablets-the-shape-of-the-decalogue/ (accessed 8/5/2026).
[133] John T. Noonan, *The Believer and the Powers That Are: Cases, History, and Other Data Bearing on the Relation of Religion and Government* (New York: Macmillan, 1987), 4.
[134] Stephen Botein, *Early American Law and Society*, (New York: Knopf, 1982), 25. *See* also Joseph Story, *Commentaries on the Constitution of the United States* (Boston, 1833), section 1867; and John W. Welch, "Biblical Law in America: Historical Perspectives and Potentials for Reform," *BYU L. Rev.* (2002), 611-42.

had a 'significant impact on the development of the secular legal codes of the Western World.'"[135]

One 2009 law review article identified roughly 1,000 cases that included citations to the Ten Commandments in American court opinions, citations that continued well into the twentieth century.[136] The article was based on a 2002 search for terms such as "Ten Commandments," "Decalogue," First Commandment," etc. The article concedes that not all references are to the biblical Ten Commandments, and that some of them involve litigation over Ten Commandments monuments.[137] I replicated this search in 2026 and found that the number of cases has increased to 1,897, although many of the recent ones involve litigation over Ten Commandments monuments and posters.

The United States's *amicus* brief in *Van Orden* helpfully collects numerous instances of jurists claiming that the Ten Commandments are a source of American law, generally, or that informed specific laws:

> City of Elkhart v. Books, 532 U.S. 1058, 1061 (2001) (Rehnquist, C.J., Scalia & Thomas, JJ., dissenting from denial of certiorari) (the Ten Commandments "have made a substantial contribution to our secular legal codes"); County of Allegheny v. ACLU, 492 U.S. 573, 652 (1989) (Stevens, J., concurring in part & dissenting in part) (display of Moses with the Ten Commandments as a foundational lawgiver does not violate the Establishment Clause); Edwards v. Aguillard, 482 U.S. 578, 594 (1987) (rejecting the suggestion that "the Ten Commandments played an exclusively religious role in the history of Western Civilization"); Griswold v. Connecticut, 381 U.S. 479, 529 n.2 (1965) (Stewart, J., dissenting) (noting the nexus between "most criminal laws" and the Ten Commandments); McGowan v. Maryland, 366 U.S. 420, 462 (1961) (Frankfurter, J., concurring) ("State prohibitions of murder, theft and adultery reinforce commands of the decalogue."); ACLU v. McCreary County, 354 F.3d 438, 482 (6th Cir. 2003) (Ryan, J., dissenting) (noting the "indisputable historical role of religion, and especially the canons of the Decalogue, as one of many principles, ideas, values, and impulses that, taken together, influenced the founders of this republic in shaping our law and government"), cert. granted, 125 S. Ct. 310 (2004); Freethought Soc'y v. Chester County, 334 F.3d 247, 267 (3d Cir. 2003) (there is a "well documented history" that "the Ten Commandments have an independent secular meaning in our society because they are regarded as a significant basis of American law and the American polity, including the prohibitions against murder and blasphemy"); King v. Richmond County, 331 F.3d 1271, 1282 (11th Cir. 2003) ("Much of our private and public law derives from the[] final six commandments."); Books, 235 F.3d at 302 ("The text of the Ten Commandments no

[135] Stephen L. Carter, *The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion* (New York: Basic Books, 1993), 208. Carter was quoting Justice Rehnquist's dissent in *Stone*, and the context strongly suggests he agrees with him.
[136] John Eidsmoe, "The Use of the Ten Commandments in American Courts," *Liberty University Law Review* 3 (2009), 15-16. This figure is based on a series of Lexis computer searches, but Eidsmoe also quotes from and cites dozens of cases where jurists utilize one or more of the Ten Commandments in substantive ways. Many of these cases are from the twentieth century.
[137] *Ibid.*

> doubt has played a role in the secular development of our society and can no doubt be presented by the government as playing such a role in our civic order."); Anderson, 475 F.2d at 33–34 (the Ten Commandments have "substantial secular attributes" and are a "foundation for law").[138]

In 1813, John Quincy Adams wrote to his son that:

> The law given from Sinai was a civil and municipal as well as a moral and religious code; it contained many statutes adapted to that time only, and to the particular circumstances of the nation to whom it was given; but many others were of universal application—laws essential to the existence of men in society, and most of which have been enacted by every nation which ever professed any code of laws.[139]

Similarly, in 1997, the House of Representatives recognized that "the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization" and "the Ten Commandments set forth a code of moral conduct, observance of which is universally acknowledged to promote respect for our system of laws and the good of society."[140] As such, the House resolved that: "(1) the Ten Commandments are a declaration of fundamental principles that are the cornerstones of a fair and just society; and (2) the public display, including display in government offices and courthouses, of the Ten Commandments should be permitted."[141]

More recently, Justice Alito observed in *American Legion v. American Humanist Association* (2019) that:

> For believing Jews and Christians, the Ten Commandments are the word of God handed down to Moses on Mount Sinai, but the image of the Ten Commandments has also been used to convey other meanings. They have historical significance as one of the foundations of our legal system, and for largely that reason, they are depicted in the marble frieze in our courtroom and in other prominent public buildings in our Nation's capital.[142]

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[138] Brief for the United States as *Amicus Curiae* Supporting Respondents in *Van Orden v. Perry*, 545 U.S. 677 (2005) (No. 03-1500), 2005 WL 263790, 7.

[139] Quoted in Daniel L. Dreisbach, *Reading the Bible with the Founding Fathers* (New York: Oxford University Press, 2016), 46.

[140] Available at: https://www.congress.gov/bill/105th-congress/house-concurrent-resolution/31/text (accessed July 6, 2019).

[141] *Ibid.*

[142] *American Legion v. American Humanist Association*, 588 U.S. __, 17 (2019), (Alito, J.). Even Justice John Paul Stevens, who dissented in *Van Orden v. Perry*, observed in *County of Allegheny v. ACLU* that "a carving of Moses holding the Ten Commandments, if that is the only adornment on a courtroom wall, conveys an equivocal message, perhaps of respect for Judaism, for religion in general, or for law." 492 U.S. 573, 652 (1989).

In the oral arguments for that case, the American Humanist Association's attorney, Monica Miller, observed that the Ten Commandments can have "some sort of dual secular meaning"; they are "basically shorthand for law itself."[143]

In the mid-twentieth century, E.J. Ruegemer, a Minnesota judge, became concerned with what he perceived to be the rise of juvenile delinquency in the United States. He believed that "if troubled youths were exposed to one of mankind's earliest and long-lasting codes of conduct, those youths might be less inclined to break the law."[144] He formed a committee "consisting of fellow judges, lawyers, various city officials, and clergy of several faiths" to develop a "version of the Ten Commandments which was not identifiable to any particular religious group."[145] He eventually partnered with Cecil B. DeMille and the Fraternal Order of Eagles to help place granite monuments inscribed with the Ten Commandments throughout the United States.[146] Many of these monuments were placed on public property, in one case on the Texas State House grounds. In *Van Orden v. Perry*, (2005), the United States Supreme Court determined that "the display of a monument inscribed with the Ten Commandments on the Texas State House grounds" does not violate the Establishment Clause.[147]

Judge Ruegemer estimated that "there are probably about 140-150 granite monuments of the Ten Commandments from the Eagles located throughout the United States."[148] These monuments, which were erected between 1956 and 1983, are located in[149]:

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[143] Available at: https://www.supremecourt.gov/oral_arguments/argument_transcripts/2018/17-1717_7l48.pdf, 55 (accessed July 8, 2019).

[144] Declaration of Judge E.J. Ruegemer for *Card v. City of Everett,* No. CV03-2385L*,* Sept. 19, 2003, 2. *Card v. City of Everett* involved an Establishment Clause challenge to a monument of the Ten Commandments donated to the City of Everett, Washington, by the local chapter of the Fraternal Order of Eagles. The United States Court of Appeals for the Ninth Circuit eventually found it to be constitutionally permissible in *Card v. City of Everett*, 520 F.3d 1009 (9th Cir. 2008).

[145] *Ibid*. See also, Brief of the Fraternal Order of Eagles as *amicus curiae* in Support of Respondents. *Van Orden v. Perry*, 2005 WL 263789, 2005 U.S. S. Ct. Briefs LEXIS 134 (Supreme Court of the United States January 31, 2005), 5-9.

[146] Declaration of Judge E.J. Ruegemer, 3-4. DeMille was only involved in the early stages of what has been referred to as the Eagles' Ten Commandment Project. Sue A. Hoffman provides an extensive history of the origins and history of this project in: *In Search of God and the Ten Commandments: One Person's Journey to Preserve a Small Part of America's God-given Values and Freedoms* (self-published, 2014), 76-79.

[147] 545 U.S. 677, 681 (2005).

[148] Declaration of Judge E.J. Ruegemer, 4.

[149] The following list of monuments is taken from two main sources. The first is a list dated July 7, 2019 on this website: http://www.eaglesmonuments.com/states/city-list.html (accessed July 8, 2019). It was created and maintained by Robert Ritter, a "retired attorney on inactive status in Virginia," founder of "the Jefferson Madison Center for Religious Liberty," and former "legal coordinator and staff attorney at the American Humanist Association in Washington, D.C." Ritter believes that it is constitutionally impermissible to permit Ten Commandment monuments

- Albert Lea, Minnesota – 1956; Central Park.[150]
- Ambridge, Pennsylvania – 1955; P. J. Caul Memorial Park.[151]
- Aspen, Colorado – 1968; Conner Memorial Park.[152]
- Auburn, Washington – 1965; Mountain View Cemetery.[153]
- Austin, Minnesota – 1960; Mower County Courthouse.[154]
- Austin, Texas – 1961; Texas State Capitol.[155]
- Blackfoot, Idaho – 1990; Wilbert Cammack Memorial Park.[156]
- Bozeman, Montana – 1970; Soroptimist Park.[157]

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to remain on public property. The website is no longer active, but images of pages were captured by the Wayback Machine, an initiative of the Internet Archive (accessed August 3, 2026).

The second source is Sue Hoffman's book, *In Search of God and the Ten Commandments*. A retired teacher, Hoffman believes it is constitutionally permissible to erect or keep monuments of the Ten Commandments on public property. In addition to providing a good overview of the Eagles' Ten Commandments Project, her book contains 58 photographs, mostly taken between 2008 and 2012, documenting Ten Commandments monuments on public property.

I list only monuments that remain on public land. Even though Ritter's list is dated July 7, 2019, and Hoffman's book was published in 2014, it is possible that some of the monuments they document were removed in recent years. To check the accuracy of my list, I selected a sample of 20 monuments and then called or emailed city or county officials on July 9 and 10, 2019. I talked to or heard back from eighteen of these officials, and in each case they confirmed that the monument in their city/county is still in place and that it remains on public property. I have personally visited the Ten Commandments monuments on the statehouse grounds of Arizona, Arkansas, and Texas.

[150] http://www.eaglesmonuments.com/states/Minnesota.html (accessed July 3, 2019).

[151] http://www.eaglesmonuments.com/states/Pennsylvania.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 158.

[152] http://www.eaglesmonuments.com/states/Colorado.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 272.

[153] http://www.eaglesmonuments.com/states/Washington.html (accessed July 3, 2019).

[154] http://www.eaglesmonuments.com/states/Minnesota.html (accessed July 3, 2019).

[155] http://www.eaglesmonuments.com/states/Texas.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 233.

[156] http://www.eaglesmonuments.com/states/Iowa.html (accessed July 3, 2019). Confirmed by email from Mayor Marc Carroll, City of Blackfoot, on July 10, 2019.

[157] http://www.eaglesmonuments.com/states/Montana.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 283.

- Brownsville, Pennsylvania – 1957; Brownsville Municipal Building.[158]
- Buffalo, Wyoming – 1981; Willow Grove Cemetery.[159]
- Caldwell, Idaho – 1983; Development Services.[160]
- Casper, Wyoming – 1965; Historic Monument Plaza.[161]
- Cedar Rapids, Iowa – 1957; park beside Cedar River.[162]
- Cheyenne, Wyoming – 1970; Lyons Park.[163]
- Chicago Heights, Illinois – 1955, Chicago Heights Park District office.[164]
- Clearfield, Pennsylvania – 1973; Clearfield County Courthouse.[165]
- Cloquet, Minessota – 1962; Fire and police department building.[166]
- Clovis, New Mexico – 1967; Curry County Courthouse.[167]
- Cody, Wyoming – 1966; City Park.[168]
- Coeur d'Alene, Idaho – 1973; Ronald D. Rankin Veterans Memorial Plaza.[169]

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[158] http://www.eaglesmonuments.com/states/Pennsylvania.html (accessed July 3, 2019).
[159] http://www.eaglesmonuments.com/states/Wyoming.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 303.
[160] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019). Confirmed by email from city attorney Mark Hilty, City of Caldwell, on July 10, 2019.
[161] http://www.eaglesmonuments.com/states/Wyoming.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 253.
[162] http://www.eaglesmonuments.com/states/Iowa.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments,* 183.
[163] http://www.eaglesmonuments.com/states/Wyoming.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 285.
[164] http://www.eaglesmonuments.com/states/Illinois.html (accessed July 3, 2019).
[165] http://www.eaglesmonuments.com/states/Pennsylvania.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 296.
[166] http://www.eaglesmonuments.com/states/Montana.html (accessed July 3, 2019).
[167] http://www.eaglesmonuments.com/states/New_Mexico.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 265.
[168] http://www.eaglesmonuments.com/states/Wyoming.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 261.
[169] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 295. Confirmed by email from Chris Fillios, on July 23, 2019.

- Columbus, Indiana – Year unknown; Bartholomew County Courthouse.[170]
- Corpus Christi, Texas – 1960; Nueces County Courthouse.[171]
- Crown Point, Indiana – 1957; Old Lake County Courthouse.[172]
- Cumberland, Maryland – 1957; Allegany County Courthouse.[173]
- Dallas, Texas – 1956; Texas State Fair Park.[174]
- Denver, Colorado – 1955; Lincoln Park (Colorado State Capitol).[175]
- Detroit Lakes, Minnesota – 1962; City Park.[176]
- Dunseith, North Dakota – 1956; International Peace Garden.[177]
- Evansville, Indiana – 1955; Old Vanderburgh County Courthouse.[178]
- Everett, Washington – 1959; police department.[179]
- Fallon, Nevada – 1972; City Hall.[180]

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[170] http://www.eaglesmonuments.com/states/Indiana.html (accessed July 3, 2019). I left a phone message with the Bartholomew County Courthouse in Columbus, Indiana. Someone called me back on July 10, 2019 and confirmed the monument is still in place.
[171] http://www.eaglesmonuments.com/states/Texas.html (accessed July 3, 2019).
[172] http://www.eaglesmonuments.com/states/Indiana.html (accessed July 3, 2019). I called the Courthouse in Crown Point and confirmed that the monument is still in place on July 10, 2019.
[173] http://www.eaglesmonuments.com/states/Maryland.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 185.
[174] http://www.eaglesmonuments.com/states/Texas.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 175.
[175] http://www.eaglesmonuments.com/states/Colorado.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 165. Case dealing with this monument: *State v. Freedom From Religion Found., Inc*., 898 P.2d 1013, 1015 (Colo. 1995).
[176] http://www.eaglesmonuments.com/states/Minnesota.html (accessed July 3, 2019).
[177] http://www.eaglesmonuments.com/states/North_Dakota.html (accessed July 3, 2019).
[178] http://www.eaglesmonuments.com/states/Indiana.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments,* 167.
[179] http://www.eaglesmonuments.com/states/Washington.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 219. I called the Everett Police Department and confirmed that the monument was still in place on July 10, 2019. Case dealing with this monument: *Card v. City of Everett*, 520 F.3d 1009 (9th Cir. 2008).
[180] http://www.eaglesmonuments.com/states/Nevada.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 292.

- Fargo, North Dakota – 1958; City Hall.[181]
- Faribault, Minnesota – 1957; Buckham Memorial Library.[182]
- Follansbee, West Virginia – 1962; City Park.[183]
- Fort Lauderdale, Florida – 1958; War Memorial Auditorium.[184]
- Fremont, Nebraska – 1961; Memorial Park.[185]
- Galveston, Texas – 1957; Broadway Avenue and 23rd St.[186]
- Gardner, Massachusetts – 1955; City Hall.[187]
- Gastonia, North Carolina – 1957; Gastonia City Council.[188]
- Gillette, Wyoming – 1978; City Park.[189]
- Grand Junction, Colorado – 1959; City Hall.[190]
- Grangeville, Idaho – 1982; Idaho County Courthouse.[191]
- Great Falls, Montana – 1967; Cascade County Court House.[192]

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[181] http://www.eaglesmonuments.com/states/North_Dakota.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments,* 199. Cases dealing with this monument: *Red River Freethinkers v. City of Fargo*, 679 F.3d 1015 (8th Cir. 2012); *Red River Freethinkers v. City of Fargo*, 764 F.3d 948 (8th Cir. 2014).
[182] http://www.eaglesmonuments.com/states/Minnesota.html (accessed July 3, 2019).
[183] http://www.eaglesmonuments.com/states/West_Virginia.html (accessed July 3, 2019).
[184] http://www.eaglesmonuments.com/states/Florida.html (accessed July 3, 2019).
[185] http://www.eaglesmonuments.com/states/Nebraska.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 232.
[186] http://www.eaglesmonuments.com/states/Texas.html (accessed July 3, 2019).
[187] http://www.eaglesmonuments.com/states/Massachusetts.html (accessed July 3, 2019).
[188] http://www.eaglesmonuments.com/states/North_Carolina.html (accessed July 3, 2019).
[189] http://www.eaglesmonuments.com/states/Wyoming.html (accessed July 3, 2019).
[190] http://www.eaglesmonuments.com/states/Colorado.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 222. I called the Idaho County Courthouse in Grangeville and confirmed that the monument is still in place on July 10, 2019.
[191] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019).
[192] http://www.eaglesmonuments.com/states/Montana.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 264.

- Green River, Wyoming – 1968; Riverview Cemetery.[193]
- Hastings, Nebraska – 1960; Parkview Cemetery.[194]
- Hayden, Idaho – 1993; City Park (adjacent to City Hall).[195]
- Helena, Montana – 1956; Montana State Capitol.[196]
- Hobbs, New Mexico – 1970; City Hall.[197]
- Idaho Falls, Idaho – 1969; park along Memorial Dr.[198]
- Jackson's Mill, West Virginia – Year unknown; "West Virginia Building."[199]
- Jefferson City, Missouri – 1958; Missouri State Capitol.[200]
- Junction City, Kansas – 1958; Municipal Building.[201]
- Kalispell, Montana – 1969; Flathead County Courthouse.[202]
- Kellogg, Idaho – 1971; Boy Scout House at City Park.[203]

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[193] http://www.eaglesmonuments.com/states/Wyoming.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 270.
[194] http://www.eaglesmonuments.com/states/Nebraska.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 225.
[195] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 307.
[196] http://www.eaglesmonuments.com/states/Montana.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 171.
[197] http://www.eaglesmonuments.com/states/New_Mexico.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 282.
[198] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019). Confirmed by email from Tracy Session of Idaho Falls Parks Department, July 13, 2019.
[199] http://www.eaglesmonuments.com/states/West_Virginia.html (accessed July 3, 2019).
[200] http://www.eaglesmonuments.com/states/Missouri.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 205.
[201] http://www.eaglesmonuments.com/states/Kansas.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 211.
[202] http://www.eaglesmonuments.com/states/Montana.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 278.
[203] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019). I called the City of Kellogg's City Hall and confirmed that the monument is still in place on July 10, 2019.

- Kemmerer, Wyoming – 1972; Triangle Park.[204]
- Las Vegas, Nevada – 1973; Dula Gymnasium.[205]
- Lawrenceville, Illinois – Year unknown; Lawrence County Courthouse.[206]
- Lebanon, Indiana – 1957; Boone County Courthouse.[207]
- Logan, Ohio – 1959; Worthington Park.[208]
- Lorain, Ohio – 1961; Lakeview Beach.[209]
- Lovelock, Nevada – 1967; Pershing County Courthouse.[210]
- Malad, Idaho – 1976; Malad City Park.[211]
- Minot, North Dakota – 1963; Roosevelt Park.[212]
- Monongahela, Pennsylvania – 1975; Chess Park.[213]
- Monessen, Pennsylvania – 1957; Monessen City Park.[214]
- Moorhead, Minnesota – 1960; Clay County Jail.[215]
- Moundsville, West Virginia – 1957; Central Elementary School.[216]

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[204] http://www.eaglesmonuments.com/states/Wyoming.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 293.
[205] http://www.eaglesmonuments.com/states/Nevada.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 295.
[206] http://www.eaglesmonuments.com/states/Illinois.html (accessed July 3, 2019).
[207] http://www.eaglesmonuments.com/states/Indiana.html (accessed July 3, 2019).
[208] http://www.eaglesmonuments.com/states/Ohio.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 217.
[209] http://www.eaglesmonuments.com/states/Ohio.html (accessed July 3, 2019).
[210] http://www.eaglesmonuments.com/states/Nevada.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 267.
[211] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 301.
[212] http://www.eaglesmonuments.com/states/North_Dakota.html (accessed July 3, 2019).
[213] http://www.eaglesmonuments.com/states/Pennsylvania.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 215.
[214] http://www.eaglesmonuments.com/states/Pennsylvania.html (accessed July 3, 2019).
[215] http://www.eaglesmonuments.com/states/Minnesota.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 228.
[216] http://www.eaglesmonuments.com/states/West_Virginia.html (accessed July 3, 2019).

- Nampa, Idaho – 1975; Veterans Memorial (adjacent to Nampa City Hall).[217]
- Newark, Ohio – 1957; Licking County Courthouse.[218]
- Norwalk, Ohio – 1960; City Hall.[219]
- Oakland, California – 1966; Oakland Zoo (in storage).[220]
- Parma, Idaho – 1966; Parma City Public Swimming Pool.[221]
- Paulding, Ohio – 1961; Paulding County Courthouse.[222]
- Payette, Idaho – 1986; Police Dept. - City Hall.[223]
- Phoenix, Arizona – 1964; Wesley Bolin Plaza (Arizona State Capitol).[224]
- Plattsmouth, Nebraska – 1965; Memorial Park.[225]
- Pleasant Grove City, Utah – 1971; Pioneer Park.[226]

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[217] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019). Confirmed by email from Kristen D. Pudlow, Assistant to the Mayor, City of Nampa, on July 10, 2019.
[218] http://www.eaglesmonuments.com/states/Ohio.html (accessed July 3, 2019).
[219] http://www.eaglesmonuments.com/states/Ohio.html (accessed July 3, 2019).
[220] http://www.eaglesmonuments.com/states/California.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 260.
[221] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 10, 2019). I called the City of Parma's City Hall and confirmed that the monument is still in place on July 10, 2019.
[222] http://www.eaglesmonuments.com/states/Ohio.html (accessed July 3, 2019).
[223] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019). I called the Payette City Park & Police Department and confirmed that the monument is still in place on July 10, 2019.
[224] http://www.eaglesmonuments.com/states/Arizona.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 247. I left a message with the Arizona Capitol Museum and someone called me back and confirmed that the monument is still in place on July 10, 2019.
[225] http://www.eaglesmonuments.com/states/Nebraska.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 256. Case dealing with this monument: *ACLU Nebraska Foundation v. City of Plattsmouth, Neb.*, 419 F.3d 772 (8th Cir. 2005).
[226] http://www.eaglesmonuments.com/states/Utah.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 289. Case dealing with this monument: *Pleasant Grove City v. Summum*, 129 S.Ct. 1125, 1129 (2009).

- Pocatello, Idaho – 1967; Bannock County Courthouse.[227]
- Post Falls, Idaho – 1985; City Hall.[228]
- Princeton, Indiana – 1956; Gibson County Courthouse.[229]
- Redondo Beach, California – 1961; Civic Center garden.[230]
- Roswell, New Mexico – 1973; Chaves County Courthouse.[231]
- Rutland, Vermont – 1964; Court Square (Park).[232]
- Saint Maries, Idaho – 1968; Benewah County Courthouse.[233]
- Sandpoint, Idaho – 1972; Farmin Park.[234]
- Santa Fe, New Mexico – 1968; Fire Station No. 3.[235]
- Sheridan, Wyoming – 1969; 1912 Chicago, Burlington, and Quincy Railroad Depot.[236]
- Somersworth, New Hampshire – 1958; in the intersection adjacent to City Hall.[237]
- South Bend, Indiana – 1957; Morris Performing Arts Center.[238]

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[227] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 266. I called the Bannock County Courthouse and confirmed that the monument is still in place on July 10, 2019.
[228] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 229.
[229] http://www.eaglesmonuments.com/states/Indiana.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 174.
[230] http://www.eaglesmonuments.com/states/California.html (accessed July 3, 2019).
[231] http://www.eaglesmonuments.com/states/New_Mexico.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 294.
[232] http://www.eaglesmonuments.com/states/Vermont.html (accessed July 3, 2019).
[233] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019). I called the Benewah County Courthouse and confirmed that the monument is still in place on July 10, 2019.
[234] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019).
[235] http://www.eaglesmonuments.com/states/New_Mexico.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 271.
[236] http://www.eaglesmonuments.com/states/Wyoming.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 275.
[237] http://www.eaglesmonuments.com/states/New_Hampshire.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 202.
[238] http://www.eaglesmonuments.com/states/Indiana.html (accessed July 3, 2019).

- Springfield, Ohio – 1959; Clark County Common Pleas Court.[239]
- Thermopolis, Wyoming – 1967; Hot Springs County Courthouse.[240]
- Toledo, Ohio – 1957; Lucas County Courthouse.[241]
- Trenton, New Jersey – 1956; City Hall.[242]
- Troy, Ohio – 1964; Miami County Courthouse.[243]
- Tucumcari, New Mexico – 1975; Tucumcari Municipal Court.[244]
- Verona, Pennsylvania – 1958; Verona Municipal Building.[245]
- Valley City, Nevada – 1960; Veterans Memorial Park.[246]
- Vincennes, Indiana – 1958; Knox County Courthouse.[247]
- Virginia City, Nevada – 1971; roadside park overlooking the mountains.[248]
- Wallace, Idaho – 1970; Shoshone County Courthouse.[249]
- Waukegan, Illinois – 1960; Waukegan Police Department.[250]

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[239] http://www.eaglesmonuments.com/states/Ohio.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 221.
[240] http://www.eaglesmonuments.com/states/Wyoming.html (accessed July 3, 2019). I called the Hot Springs County Courthouse in Thermopolis and confirmed that the monument is still in place on July 10, 2019.
[241] http://www.eaglesmonuments.com/states/Ohio.html (accessed July 3, 2019).
[242] http://www.eaglesmonuments.com/states/New_Jersey.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments,* 175.
[243] http://www.eaglesmonuments.com/states/Ohio.html (accessed July 3, 2019).
[244] http://www.eaglesmonuments.com/states/New_Mexico.html (accessed July 3, 2019).
[245] http://www.eaglesmonuments.com/states/Pennsylvania.html (accessed July 3, 2019).
[246] http://www.eaglesmonuments.com/states/Nevada.html (accessed July 3, 2019).
[247] http://www.eaglesmonuments.com/states/Indiana.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 214.
[248] http://www.eaglesmonuments.com/states/Nevada.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 286.
[249] http://www.eaglesmonuments.com/states/Idaho.html (accessed July 3, 2019). I called the Shoshone County Courthouse and confirmed that the monument is still in place on July 10, 2019.
[250] http://www.eaglesmonuments.com/states/Illinois.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 224.

- Winnemucca, Nevada – 1975; Humboldt County Courthouse.[251]
- Winona, Minnesota – 1958; Veterans Memorial Park.[252]
- Xenia, Ohio – 1957; Greene County Courthouse.[253]
- Yerington, Nevada – 1968; Lyon County Courthouse.[254]
- Yuma, Arizona – 1968; Heritage Library Park.[255]

Many of these monuments were erected in the mid-twentieth century, but state and local governments continue the practice today. For instance, in 2017 the State of Arkansas permitted a monument of the Ten Commandments to be placed on its state capitol grounds.[256] Three localities in Texas erected similar monuments in 2026 alone: Amarillo City Hall, Rockwall County Courthouse, and Tarrant County Courthouse.[257]

When the United States Supreme Court upheld the constitutionality of the monument on the Texas state capitol grounds, Chief Justice William Rehnquist observed that "acknowledgements of the role played by the Ten Commandments in our Nation's heritage are common throughout America."[258] To illustrate this point, he noted that:

> We need only look within our own Courtroom. Since 1935, Moses has stood, holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Courtroom as well as the doors leading into the Courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets.
>
> Similar acknowledgments can be seen throughout a visitor's tour of our Nation's Capital. For example, a large statue of Moses holding the Ten Commandments, alongside a statue

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[251] http://www.eaglesmonuments.com/states/Nevada.html (accessed July 3, 2019). I called the Humboldt County Courthouse in Winnemucca, Nevada and confirmed the monument is still in place on July 10, 2019.
[252] http://www.eaglesmonuments.com/states/Minnesota.html (accessed July 3, 2019); Hoffman, *In Search of God and the Ten Commandments*, 208.
[253] http://www.eaglesmonuments.com/states/Ohio.html (accessed July 3, 2019).
[254] Hoffman, *In Search of God and the Ten Commandments*, 273.
[255] http://www.eaglesmonuments.com/states/Arizona.html (accessed June 28, 2019); Hoffman, *In Search of God and the Ten Commandments*, 274.
[256] https://www.npr.org/sections/thetwo-way/2018/04/26/606029241/arkansas-installs-a-new-ten-commandments-monument-at-its-capitol (accessed August 11, 2026).
[257] See 10 Commandments monument unveiled at City Hall : Amarillo Tribune; 10 Commandments monument unveiled at City Hall : Amarillo Tribune; Ten Commandments monument unveiling draws hundreds to Tarrant County Courthouse | Fort Worth Report (accessed August 11, 2026).
[258] *Van Orden v. Perry*, 545 U.S. 677, 688 (2005).

> of the Apostle Paul, has overlooked the rotunda of the Library of Congress' Jefferson Building since 1897. And the Jefferson Building's Great Reading Room contains a sculpture of a woman beside the Ten Commandments with a quote above her from the Old Testament (Micah 6:8). A medallion with two tablets depicting the Ten Commandments decorates the floor of the National Archives. Inside the Department of Justice, a statue entitled "The Spirit of Law" has two tablets representing the Ten Commandments lying at its feet. In front of the Ronald Reagan Building is another sculpture that includes a depiction of the Ten Commandments. So too a 24-foot-tall sculpture, depicting, among other things, the Ten Commandments and a cross, stands outside the federal courthouse that houses both the Court of Appeals and the District Court for the District of Columbia. Moses is also prominently featured in the Chamber of the United States House of Representatives.[259]

This section has focused on the most conspicuous representations of the Ten Commandments on public property—granite monuments and images of the commandments on or by some of our national government's most important buildings. It is likely that a fuller study of national, state, and municipal government buildings throughout the Nation would discover hundreds of other displays of the Ten Commandments.[260] For instance:

a. a plaque containing the full text of the Ten Commandments in Alabama's State Capitol,[261]

b. a framed copy the Commandments in Georgia's State Capitol,[262]

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[259] *Ibid.*, 688–89.

[260] In his dissenting opinion in *Van Orden v. Perry*, 545 U.S. 677, 713 (2005), Justice Stevens noted that the Eagles donated "over a hundred largely identical monoliths [of the Ten Commandments], *and over a thousand paper replicas*, distributed to state and local governments throughout the Nation over the course of several decades" (emphasis added). An *amicus* brief by the United States in *Van Orden v. Perry* contains an appendix that lists at least one display of the Ten Commandments on public property for each State of the Union. The brief is available here: https://www.justice.gov/osg/brief/orden-v-perry-amicus-merits (accessed 10/1/2019).

An organization called Ten Commandments Georgia claims to have placed a parchment copy of the Ten Commandments (along with eight other documents) in 46 public facilities in the State: http://www.tencommandmentsga.org/success/countyDisplays.cfm (accessed July 3, 2019). Finally, Barbara Hoffman writes that in 1954 alone "the Youth Guidance Commission [of the Eagles] saw the distribution of over 18,000 prints of the Ten Commandments, which were placed in Eagle homes, many state capitols, and in county and local government offices." *In Search of God and the Ten Commandments*, 34.

[261] https://www.al.com/politics/2018/11/ten-commandments-amendment-cruising-to-overwhelming-passage.html (accessed June 28, 2019).

[262] http://tencommandmentsga.org/downloads/PlacingHistoricalDisplays.pdf (accessed June 28, 2019).

c. a mural of Moses with the Ten Commandments in the Rumford District Court courtroom in Rumford, Maine,[263]

d. a mural of Moses receiving the Ten Commandments in the Capitol Courtroom in Saint Paul, Minnesota,[264]

e. a mural of Moses holding the Ten Commandments at the Queens Supreme Court Building, New York,[265]

f. a mural of Moses carving the Ten Commandments at the State Supreme Court building in Harrisburg, Pennsylvania, and[266]

g. a mural of Moses holding the Ten Commandments in the Supreme Court Room, City-County Building, Pittsburgh, Pennsylvania, and,.[267]

h. a mural of Moses delivering the Ten Commandments to the people of Israel in the New York City Public Library.[268]

An exhaustive study documenting every display of the Ten Commandments on public property goes well beyond the scope of this report. It is also unnecessary. The examples listed above are more than sufficient to show that erecting monuments or displays of the Ten Commandments on public property is a practice that is "deeply embedded in the history and tradition of this country."[269]

8. Which Version of the Ten Commandments?

a. English Translations

Adherents to Christianity, Judaism, and Islam generally accept the Ten Commandments as commands from God.[270] Originally written in Hebrew, in the American context lists of the

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[263] https://www.sunjournal.com/2019/03/10/art-courts-and-the-legacy-of-monmouths-harry-cochrane/ (accessed June 28, 2019).
[264] http://www.mnhs.org/capitol/learn/art/8949 (accessed June 28, 2019).
[265] https://forgotten-ny.com/2015/11/queens-supreme-court-jamaica/ (accessed July 3, 2019).
[266] Anna Marie Jehorek, *The Pennsylvania Capitol*, "Pull Over and Let Me Out," https://pulloverandletmeout.com/touring-the-pennsylvania-state-capitol-in-harrisburg/ (accessed July 3, 2019).
[267] Albert M. Tannler, *Architecture Feature: Edward Trumbull in Pittsburgh*, Pittsburgh History & Landmarks Foundation, https://phlf.org/2017/10/02/architecture-feature-edward-trumbull-pittsburgh/ (accessed July 3, 2019).
[268] See: NY Public Library Murals: The Story Of The Recorded Word — City Beautiful Tours (Accessed August 10, 2026).
[269] *Marsh v. Chambers*, 463 U.S. 783, 786 (1983).
[270] There are undoubtedly individuals or subgroupings of people who identify as Jews, Catholics, and Protestants who are (1) completely ignorant of the Ten Commandments, (2) who believe

Commandments typically include shortened versions of each Commandment in English translation.[271] These can differ even within religious traditions depending on when the translation was made and who made it. As suggested by the version of each Commandment presented in Table 1, versions of the Ten Commandments appearing in sources associated with Judaism, Catholicism, and Protestantism are typically very similar. See, for instance, the identical translation and editing of the command to "Honour thy father and thy mother." [272]

Below is a table presenting the text of the commandments as taken from three prominent historical Bible translations—the Jewish Publication Society's version (1917), associated with the Jewish faith; the Douay-Rheims Version (1899), associated with Catholicism; and the King James Version (1611), associated with Protestantism.[273]

Table 1

	Jewish Publication Society	**Douay-Rheims**	**King James**
1	**I am the LORD thy God, who brought thee out of the land of Egypt**	**I am the LORD thy God. Thou shalt not have strange gods before me**	**Thou shalt have no other gods before me.**
2	**Thou shalt have no other gods before Me**	**Thou shalt not take the name of the LORD thy God in vain**	**Thou shalt not make unto thee any graven image**

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they are free to follow them or not as they see fit, or (3) who have idiosyncratic interpretations of them. And even if they believe them to be normative, they might break them anyway. Hereinafter, when I refer to what Jews, Catholics, and Protestants believe or accept, I am making generalizations that apply to *adherents* to each tradition with the recognition that there are exceptions.

[271] Exceptions to this are versions sometimes found in Jewish synagogues that feature shortened versions of each Command in Hebrew. See, for instance, the version displayed in Touro Synagogue in Newport, Rhode Island (dedicated 1763): https://koshertravelinfo.com/listings/touro-synagogue-congregation-jeshuat-israel/#google_vignette (accessed August 11, 2026).

[272] See Hall and Picciotti-Bayer, "Ten Commandments," 228-229, for a comparison between the original texts and common, shortened versions.

[273] The Jewish, Catholic, and Protestant traditions present the Commandments as numbered above, but there are exceptions (e.g., Lutherans follow what is generally called the Catholic numbering convention). Michael Coogan, *The Ten Commandments: A Short History of an Ancient Text* (New Haven: Yale University Press, 2014), 28; David L. Baker, "Ten Commandments, Two Tablets: The Shape of the Decalogue," available at: https://www.thegospelcoalition.org/themelios/article/ten-commandments-two-tablets-the-shape-of-the-decalogue/ (accessed August 3, 2026).

3	**Thou shalt not take the name of the LORD thy God in vain**	**Remember that thou keep holy the sabbath day**	**Thou shalt not take the name of the LORD thy God in vain**
4	**Remember the sabbath day, to keep it holy**	**Honour thy father and thy mother**	**Remember the sabbath day, to keep it holy**
5	**Honour thy father and thy mother**	**Thou shalt not kill**	**Honour thy father and thy mother**
6	**Thou shalt not murder**	**Thou shalt not commit adultery**	**Thou shalt not kill**
7	**Thou shalt not commit adultery**	**Thou shalt not steal**	**Thou shalt not commit adultery**
8	**Thou shalt not steal**	**Thou shalt not bear false witness**	**Thou shalt not steal**
9	**Thou shalt not bear false witness**	**Thou shalt not covet thy neighbour's wife**	**Thou shalt not bear false witness**
10	**Thou shalt not covet any thing that is thy neighbour's**	**Thou shalt not covet any thing that is thy neighbour's**	**Thou shalt not covet any thing that is thy neighbour's**

Although versions of the Ten Commandments appearing in texts, on monuments, and elsewhere vary, it is the case that some traditions often utilize slightly different English translations of a particular command. For instance, Jews often translate the Sixth Commandment as "Thou shall not murder," whereas Protestant and Catholic presentations might translate it as "Thou shalt not kill" (see Table 1).

But this is far from a hard and fast rule. For instance, as Rabbi Dr. Stuart Halpern, Andrea Piccioti-Bayer, and I recently noted, the *Catechism For Younger Children: Designed as a Familiar Exposition of the Jewish Religion*, a catechism for Jewish children written by Isaac Leeser and first published Philadelphia in 1839 asks, "What is the Sixth Commandment?" The answer is: "Thou shall not kill."[274] The answer is identical in the 3rd edition of this work, which was published in 1856.[275] Leeser's *The Twenty-Four Books of the Holy Scriptures: Carefully*

[274] *Catechism For Younger Children: Designed as a Familiar Exposition of the Jewish Religion* (Philadelphia, 1839), 108.
[275] Isaac Lesser, *Catechism for Jewish Children: Designed as a Religious Manual for House and School*, 3rd (Philadelphia, 1856), 87.

Translated According to the Massoretic Text After the Best Jewish Authorities contains the same translation.[276]

The distinction between killing and murdering is hardly one made only by Jewish scholars/translators. The *English Standard Version* of the Bible, translated by mostly Protestant scholars and published by Crossway in 2001, renders this Commandment as "You shall not murder."[277] Indeed, most Christians understand the Commandment to prohibit the taking, in the words of the 1921 Catholic catechism, "the life of an innocent person," but not a life "in self-defense," "a just war," or a "lawful execution of a criminal."[278]

b. Numbering Conventions

The original Hebrew text does not enumerate the Ten Commandments, but lists of the commandments often supply numbers. Different numbering conventions have emerged over time that are sometimes described as "Jewish," "Catholic," and "Protestant," but these labels—while sometimes serving as useful shorthand—are not precise and are sometimes misleading. For instance, Lutherans are Protestants, but they retain the "Catholic" number convention. Moreover, there remains substantial overlap of the content, and all traditions of which I am aware still end up with Ten Commandments. Table 1 illustrates the three primary numbering conventions.[279]

The Indiana monument at issue in this case tracks the division of the Commandments appearing in the third column in Table 1, above, which is sometimes referred to as the "Protestant" convention. This should not be surprising on a monument depicting the Ten Commandments as a civic symbol important for its role in American history. That is because this is the numbering convention that would have been commonly recognized by most Americans from the early colonies through at least the mid-twentieth century.

For instance, Anglican Americans were regularly exposed to this version of the Commandments because the Church of England's canon law required them to be displayed on the east end/wall of each church.[280] For example, here is how the Ten Commandments appear in George Washington's parish church—Christ Church, in Alexandria, Virginia, which was built in 1767–1773. Note that the numbering here tracks that on the Indiana monument at issue in this lawsuit.

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[276] Isaac Leeser, *The Twenty-Four Books of the Holy Scriptures: Carefully Translated According to the Massoretic Text After the Best Jewish Authorities* (Cincinnati, 1852), 106.
[277] *English Standard Version* (Wheaton: Crossway, 2001).
[278] *A Catechism of Christian Doctrine: Prepared and Enjoined by Order of the Third Plenary Council of Baltimore* (New York: Benziger Brothers, 1921), 287.
[279] Rev. Melissa Fain, *It's Not as Simple as "10 Commandments*," Figtree Christian: Meditations (Nov. 1, 2020), https://www.figtreechristian.org/meditations/its-not-as-simple-as-10-commandments [https://perma.cc/U6FD-KMLW].
[280] Gerald Bray, ed., *The Anglican Canons, 1529–1947*, *Church of England Record Society*, vol. 6 (Woodbridge, UK: Boydell Press, 1998), Canon 82 ("The Ten Commandments Set Up at the East End of Every Church").



Christ Church, Alexandria Virginia. The image and information about the church is available here: https://www.historicchristchurch.org/what-you-will-see--inside-the-church (accessed August 2, 2026).

Similarly, from colonial America through the founding and well into the nineteenth century, publishers of essays, pamphlets, books, and textbooks intended for the general reading public that included copies of the Ten Commandments in them were most likely to use this same numbering convention.[281]

Take, for instance, the *New-England Primer* (originally published in Boston around 1690), which was used to help teach millions of Americans how to read.[282] Charles Heartman estimates that between 1690 and 1830 more than 6.5 million copies of the *Primer* were printed, and despite its name, the text was used throughout America.[283] The Ten Commandments are printed in the work using the same numbering convention used on the Indiana monument.[284]

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[281] When Jews and Catholics started publishing works by and for their own adherents in the nineteenth century, if they included the Ten Commandments they generally utilized their own numbering conventions.

[282] Charles Heartman, *The New England Primer Printed in America Prior to 1830: A Bibliographical Checklist* (self-published, 1915), 10, 65.

[283] *Ibid.*, 11. See also Stephanie Schnorbus, "Calvin and Locke: Dueling Epistemologies in *The New England Primer*," 1720–90, 8 *Early American Studies* (2010), 250-287.

[284] *The New-England Primer*, ed. Paul Leicester Ford (1717; repr., New York: Dodd, Mead, and Co., 1897), 1-54. Schnorbus, "Calvin and Locke." Printed before copyright laws were adopted in the United States, slightly different versions of the work were printed by various printers. At least the 1727, 1777, and 1842 editions of the *Primer* included the entire Westminster Shorter

The anonymously penned *An introduction to the reading of the Holy Bible: particularly adapted for the use of schools*, originally published in Europe, was reprinted in Philadelphia in 1795.[285] It contains 42 catechist questions that could be used to teach children the Ten Commandments.[286] It follows the so-called "Protestant" numbering convention. This is true as well for Samuel T. Worcester's *The American primary spelling-book* (1833)[287] and *McGuffey's Eclectic Reader* (1840).[288] The latter was particularly influential in nineteenth century America. Indeed, Richard Mosier observed that "outside of the King James Bible, the McGuffey Readers were the most widely read books in nineteenth-century America."[289]

From the early colonies well into the twentieth century, America was an overwhelmingly Protestant country. Indeed, it was only in the twenty-first century that Protestants ceased to be a majority of the American population.[290] It should come as no surprise, then, that representations

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Catechism, which contains 40 questions (41–81) concerning the Ten Commandments. Westminster Assembly, *The New-England Primer, Enlarged. For the More Easy Attaining the True Reading of English: To Which Is Added, the Assembly of Divines Catechism* (Boston, 1727); Westminster Assembly, *The New England Primer Improved: For the More Easy Attaining the True Reading of English: To Which Is Added the Assembly of Divines, and Mr. Cotton's Catechism* (Boston, 1777); S.A. Howland, *The New England Primer: Containing the Assembly's Catechism, the Account of the Burning of John Rogers, a Dialogue Between Christ, a Youth, and the Devil, and Various Other Useful and Instructive Matter 38–47* (Worcester, 1842). The 1777 version was republished in 1844 as *The New England Primer Improved: For the More Easy Attaining the True Reading of English: To Which Is Added the Assembly of Divines, and Mr. Cotton's Catechism. (*G. & C. Merriam reprint, 1844) (1777). Charles Heartman estimates that there were three hundred issues of the *Primer*. See Heartman, *The New England Primer Printed in America Prior to 1830: A Bibliographical Checklist* (self-published, 1915), 10. I could not consult them all, so instead I examined three editions published more than one hundred years apart.

[285] See generally *An Introduction to the Reading of the Holy Bible: Particularly Adapted for the Use of Schools* (Philadelphia, 1795).

[286] *Ibid*., 52-66.

[287] Samuel T. Worcester, *The American Primary Spelling-Book* (Boston, 1833), 105.

[288] William H. McGuffey, *McGuffey's Eclectic Reader* 216-17 (Cincinnati, 1840), 216-17.

[289] Richard D. Mosier, *Making the American Mind: Social and Moral Ideas in the McGuffey Readers* (New York: King's Crown Press, Columbia University, 1947), 25. See also John H. Westerhoff III, *McGuffey and His Readers: Piety, Morality, and Education in Nineteenth-Century America* (Nashville: Abingdon Press, 1978).

[290] See generally, Roger Finke and Rodney Stark, *The Churching of America, 1776-1990: Winners and Losers in Our Religious Economy* (New Brunswick: Rutgers University Press, 1992), Mark A. Noll, *A History of Christianity* (Grand Rapids: Eerdmans Publishing, 1992), and Martin E. Marty, *Righteous Empire: The Protestant Experience in America* (New York: Dial Press, 1970). On Protestants ceasing to be a majority of Americans in the twenty-first century see Pew Research Center, "'Nones' on the Rise: One-in-Five Adults Have No Religious Affiliation," Pew Research Center's Religion & Public Life Project, October 9, 2012.

of the Ten Commandments, whether in books, pamphlets, posters, and monuments, often utilized the "Protestant" numbering convention.

c. Ten Commandments and the Law

The Ten Commandments have long been understood to be a source of western and American law. Throughout American history, it has been common for governments to pass laws coinciding with Commandments. In his concurring opinion in *McGowan v. Maryland,* Justice Frankfurter observed that "[i]nnumerable civil regulations enforce conduct which harmonizes with religious canons. State prohibitions of murder, theft and adultery reinforce commands of the decalogue."[291]

From the early colonies to the present day, most American lawmakers have identified themselves as Christians.[292] It is not surprising, then, that when they passed laws to protect the Sabbath, they prohibited labor on what they considered to be "the Lord's Day"—i.e. Sunday.[293] Indeed, as late as 1961, forty-nine of the fifty states had laws requiring at least some businesses

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[291] 366 U.S. 420, 462 (1961). Of course, many laws against adultery have been repealed or are seldom if ever enforced, but they were common as late as the mid-twentieth century. See: "Undead Statutes: The Rise, Fall, and Continuing Uses of Adultery and Fornication Criminal Laws," *Loyola University Chicago Law Journal* 46 (2014); Martin J. Siegel, "For Better or For Worse: Adultery, Crime & the Constitution," *Journal of Family Law* 30 (1991); Gabrielle Viator, "The Validity of Criminal Adultery Prohibitions After *Lawrence v. Texas*," *Suffolk University Law Review* 39 (2006).

[292] Even today, 87% of members of Congress identify themselves as Christians. See: Pew, "The Religious Composition of the 119th Congress," (January 2, 2025), available here: https://www.pewresearch.org/religion/2025/01/02/faith-on-the-hill-2025/ (accessed August 13, 2026).

[293] Benjamin Franklin, ed., *The Charters of the Province of Pensilvania and City of Philadelphia* 45–47 (Philadelphia, 1743); John D. Cushing, ed., *Earliest Printed Laws of New Hampshire* (Wilmington: Michael Glazier, 1978), 27-28; John D. Cushing, ed., *Massachusetts Province Laws, 1692–1699* (Wilmington: Michael Glazier, 1981), 33; *LAWS, Made and Pass'd by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Sixth Day of May, 1679*, *in Acts and Laws, of His Majesty's Colony of Rhode-Island, and Providence-Plantations, in New-England, in America* (Newport, 1745), 18; John D. Cushing, ed., *The Laws of the Province of Maryland Laws* (Wilmington: Michael Glazier, 1978), 6; John D. Cushing, ed., *Earliest Printed Laws of New Hampshire* (Wilmington: Michael Glazier, 1978), 27–28; John D. Cushing, ed., *The Earliest Printed Laws of Delaware: 1704–1741* (Wilmington: Michael Glazier, 1981), 129; John D. Cushing, ed., *The First Laws of the State of Georgia* (Wilmington: Michael Glazier, 1981), 80; John D. Cushing, ed., *The First Laws of the Commonwealth of Massachusetts* (Wilmington: Michael Glazier, 1981), 238; John D. Cushing, ed., *The First Laws of the State of North Carolina* (Wilmington: Michael Glazier, 1984), 77; John D. Cushing, ed., *The First Laws of the Commonwealth of Pennsylvania* (Wilmington: Michael Glazier, 1984), 181; Harmon Kingsbury, *The Sabbath: A Brief History of Laws, Petitions, Remonstrances and Reports, with Facts, Appeals, and Answers to Popular Objections Relating to the Christian Sabbath* 14–21 (N.Y.,1841), 14-21.

to close on Sunday.[294] The Supreme Court ruled that such statutes were constitutionally permissible in four cases decided in 1961.[295] In one of these, *McGowan v. Maryland*, Chief Justice Earl Warren's opinion for the Court provided a detailed history showing that English and American legislatures had long passed legislation to prohibit labor on Sunday.[296] Justices Frankfurter, in his concurring opinion in this case, and Justice Douglas, in his dissent, specifically linked Sunday closing laws to the "Fourth Commandment."[297]

It is noteworthy that Frankfurter, who was Jewish, seemingly accepted the numbering convention used on Indiana's monument by default when connecting the Fourth Commandment to prohibitions on Sunday labor. And Justice Douglas, who was raised Presbyterian but who as an adult was not known for his piety,[298] specifically observed, "[e]very Sunday School student knows the Fourth Commandment: 'Remember the sabbath day, to keep it holy'. . ."[299]

Chief Justice Warren and Justice Frankfurter believed that these laws are constitutional despite their connection to the Fourth Commandment, and Justice Douglas thought they were unconstitutional for the same reason. But for the purposes of this report, what is relevant is that Frankfurter and Douglas simply defaulted to the numbering system utilized in most versions of the Ten Commandments that has historically been predominant in the American context.

The national government, like the states, historically recognized and protected a Sabbath. To name just two examples from 1787, the Constitutional Convention met every day of the week except Sunday[300] and that the delegates assumed that Congress would not conduct business on Sunday:

> 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, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a law.[301]

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[294] *McGowan,* 495.
[295] *McGowan; Two Guys from Harrison-Allentown, Inc. v. McGinley*, 366 U.S. 582 (1961); *Braunfeld v. Brown,* 366 U.S. 599 (1961); *Gallagher v. Crown Kosher Super Market of Massachusetts, Inc.,* 366 U.S. 617 (1961).
[296] *McGowan,* 470, 474, 504 (Frankfurter, J., concurring); *id.* at 566, 572 (Douglas, J., dissenting). Although most states voluntarily repealed these laws, a handful of them remain in effect. For instance, in Maine, car dealerships may not open and hunting is not permitted on Sunday. Hall, *Proclaim Liberty*, 188.
[297] *Ibid.,* 470, (Frankfurter, J., concurring); *id.* at 566–67 (Douglas, J., dissenting).
[298] Bruce Allen Murphy, *Wild Bill: The Legend and Life of William O. Douglas* (New York: Random House, 2003).
[299] *McGowan,* 566.
[300] Max Farrand, ed., *The Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1911), vols. 1-2.
[301] Article I, Section 7, Clause 2 of the United States Constitution.

To be sure, the national government did not always take this approach. One of the most interesting church-state controversies in the early nineteenth century concerned an 1810 law requiring the Post Office to transport and deliver mail on every day of the week—including Sunday. Evangelical opponents objected to this on multiple grounds, including the Fourth Commandment. The controversy was particularly intense from 1809-1817 and 1826-1830. The advent of the telegraph in 1844 led to the decline of Sunday mail delivery, but the 1810 statute was not repealed until 1912.[302]

9. Conclusion

I have described the basic hallmarks of an established religion in early America and at the time of the founding, including the specific practices that the founding generation would have associated with a state establishment of religion. No one at that time would have understood a religious monument or display on public property to constitute an establishment of religion.

On the contrary, there is a long history and tradition of governments including religious language and images in or on public monuments and buildings. Because of their association with law, lawmaking, and judging, it is not uncommon to find representations of the Ten Commandments in or around legislative buildings and court houses.

As we have seen, although there are different versions of the Ten Commandments sometimes emphasized by different religious traditions, the presentation of the Ten Commandments on the monument at issue in this case is consistent with the convention of displaying and discussing the Ten Commandments that was most common from colonial America through the founding and well into the nineteenth century. This is the convention that one might expect to see on a monument depicting the Ten Commandments as a civic symbol important for its role in American history.

As a student of history, I offer no opinion as to the constitutionality of Ohio's Holocaust Memorial, the United States's memorial to Native American veterans, Rockwall County's recently erected monument of the Ten Commandments, or any other memorial/monument on public property.[303] But as a historical matter, I can confidently say that each of them fit into a long history and tradition of incorporating religious images and language into public spaces, as does the monument at issue in this case.

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[302] Richard R. John, "Taking Sabbatarianism Seriously: The Postal System, the Sabbath, and the Transformation of American Political Culture," *Journal of the Early Republic* 10 (Winter 1990): 517–567; John G. West, Jr., *The Politics of Reason and Revelation: Religion and Civic Life in the New Nation* (Lawrence: University Press of Kansas, 1996), 79-136.

[303] On the first two monuments, see Part 7.a of this report. On the Rockwell County monument, see: "Rockwall County celebrates Ten Commandments monument at courthouse lawn unveiling," May 23, 2026, available at https://www.cbsnews.com/texas/news/rockwall-county-ten-commandments-monument-courthouse-unveiling/ (accessed 8/4/2026).

Respectfully submitted,



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Exhibit A

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Member, Advisory Board, White House Commission on Religious Liberty, 2025-2026.

Garwood Visiting Fellow, Princeton University's James Madison Program, 2022-2023.

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Faith and Liberty Discovery Center. Affiliate Scholar, 2018-2022. Chair of Scholar Advisory Council, 2022-present.

Center for the Study of Law and Religion at Emory University. Senior Fellow, Fall 2016-present.

Baylor Institute for the Studies of Religion. Senior Fellow, Fall 2011-present.

Florida Civics Seal of Excellence Program. Academic Advisor, 2021-2022.

East Central University, Department of Political Science. Associate Professor, Fall 1999-Spring 2001; Assistant Professor: 1993-1999.

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Teaching Interests

American Political Theory, History of Political Philosophy, Constitutional Law, Religion and Politics.

Publications

Books

Who's Afraid of Christian Nationalism?: Why Christian Nationalism is Not an Existential Threat to America or the Church. Nashville: Fidelis Books, 2024.

Proclaim Liberty Throughout All the Land: How Christianity Has Advanced Freedom and Equality for All Americans. Nashville: Fidelis Books, 2023.

Did America Have a Christian Founding?: Separating Modern Myth from Historical Truth. Nashville: Nelson Books, 2019.

Great Christian Jurists in American History. Edited with Daniel L. Dreisbach. New York: Cambridge University Press, 2019.

America and the Just War Tradition: A History of U.S. Conflicts. Edited with J. Daryl Charles. Notre Dame: University of Notre Dame Press, 2019.

Collected Works of Roger Sherman. Editor. Indianapolis: Liberty Fund Press, 2016.

Faith and the Founders of the American Republic. Edited with Daniel L. Dreisbach. New York: Oxford University Press, 2014.

Roger Sherman and the Creation of the American Republic. New York: Oxford University Press, 2013.

America's Forgotten Founders. Edited with Gary L. Gregg. Wilmington: ISI Books, 2012.

The Sacred Rights of Conscience: *Selected Readings on Religious Liberty and Church-State Relations in the American Founding*. Edited with Daniel L. Dreisbach. Indianapolis: Liberty Fund Press, 2009.

The Forgotten Founders on Religion and Public Life. Edited with Daniel L. Dreisbach and Jeffry H. Morrison. Notre Dame: University of Notre Dame Press, 2009.

Collected Works of James Wilson, 2 vols. Edited with Kermit L. Hall. Indianapolis: Liberty

Fund Press, 2007.

The Founders on God and Government. Edited with Daniel L. Dreisbach and Jeffry H. Morrison. Lanham: Rowman and Littlefield, 2004.

The Political and Legal Philosophy of James Wilson, 1742-1798. Columbia: The University of Missouri Press, 1997.

Articles and Book Chapters

"History, Tradition, and the Right of Parents to Direct the Education and Moral Formation of their Children." With Christian Edmonds and S. Ernie Walton. Available here: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=7202698.

Expert report in support of defendants. *Stinson v. Fayetteville School District.* United States District Court, Western District of Arkansas (October 2025).

"The War for American Independence Was Biblical and Just." *Journal of Law and Government*. 1 (May 2026), 108-129.

Amicus Curiae brief in support of appellants, with Andrea Picciotti-Bayer. *Roake v. Brumley.* United States Court of Appeals for the Fifth Circuit (*en banc*), November 2025.

"Ten Commandments in the Public Square and Public Schools." With Andrea Picciotti-Bayer. *William and Mary Bill of Rights Journal.* 34 (2025), 175-237.

Religious Liberty in the States 2025. With Paul D. Mueller. Plano: Center for Religion, Culture & Democracy, 2025. Available at: https://religiouslibertyinthestates.com/.

Amicus Curiae brief in support of defendants. *Stinson v. Fayetteville School District.* United States District Court, Western District of Arkansas (July 2025).

"The Judeo-Christian Tradition and the Rise of American Religious Liberty." In *Jewish Roots of American Liberty: The Impact of Hebraic Ideas on the American Story*. Edited by Wilfred M. McClay and Stuart Halpern. New York: Encounter Books, 2025.

"Foundations of the Right of Charitable Uses." With Adam J. MacLeod. *Mississippi Law Journal* 94 (February 2025), 251-320 (Peer Reviewed). Available at: https://mississippilawjournal.org/.

Amicus Curiae brief in support of appellants, with Andrea Picciotti-Bayer. *Roake v. Brumley.* United States Court of Appeals for the Fifth Circuit, December 2024.

Religious Liberty in the States 2024. With Paul D. Mueller. Plano: Center for Religion, Culture & Democracy, 2024. Available at: https://religiouslibertyinthestates.com/.

"Christian Reflections on Christian Nationalism" Centennial Institute White Paper. February 2023. Available at: https://centennial.ccu.edu/christian-reflections-on-christian-nationalism.

"Tilting at Windmills: The 'Threat' of Christian Nationalism." Standing for Freedom Center White Paper. February 2022. Available at: https://www.standingforfreedom.com/white-paper/tilting-at-windmills-the-threat-of-christian-nationalism/.

"Slavery and the American Founding: Should 1619 Replace 1776 as America's Founding Year?" Standing for Freedom Center White Paper. July 2021. Available at: https://www.standingforfreedom.com/2021/07/27/slavery-and-the-american-founding-should-1619-replace-1776-as-americas-founding-year/.

"Slavery and the American Founding." *Chronicles.* March 2021. Available at: https://www.chroniclesmagazine.org/slavery-and-the-american-founding/.

"The 1620 Project." *Chronicles.* September 2020. Available at: https://www.chroniclesmagazine.org/2020/September/44/9/magazine/article/10887586/. Revised and reprinted as "How Reformed Theologians' Commitment to Self-Rule and Resisting Tyranny Helped Form America," *The Federalist*, November 2020. Available at: https://thefederalist.com/2020/11/26/how-reformed-theologians-commitment-to-self-rule-and-resisting-tyranny-helped-form-america/.

"Proclaim Liberty Throughout All the Land: Christianity and the Creation of the American Republic." Lead essay, *Cato Unbound* symposium. June 2020. Available at: https://www.cato-unbound.org/2020/06/16/mark-david-hall/proclaim-liberty-throughout-all-land-christianity-creation-american.

"Religious Accommodations and the Common Good." In *Set Free: Restoring Religious Freedom for All.* Abilene: Abilene Christian University Press, 2019.

Expert report submitted in *Donna Cave et al. v. John Thurston,* No. 4: 18-cv-00342-KGB; *Anne Orsi et al. v. John Thurston* No. 4: 18-cv-343-KGB (October 2019).

"Why Tolerate Religion? The Rise and Fall of Religious Liberty in America." *Citizens and Statesmen: An Annual Review of Political Theory and Public Life*. 12 (Fall 2019): 54-66.

"The Just War Tradition and America's Wars." With J. Daryl Charles. In *America's Wars: A Just War Perspective*. Edited with J. Daryl Charles. Notre Dame: University of Notre Dame Press, 2019.

"America's Founders, Religious Liberty, and the Common Good." *University of St. Thomas Law Journal*. 15 (2019): 642-661.

"Roger Sherman and Oliver Ellsworth." In *Great Christian Jurists in American History*. Edited by Daniel L. Dreisbach and Mark David Hall. New York: Cambridge University Press, 2019.

"Whose Rebellion? Reformed Resistance Theory in America, part 2." Co-authored with Sarah A. Morgan Smith. Invited article for *Unio cum Christo*. 4 (April 2018): 171-188. Available at: https://digitalcommons.georgefox.edu/hist_fac/84/.

"Whose Rebellion? Reformed Resistance Theory in America, part 1." Co-authored with Sarah A. Morgan Smith. Invited article for *Unio cum Christo*. 3 (October 2017): 169-184. Available at: https://digitalcommons.georgefox.edu/hist_fac/85/.

"Were Any of the Founders Deists?" In *The Wiley Blackwell Companion to Religion and Politics in the U.S.* Edited by Barbara A. McGraw. West Sussex: Wiley Blackwell Publishing, 2016.

"Religious Accommodations and the Common Good." Heritage Foundation Backgrounder (October 26, 2015): http://www.heritage.org/research/reports/2015/10/religious-accommodations-and-the-common-good.

"Madison's Memorial and Remonstrance, Jefferson's Statute for Religious Liberty, and the Creation of the First Amendment." *American Political Thought*. 3 (Spring 2014): 32-63.

"Vindiciae Contra Tyrannos: The Influence of the Reformed Tradition in the American Founding." In *Faith and the Founders of the American Republic*. Edited by Daniel L. Dreisbach and Mark David Hall. New York: Oxford University Press, 2014.

"Did America Have a Christian Founding?" *First Principles Series*, The Heritage Foundation, June 7, 2011. http://www.heritage.org/research/lecture/2011/06/did-america-have-a-christian-founding.

"Jeffersonian Walls and Madisonian Lines: The Supreme Court's Use of History in Religion Clause Cases." *High Court Quarterly Review*. 5 (2009): 109-153. This is a revised version of the article originally published in *Oregon Law Review* 85 (2006): 563-614, which was republished in Margaret Monahan Hogan and Lauretta Conklin Frederking, eds., *The American Experiment: Religious Freedom*. Portland: The University of Portland, 2008.

"Religion and the American Founding." In *A History of the U.S. Political System: Ideas, Interests, and Institutions*. Edited by Richard A. Harris and Daniel J. Tichenor, 1: 99-112. Santa Barbara: ABC-Clio, 2010.

"Roger Sherman: An Old Puritan in a New Nation." In *The Forgotten Founders on Religion and Public Life*. Edited by Daniel L. Dreisbach, Mark David Hall, and Jeffry H. Morrison.

Notre Dame: University of Notre Dame Press, 2009.

"Justice, Law, and the Creation of the American Republic: The Forgotten Legacy of James Wilson." *First Principles Series*, The Heritage Foundation, June 1, 2009. http://www.heritage.org/Research/Thought/upload/FP26.pdf.

"James Wilson" and "Roger Sherman." In *America's Forgotten Founders*. Edited by Gary L. Gregg and Mark David Hall. Wilmington: ISI Books, 2011. Originally published by the McConnell Center, University of Louisville, 2008.

"Political Obligation and the United States Supreme Court," with George Klosko. In George Klosko, *Political Obligations*. New York: Oxford University Press, 2005. This is a revised version of our article of the same title published in *The Journal of Politics* 60 (May 1998): 462-80.

"James Wilson: Presbyterian, Anglican, Thomist, or Deist?: Does it Matter?" in *The Founders on God and Government*. Edited by Daniel L. Dreisbach, Mark D. Hall, and Jeffry H. Morrison. Lanham: Rowman and Littlefield, 2004.

"James Wilson's Law Lectures." *The Pennsylvania Magazine of History and Biography.* CXXVIII (January 2004): 63-76.

"Beyond Self-Interest: The Political Theory and Practice of Evangelical Women in Antebellum America." *Journal of Church and State.* 44 (Summer 2002): 477-99.

"The Declaration of Independence in the Supreme Court." In *The Declaration of Independence: Origins and Impact*. Edited by Scott Douglas Gerber. Washington, D.C.: Congressional Quarterly Press, 2002.

"Catharine Beecher: America's First Female Philosopher and Theologian." *Fides et Historia.* 32 (Winter/Spring 2000): 65-80.

"James Wilson: Democratic Theorist and Supreme Court Justice." In *Seriatim: The Early Supreme Court*. Edited by Scott Douglas Gerber. New York: New York University Press, 1998.

"The Wilsonian Dilemma." *Southeastern Political Review*. 25 (December 1997): 641-658.

Other Publications

"A Non-Sectarian Version of the Ten Commandments?" With Andrea Picciotti-Bayer and Stuart Halpern. January 2026. Available at: https://firstthings.com/a-nonsectarian-version-of-the-ten-commandments/.

"Sharing the Good News." Center for Religion, Culture & Democracy Advent Devotional. November, 2025, 71-72.

"States Should Protect Religious Liberty Like It Is 1993." With Paul Mueller. *Civitas Outlook*. July 2025. Available at: https://www.civitasinstitute.org/research/states-should-protect-religious-liberty-like-it-is-1993.

"Prospects for Religious Liberty Are Bright." Berkley Center for Religion, Peace and International Affairs—Georgetown University. July 2025. Available at: https://berkleycenter.georgetown.edu/responses/prospects-for-religious-liberty-in-the-united-states-are-bright.

"Testimony Before White House Commission on Religious Liberty." June 2025. Available at: https://www.anchoringtruths.org/prof-mark-david-hall-addresses-the-presidents-religious-liberty-commission/.

"*Pierce v. Society of Sisters at 100.*" With Ernie Walton. *Law & Liberty*. May 2025. Available at: https://lawliberty.org/pierce-at-100/.

"Will SCOTUS Greenlight the Nation's First Religious Charter School?" With Ernie Walton. *Civitas Outlook*. May 2025. Available at: https://www.civitasinstitute.org/research/will-scotus-greenlight-the-nations-first-religious-charter-school.

"Don't Force the Ten Commandments Out of the Classroom." With Andrea Picciotti-Bayer. *National Review On-Line*. January 2025. Available at: https://www.nationalreview.com/2025/01/dont-force-the-ten-commandments-out-of-the-classroom/.

"Was the Founding Generation 'Churched'?" *Law & Liberty*. October 2024. Available at: https://lawliberty.org/was-the-founding-generation-churched/

"Maryland Deserves Credit for Protecting Religious Liberty." *Baltimore Sun*. August 2024. Available at: https://www.baltimoresun.com/2024/08/21/maryland-deserves-credit-for-protecting-religious-freedom-guest-commentary/.

"Good Deeds Unpunished." With Adam MacLeod. *Law & Liberty*. July 2024. Available at: https://lawliberty.org/good-deeds-unpunished/.

"Religious Liberty in the States." With Paul D. Mueller. *Law & Liberty*. July 2024. Available at: https://lawliberty.org/religious-freedom-in-the states/?mc_cid=3a7fc461db&mc_eid=e2f9818e51.

"How About Actually Teaching Them?: Putting the Ten Commandments on the classroom wall should be just the start." *World*. June 2024. Available at: https://wng.org/opinions/how-

about-actually-teaching-them-1719226357.

"Towards a More Reasonable Account of American Christian Nationalism." *Providence*. December 2023. Available at: https://providencemag.com/2023/12/towards-a-more-reasonable-account-of-american-christian-nationalism/.

"Virginia Lags Behind Maryland in Protecting Religious Liberty." *The Virginia-Pilot*. August 2023.

With Trey Dimsdale. "Not Just for Christians: How Religious Liberty Protections Benefit Religious Minorities." *Real Clear Religion*. July 2023. Available at: https://www.realclearreligion.org/articles/2023/07/19/not_just_for_christians_how_religious_liberty_protections_benefit_religious_minorities_966944.html.

With Jordan Ballor. "Evaluating Religious Liberty in the States." *Law & Liberty*. July 2023. Available at: https://lawliberty.org/evaluating-religious-liberty-in-the-states/.

"How Can Evangelical Christians Support Trump?" *Discourse.* July 2023. Available at: https://www.discoursemagazine.com/politics/2023/07/13/how-can-evangelical-christians-support-trump/.

"Christian Nationalism and Civic Discourse in the United States." *Neighborly Faith*. June 2023. Available at: https://www.whatwentwrong.us/christian-nationalism-and-civic-discourse-in-the-united-states.

"Whose Afraid of Christian Nationalism?" *Discourse*. June 2023. Available at: https://www.discoursemagazine.com/ideas/2023/06/09/whos-afraid-of-christian-nationalism/.

"How Many Americans Are Christian Nationalists?" *Discourse*. March 2023. Available at: https://www.discoursemagazine.com/culture-and-society/2023/03/03/how-many-americans-are-christian-nationalists/.

With Matthew J. Franck. "Supreme Failures from the Court." *Law & Liberty*. January 2023. Available at: https://lawliberty.org/supreme-failures-from-the-court/.

With Matthew J. Franck. "Are All Persons Created Equal?: *Dred Scott v. Sandford, Roe v. Wade,* and Other Disastrous Supreme Court Decisions." *World Magazine*. January 2023. Available at: https://wng.org/opinions/are-all-persons-created-equal-1674565729.

"Stephen Wolfe's Gift: The Case for Patriarchal Christian Localism." Essay for symposium on Stephen Wolfe's *Case for Christian Nationalism*. *American Reformer.* December 2022. Available at: https://americanreformer.org/2022/12/stephen-wolfes-gift/.

"American Christian Nationalism: What Is It? What Should We Think About It?" October 2022. *Discourse.* Available at: https://www.discoursemagazine.com/culture-and-society/2022/10/24/american-christian-nationalism-what-is-it-what-should-we-think-about-it/.

"The End(s) of American Christian Civil Religion." *Law & Liberty.* October 2022. Available at: https://lawliberty.org/forum/the-ends-of-american-civil-religion/.

"Roger Sherman and the Creation of the American Republic." *Liberty Fund Reading Room.* October 2022. Available at: https://oll.libertyfund.org/reading_room/2022-10-13-roger-sherman-and-the-creation-of-the-american-new-republic.

"America's Founders on Virtue, Religion, and Republicanism." *Gerald Ford Leadership Program Blog*. September 2022. Available at: https://fordforum.org/2022/09/05/americas-founders-on-virtue-religion-and-republicanism/.

"Is Christian Nationalism an Existential Threat to America?" *Discourse Magazine*. September 2022. Available at: https://www.discoursemagazine.com/culture-and-society/2022/09/19/is-christian-nationalism-an-existential-threat-to-america/.

"James Wilson and the New Nation." *Liberty Fund Reading Room.* August 2022. Available at: https://oll.libertyfund.org/reading_room/2022-08-23-james-wilson-and-the-new-nation.

"Is David French a Christian Nationalist?: Manufacturing Christian Nationalism." *Providence.* March 2022. Available at https://providencemag.com/2022/03/david-french-christian-nationalist-manufacturing-christian-nationalism/.

"Getting Back to Original Meaning." *Law & Liberty*. June 2021. Available at: https://lawliberty.org/forum/getting-back-to-original-meaning/.

"Breaking Faith." *Law & Liberty.* January 2021. Available at: https://lawliberty.org/breaking-the-seal-of-confession/.

"1620 or 1619?" *Christian Post*. November 2020. Available at: https://www.christianpost.com/voices/1619-or-1620.html.

"The Little Sisters Win—For Now." *Law & Liberty*. July 2020. Available at: https://lawliberty.org/the-little-sisters-win-for-now/.

"Can Blaine's Descendants Block School Choice?" *Law & Liberty.* January 2020. Available at: https://www.lawliberty.org/2020/01/29/can-blaines-descendants-block-school-choice/.

"A Connecticut Yankee in Georgia: Abraham Baldwin and the Establishment Clause." *Law &*

Liberty. October 2018. Available at: https://www.lawliberty.org/2018/10/18/a-connecticut-yankee-in-georgia-abraham-baldwin-and-the-establishment-clause/.

"John Dickinson: Friend of Conscience." *Law & Liberty.* July 2018. Available at: http://www.libertylawsite.org/2018/07/17/john-dickinson-friend-of-conscience/.

"A Missed Opportunity: *Masterpiece Cakeshop v. Colorado Civil Rights Commission*." *Law & Liberty.* June 2018. Available at: http://www.libertylawsite.org/2018/06/06/masterpiece-cakeshop-v-colorado-civil-rights-commission/.

"Faith of Our Founders: The Role of Religion in America's Founding." *Intercollegiate Studies Review*. June 2018. Available at: https://isi.org/intercollegiate-review/faith-of-our-founders-the-role-of-religion-in-americas-founding/.

"Phillips Likely to Win Masterpiece Cakeshop Case, Five Votes to Four." *Law & Liberty.* December 2017. Available at: http://www.libertylawsite.org/2017/12/07/phillips-likely-to-win-masterpiece-cakeshop-case-five-votes-to-four/.

"What the ACLU Gets Wrong about Separation of Church and State." *Intercollegiate Review*. November 2017. Available at: https://isi.org/intercollegiate-review/what-the-aclu-gets-wrong-about-separation-of-church-and-state/.

"Religious Liberty in the Founding Era: Lessons for Today." *Faithful Lives: Christian Reflections on the World*. 2 (2017), 9-25.

"FEMA should not favor zoos over houses of worship." *Learn Liberty*. September 2017. Available at: https://www.learnliberty.org/blog/fema-should-not-favor-zoos-over-houses-of-worship/.

"Faith and the Founders of the American Republic." *Intercollegiate Review*. September 2017. Available at: https://home.isi.org/role-religion-american-founding.

"The Fiery Patrick Henry," with Emily-Lynn Warren. *Law & Liberty*. August 2017. Available at: http://www.libertylawsite.org/2017/08/23/the-fiery-patrick-henry/.

"The first federal criminal case on female genital mutilation will test the limits of religious Liberty," with Emily-Lynn Warren. *Learn Liberty.* August 2017. Available at: http://www.learnliberty.org/blog/the-first-federal-criminal-case-on-female-genital-mutilation-will-test-the-limits-of-religious-liberty/.

"Can Oregon Compel Its Citizens to Pay for Killing Others." *Law & Liberty.* July 2017. Available at: http://www.libertylawsite.org/2017/07/14/can-oregon-compel-its-citizens-to-pay-for-killing-others/.

"Blaine's Descendants Disinherited." *Law & Liberty.* July 2017. Available at: http://www.libertylawsite.org/2017/07/03/blaines-descendants-disinherited/.

"The Right to Refuse Service? Business Owners and Gay Marriage." *Learn Liberty.* June 2017. Available at: http://www.learnliberty.org/blog/the-right-to-refuse-service-business-owners-and-gay-marriage/.

"What About Franklin?" *Law & Liberty.* May 2017. Available at: http://www.libertylawsite.org/2017/05/31/what-about-franklin.

"Let Us with Caution Indulge the Supposition that Morality Can Be Maintained without Religion." *Law & Liberty.* May 2017. Available at: http://www.libertylawsite.org/2017/05/03/let-us-with-caution-indulge-the-supposition-that-morality-can-be-maintained-without-religion/.

"Ritual sacrifice of chickens: religious freedom vs animal cruelty laws." *Learn Liberty.* May 2017. Available at: http://www.learnliberty.org/blog/ritual-sacrifice-of-chickens-religious-freedom-vs-animal-cruelty-laws/.

"Confident Pluralism: Reinvigorating the freedom of association." *Learn Liberty.* May 2017. Available at: http://www.learnliberty.org/blog/confident-pluralism-reinvigorating-the-freedom-of-association/.

"Will Blaine's Descendants Finally Be Disinherited?" *Law & Liberty.* April 2017. Available at: http://www.libertylawsite.org/2017/04/21/will-blaines-descendants-finally-be-disinherited1/.

"Do government employees have a right to religious liberty?" *Law & Liberty.* April 2017. Available at: http://www.learnliberty.org/blog/do-government-employees-have-a-right-to-religious-liberty/.

"Oliver Ellsworth: A Young Puritan in the New Republic." *Law & Liberty.* March 2017. Available at: http://www.libertylawsite.org/2017/03/27/oliver-ellsworth-a-young-puritan-in-the-new-republic/.

"Civil servants should not lose their jobs for committing thought crimes." *Law & Liberty.* February 2017. Available at: http://www.learnliberty.org/blog/civil-servants-should-not-lose-their-jobs-for-committing-thought-crimes/.

"Roger Sherman: An Old Puritan in the New Republic." *Law & Liberty.* January 2017. Available at: http://www.libertylawsite.org/2017/01/26/roger-sherman-an-old-puritan-in-the-new-republic/.

"Everson's Syllogism." *Law & Liberty.* January 2017. Available at:

http://www.libertylawsite.org/2017/01/12/eversons-syllogism/.

"Does the Constitution require a war on Christmas?" *Learn Liberty.* December 2016. Available at: http://www.learnliberty.org/blog/does-the-constitution-require-a-war-on-christmas/.

"Trump's Secretary of Education pick is good news for religious freedom." *Learn Liberty.* December 2016. Available at: http://www.learnliberty.org/blog/trumps-secretary-of-education-pick-is-good-news-for-religious-freedom/.

"Clergy should be able to preach without fear." *Learn Liberty.* October 2016. Available at: http://www.learnliberty.org/blog/clergy-should-be-able-to-preach-without-fear/.

"Should the government step in to outlaw discrimination?" *Learn Liberty.* October 2016. Available at: http://www.learnliberty.org/blog/should-the-government-step-in-to-outlaw-discrimination/.

"Religion vs. Abortion, Explained." *Learn Liberty.* October 2016. Available at: http://www.learnliberty.org/blog/religion-vs-abortion-explained/.

"Peyote, Alcohol, and Religious Liberty." *Learn Liberty.* September 2016. Available at: http://www.learnliberty.org/blog/peyote-alcohol-and-religious-liberty/.

"The Right to Sit During the Pledge of Allegiance." *Learn Liberty.* September 2016. Available at: http://www.learnliberty.org/blog/the-right-to-sit-during-the-pledge-of-allegiance/.

"How the Amish Led the Fight Against Compulsory Schooling." *Learn Liberty.* September 2016. Available at: http://www.learnliberty.org/blog/how-the-amish-led-the-fight-against-compulsory-schooling/.

"Oath Taking and Religious Liberty in American History." *Learn Liberty.* September 2016. Available at: http://www.learnliberty.org/blog/oath-taking-and-religious-liberty-in-american-history/.

"A History of Accommodating Religious Objections to War." *Learn Liberty.* September 2016. Available at: http://www.learnliberty.org/blog/a-history-of-accomodating-religious-objections-to-war/.

"Some Reflections on Whether We Should Abandon Religious Liberty." *Learn Liberty.* August 2016. Available at: http://www.learnliberty.org/blog/some-reflections-on-whether-we-should-abandon-religious-liberty/.

"Protecting Religious Liberty and the Common Good Aren't Mutually Exclusive." *Learn Liberty.* August 2016. Available at: http://www.learnliberty.org/blog/protecting-religious-liberty-and-the-common-good-arent-mutually-exclusive/.

"Religious Liberty and Same-Sex Wedding Ceremonies." *Christian Lawyer*. December 2015, 15-18.

"Roger Sherman." In *Encyclopedia of the American Enlightenment*, edited by Mark G. Spencer. New York: Bloomsbury, 2015.

"Faith and the Founders of the American Republic." In *Faith and Politics: Religion in the Public Square* (Maryville: Proceedings of the Maryville Symposium 2010, 2011): 55-79.

"The Sacred Rights of Conscience: America's Founders on Church and State." *Oregon Humanities* (Fall/Winter 2005): 40-46.

"Susan B. Anthony," "Catharine Beecher," "Angelina Grimké," "Sarah Grimké," "Elizabeth Cady Stanton," "Harriet Beecher Stowe," and "Emma Willard." In *The Encyclopedia of Religion in American Politics*, edited by Jeffrey Schultz, John West, Jr., and Iain Maclean. Phoenix: The Oryx Press, 1998.

"Religion and Politics." In *Survey of Social Science: Government and Politics*, edited by Frank N. Magil. Pasadena: Salem Press, 1995, 1685-1691.

Opinion pieces and letters on a variety of issues in newspapers including *The Oregonian*, *The Washington Post*, *The Daily Oklahoman, The Newberg Graphic*, and *Daily Signal.*

Invited Lectures

"Did America Have a Christian Founding?" Museum of the Bible. December 2026.

Roger Sherman and the Creation of the American Republic." George Washington University. September 2026.

"Did America Have a Christian Founding?" Colorado Christian University. September 2026.

"Why Tolerate Religion? The Rise and Fall of Religious Liberty in America." Colorado Christian University. September 2026.

"Vindiciae, Contra Tyrannos: The Influence of the Reformed Tradition on the American Founding." Reformed Evangelical Seminary. August 2026.

"Religious Liberty in the States." Western Conservative Summit. July 2026.

"Was America Founded in 1619 or 1776?" Victims of Communism Memorial Foundation. July 2026.

"America's Founders and Slavery" and "The Religious Beliefs of America's Founders." New College, Florida. April 2026.

"Resistance to Tyrants Is Obedience to God: The Religious Origins of the Right to Resist Tyrannical Authority," "Why Tolerate Religion? The Rise and Fall of Religious Liberty in America," and debate with Steven Green on the question "Did America Have a Christian Founding?" Christian Legal Society Regional Retreat, Cannon Beach, Oregon. March 2026.

"Was the War for American Independence a Just and Biblical War?" Debate with Gregg Frazer, Regent University. March 2026.

"Did America Have a Christian Founding?" University of Mississippi School of Law. March 2026.

"Resistance to Tyrants Is Obedience to God: The Religious Origins of the Right to Resist Tyrannical Authority" and "Did America Have a Christian Founding?" Carry the Torch Conference, Regent University. March 2026.

"Religious Liberty in the States." Plenary presentation with Paul Mueller. Ciceronian Society Conference. March 2026.

"The Judeo-Christian Tradition and the Rise of American Religious Liberty." Museum of the Bible. February 2026.

"Why Tolerate Religion? The Rise and Fall of Religious Liberty in America." Christopher Newport University. February 2026.

"Did America Have a Christian Founding?" Regent University. February 2026.

"Ten Commandments in the Public Square and Public Schools." James Wilson Institute/Center for Religion, Culture & Democracy webinar. January 2026.

"The Constitution's Religion Clauses Were Primarily Intended to Protect the Free Exercise of Religion.": A Debate with Steven K. Green." University of West Florida, January 2026.

"Why Tolerate Religion? The Rise and Fall of Religious Liberty in America." Young Americans for Freedom, University of West Florida, January 2026.

"Did America Have a Christian Founding?" Pensacola, Florida, January 2026.

"Did America Have a Christian Founding?" The Falls Church Anglican Fellows. November 2025.

"Did America Have a Christian Founding?" First Baptist Church of Leadville, Colorado. September 2025.

"Christianity, the Family, and Education in America: 1620-2025." Plenary address, Regent Law Symposium. September 2025.

"The Constitution: America's Blueprint for Liberty." Constitution Day Panel, Alexandria Lutheran School. September 2025.

"Is the Shadow Docket Unconstitutional?" With Stephen Vladeck. Constitution Day Conversation, Christopher Newport University. September 2025.

"The Ten Commandments in America: Who Can Object?" Regent Law School. September 2025.

"Religious Liberty in the States 2025." First Liberty National Leaders Summit. July 2025.

"The Founders' Understanding of Religious Liberty and Church-State Relations." Testimony before White House Religious Liberty Commission. June 2025.

"The Ten Commandments in the Public Square." National Association of Christian Law Makers. Lynchburg. June 2025.

"Christianity and Society." Pazmany Peter Catholic University. Budapest, Hungary. April 2025.

"Religious Liberty in the United States." Mathias Corvinus Collegium. Budapest, Hungary. April 2025.

"Will the United States be a Leading Power in the 21st Century?" Mathias Corvinus Collegium. Sveged, Hungary. April 2025.

"Religious Liberty and Church and State Relations in the United States: Early Colonies to Founding Era." Mathias Corvinus Collegium. Sveged, Hungary. April 2025.

"Church and State in the United States." Mathias Corvinus Collegium. Sveged, Hungary. April 2025.

"Religious Liberty in the United States." Mathias Corvinus Collegium. Sveged, Hungary. April 2025.

"The Role of Religion in Contemporary Societies," with Szabolcs Nagypál. Mathias Corvinus Collegium. Budapest, Hungary. April 2025.

"Did America Have a Christian Founding?" Bryan College, March 2025.

"Why Tolerate Religion? The Rise and Fall of Religious Liberty in America." Federalist Society of Dayton. February 2025.

"Why Tolerate Religion? The Rise and Fall of Religious Liberty in America." William Jewell University. February 2025.

"Did America Have a Christian Founding?" Falls Church Anglican Fellows. February 2025.

"May Louisiana Require Schools to Post the Ten Commandments?" National Association of Christian Legislators." December 2024.

"Justice, Law, and the Creation of the American Republic: The Forgotten Legacy of James Wilson. Franciscan University. November 2024.

"Did America Have a Christian Founding?" University of Alabama School of Law. October 2024.

"Did America Have a Christian Founding?" and "Why Tolerate Religion? The Rise and Fall of Religious Liberty in America." North Dakota Family Alliance. October 2024.

"Roger Sherman and the Creation of the American Republic." Historic Voices. October 2024.

"America at 250: Religion and the American Revolution." Faith and Law. (Capitol Hill Ministry to Hill staff). October 2024.

"Tilting at Windmills: The "Threat" of Christian Nationalism." GRACE (Christian affinity group at U.S. Department of State." October 2024.

"Why Tolerate Religion? The Rise and Fall of Religious Liberty in America" and "Tilting at Windmills: The "Threat" of Christian Nationalism." Union University. September 2024.

"Christianity and Liberty." St. Augustine School. September 2024.

"Roger Sherman and the Creation of the American Republic." Cairn University. September 2024.

"Tilting at Windmills: The "Threat" of Christian Nationalism." American Institute for Economic Research. September 2024.

"Why Tolerate Religion? The Rise and Fall of Religious Liberty in America" and "Was the War for American Independence Biblical and Just?" Falkner University. September 2024.

"Religious Liberty in the States 2024." First Liberty National Leaders Summit. July 2024.

"Who's Afraid of Christian Nationalism?" Regent University. April 2024.

"Free Speech, What is it Good For?" Oral Roberts University. February 2024.

"Christian Faith & the Common Good in American History." Regent University Academic Chapel. January 2023.

"Why Tolerate Religion?: The Future of Religious Liberty." Ritsumeikan Asia Pacific University. December 2023.

"Great Christian Jurists in American History." With the Honorable Kyle Duncan. Catholic University School of Law. November 2023.

"Was the War for American Independence a Just and Biblical War?" Debate with Gregg Frazer, Biola. November 2023.

"Christian Engagement in the Public Square." With Paul Miller. Taylor University. November 2023.

"Did America Have a Christian Founding?" The Blake Center for Faith and Freedom. October 2023.

"Why Tolerate Religion?: The Future of Religious Liberty." Bridgewater State University. September 2023.

"Did America Have a Christian Founding?" Regent University Law School Constitution Day Address. September 2023.

"The Founders on Religious Liberty and Church State Relations," "The Founders and Slavery," "Free Speech: What is it Good For?" Bill of Rights Teacher Training Seminar. September 2023.

"Did America Have a Christian Founding?" Harding University Constitution Day Address. September 2023.

"How Christian Was America's Founding?" With Tracy McKenzie. John Brown University. September 2023.

"Did America Have a Christian Founding?" First Liberty. September 2023.

"One Nation, Different Faiths." With Asma Uddin. Mercatus Center. September 2023.

"Tilting at Windmills: The Threat (?) of Christian Nationalism." Western Conservative Summit. June 2023.

"Original Understanding and First Amendment's Religion Clauses." Alliance Defending Freedom's Blackstone Legal Fellowship, June 2023.

"Proclaim Liberty Throughout All the Land." Faith and Liberty Discovery Center. May 2023.

"Religious Liberty in America: From the Early Colonies to the Founding Era." Statesmanship and Religious Freedom Seminar. May 2023.

"Free Speech, What is it Good For?" John Brown University. March 2023.

"Did America Have a Christian Founding?" Arizona Christian University. March 2023.

"Religious Liberty in America." Princeton High School. March 2023.

"Separating Church and State in the United States." Conservative Partnership Institute. March 2023.

"America's Founders and Slavery." The King's College. March 2023.

"America's Founders and Slavery." Regent University. February 2023.

"Tilting at Windmills: The Threat (?) of Christian Nationalism." University of Louisville. January 2023.

"Tilting at Windmills: The Threat (?) of Christian Nationalism." Regent University/Religious Freedom Institute Colloquium. December 2022.

"The Founders on Religious Liberty and Church State Relations," "The Founders and Slavery," "Free Speech, What is it Good For?" Bill of Rights Teacher Training Seminar. November 2022.

"Tilting at Windmills: The Threat (?) of Christian Nationalism." Institute on Religion and Democracy. November 2022.

"The Puritans Were Not Intolerant Theocrats." George Mason University. November 2022.

"Tilting at Windmills: The Threat (?) of Christian Nationalism." Cairn University. October 2022.

"Tilting at Windmills: The Threat (?) of Christian Nationalism." BIOLA. September 2022.

"Free Speech, What is it Good For?" Ritsumeikan Asia Pacific University. July 2022.

"Religious Liberty and Church State Relations in Colonial America," "The American Experiment: How the Court has interpreted the Establishment Clause," and "The American Experiment: How the Court has Interpreted the Free Exercise Clause." Religious Freedom Institute's Statesmanship and Religious Freedom Seminar, May 2022.

"Religious Liberty and Church-State Relations in America: Early Colonies Through the Founding Era" and "Religious Liberty and Church-State Relations in America: Early Republic to the Present Day." Florida Department of Education, May 2022.

"Tilting at Windmills: The Threat (?) of Christian Nationalism." Hope College, April 2022.

"Why Tolerate Religion?: The Future of Religious Liberty." Institute For Humane Studies, March 2022.

"The Pilgrims, Puritans, and Mayflower Compact" and "America's Founders and Slavery." Florida Department of Education, March 2022.

"Did America have a Christian Founding? Debate between Mark David Hall and John Fea." Malone College, March 2022.

"Did America Have a Christian Founding?" Cairn University, October 2021.

"America's Founders and Slavery," "Why Tolerate Religion?: The Rise and Fall of Religious Liberty in America," and "Did America Have a Christian Founding?" Faith and Liberty Discovery Center, October 2021.

"Did America Have a Christian Founding?" Constitution Day Address, Northwest Nazarene University, September 2021.

"Why Tolerate Religion: The Importance of Religious Liberty." Virtual presentation for the World Human Science & Management Conference, Odisha, India, July 2021.

"The Importance of Religious Liberty." Wilberforce International Institute, July 2021.

"America's Christian Founding and Christian Nationalism." The Heritage Foundation (Congressional Fellows Program), July 2021.

"Roger Sherman and the Creation of the American Republic." New Haven Museum, April 2021.

"Did America Have a Christian Founding?" Keynote Address, Liberty University, April 2021.

"The Mayflower Compact: 1620 and the Formation of the American Republic." National

Association of Scholars panelist, March 2021. Available at: https://www.youtube.com/watch?v=Ipy6OLrwgUI

"Did America Have a Christian Founding?" Oral Roberts University, March 2021.

"Did America Have a Christian Founding?" Cairn University, February 2021.

"The Pilgrims, Puritans, and Mayflower Compact." Colorado Christian College, November 2020.

"Did America Have a Christian Founding?" Colorado Christian College, November 2020.

"The Re-Opening of the American Mind." Panelist, Liberty University, September 2020.

"A Christian Nation(?), Godless Constitution(?) and Establishment: An Historical Perspective Plus." Blackstone Legal Fellowship, June 2020.

"Did America Have a Christian Founding?" American Bible Society, Washington, DC. November 2019.

"Did America Have a Christian Founding?" Liberty University, Lynchburg, VA. November 2019.

"Did America Have a Christian Founding?" Heritage Foundation, Washington DC. November 2019.

"Did America Have a Christian Founding?" United States Department of State, Washington, DC. November 2019.

"Did America Have a Christian Founding?" Faith & Law, Washington, DC. November 2019.

"Did America Have a Christian Founding?" First Liberty Fellowship Program, Washington, DC. November 2019.

"Did America Have a Christian Founding?" The King's College, New York, November 2019.

"America and the Just War Tradition." Presentation with J. Daryl Charles at Princeton University, November 2019.

"Did America Have a Christian Founding?" Gonzaga University, October 2019.

"Did America Have a Christian Founding?" Birmingham Southern University, October 2019.

"Did America Have a Christian Founding?" Faulkner University, October 2019.

"The Founding Fathers and Public Leadership: Roger Sherman and James Wilson." Tommy G. Thompson Center, University of Wisconsin-Madison, September 2019.

"America and the Just War Tradition." University of Louisville, September 2019.

"Did America Have a Christian Founding?: A Debate with Steven K. Green." Willamette University, September 2019.

"Did America Have a Christian Founding?: A Debate with Andrew Seidel." University of Louisville, September 2019.

"Did America Have a Christian Founding?" Asbury University, September 2019.

"What are the Religious Roots of the American Founding?" University of the Cumberlands, September 2019.

"America and the Just War Tradition." National Christian Forensics and Communications Association, August 2019.

"Did America Have a Christian Founding?" Intercollegiate Studies Institute National Honors Conference, July 2019.

"The Political and Legal Philosophy of James Wilson." Center for Constitutional Studies Group, University of Edinburgh, July 2019.

"Understanding (Non)-Establishment: Some Historical Stories and Considerations." Blackstone Legal Fellowship, June 2019.

"Christianity, Modernity, and the American Founding." Witherspoon Institute, June 2019.

"America and the Just War Tradition." Presentation with J. Daryl Charles at the Institute for Humane Studies, May 2019.

"America and the Just War Tradition." Presentation with J. Daryl Charles at the United States Department of State, May 2019.

"America and the Just War Tradition." Presentation with J. Daryl Charles at the Institute for Religion and Democracy, May 2019.

"Why Tolerate Religion?: The Rise and Fall of Religious Liberty in America." Fresno Pacific University, April 2019.

"America and the Just War Tradition." Presentation with J. Daryl Charles at Seattle Pacific

University, April 2019.

"America and the Just War Tradition." Presentation with J. Daryl Charles at Corban College, April 2019.

"America and the Just War Tradition." Presentation with J. Daryl Charles at George Fox University, April 2019.

"Did America Have a Christian Founding?" Cairn University, April 2019.

"Why Tolerate Religion?: The Rise and Fall of Religious Liberty in America." Cairn University March 2019.

"Did America Have a Christian Founding?" Northwestern College (Iowa), March 2019.

"Did America Have a Christian Founding?" Michigan State University, March 2019.

"Did America Have a Christian Founding?" Hope College, March 2019.

"Did America Have a Christian Founding?" Wheaton College, March 2019.

"Why Tolerate Religion?: The Rise and Fall of Religious Liberty in America." Colorado Christian College, February 2019.

"Vindiciae, Contra Tyrannos: The Influence of the Reformed Tradition on the American Founding." University of Alaska at Anchorage, February 2019.

"Why Tolerate Religion?: The Rise and Fall of Religious Liberty in America." Biola University, January 2019.

"Why Tolerate Religion?: The Rise and Fall of Religious Liberty in America." Oral Roberts University, November 2018.

"Religious Freedom in America: The Early Colonies to the Present Day." Jack Miller Center Jefferson Seminar, October 2018.

"Why Tolerate Religion?: The Rise and Fall of Religious Liberty in America." Constitution Day Address at St. Vincent College, September 2018.

"Faith and the Founders of the American Republic" and "Why Tolerate Religion." ISI National Honors Conference, July 2018.

"Why Tolerate Religion?: The Rise and Fall of Religious Liberty in America." Institute for Humane Studies National Honors Conference, June 2018.

"Why Tolerate Religion?: The Rise and Fall of Religious Liberty in America." Cairn University, April 2018.

"Religious Liberty and Discrimination." Debate with Steven K. Green at Linfield College, November 2017.

"America's Founders on Religious Liberty and the Common Good." Keynote address, Annual Meeting of the Philadelphia Society, October 2017.

"Faith and the Founders of the American Republic." Keynote address, ISI Regional Conference, October 2017.

"Resistance to Tyrants is Obedience to God." Legacy of the Reformation Conference. Liberty University, September 2017.

"Did America Have a Christian Founding?" College of the Ozarks, August 2017.

"Religious Liberty and Church-State Relations: Then and Now." ISI National Honors Conference, August 2017.

"Faith and the Founders of the American Republic." Azusa Pacific University, March 2017.

"Roger Sherman and the Creation of the American Republic." Grove City College and American Founders' Luncheon, December 2016.

"Why Tolerate Religion?: The Rise and Fall of Religious Liberty in America." John Brown University, October 2016.

"Faith and the Founders of the American Republic." Lecture at the University of Oklahoma, October 2016.

"History Lesson: Founders, Intent, & Foundation of Religious Liberty." Plenary Address at the Pensmore National Symposium on Religious Liberty, October 2016. Available at: https://www.youtube.com/watch?v=NNFEeqmLVpg

"Did America Have a Christian Founding?" Association of Classical and Christian Schools Annual Conference, July 2016.

"Same-Sex Marriage and Religious Liberty: Are they in Conflict?" Agora Forum, Eastern University, February 2016.

"*Vindiciae, Contra Tyrannos*: The Influence of the Reformed Tradition on the American

Founding." Westminster Theological Seminary, February 2016.

"Were any of the Founders Deists?," "Did America Have a Christian Founding?," "Jeffersonian Walls and Madisonian Lines: The Supreme Court's Use of History in Religion Clause Cases," and "Religious Accommodations and the Public Good." Big Sky Worldview Forum, Billings, Montana. November 2015.

"The Articles of Confederation," "Slavery in the Early Republic," and "The Progressive Movement and the Bill of Rights." Bill of Rights Institute conference for teacher training, Salt Lake City, Utah. October 2015.

"Same-Sex marriage and religious freedom: Are they in conflict?" Northwood University. September 2015.

"Religious Liberty and Same-Sex Wedding Ceremonies: Historic Precedents, Future Possibilities." Lecture at John Brown University. April 2015.

"Religious Liberty in America: From the Founding Era to *Hobby Lobby*." Lecture at Linfield College. February 2015.

"Religious Freedom and American History." Plenary address at the Religious Freedom Summit, Cedarville University. October 2014.

"Christianity, the Bible, and the Founders of the American Republic." Green Scholars Initiative Speaker Series. Springfield, Missouri. July 2014.

"Jeffersonian Walls and Madisonian Lines: The Supreme Court's Use of History in Religion Clause Cases." Family Research Council, Washington, D.C. June 2014.

"Why Johnny Can Read; But It Doesn't Really Matter." Commencement address delivered at Cedar Tree School, Vancouver, Washington. June 2014.

"The First Freedom: Religious Liberty and Church-State Relations in the American Founding." Northwest University, Kirkland, Washington. February 2014.

"Religion and the American Founding." American Enterprise Institute's Values & Capitalism faculty retreat, Houston. January 2014.

"Liberty and the Declaration of Independence and Constitution," "Federalism and Freedom," "The Supreme Court and the First Amendment." Bill of Rights Institute conference for teacher training, Cheyenne, Wyoming. October 2013.

"Did America Have a Christian Founding?" Debate between Mark David Hall and Steven K. Green, University of Idaho School of Law. November 2012.

"Faith and the Founders of the American Republic," Constitution Day Address, University of Idaho School of Law. September 2012.

"The Sacred Rights of Conscience: Religious Liberty and Church-State Relations in the American Founding." Azusa Pacific University. March 2012.

"Religious Liberty in Early America," "Religious Liberty and Church-State Relations in the American Founding," and "The Supreme Court and the Religion Clauses." George Washington Institute for Religious Freedom conference for teacher training. February 2012.

"Civic Values in the Declaration of Independence," "Principles of the Constitution," "Federalism and Civic Values in Modern Times," "Historical and Philosophical Origins of the First Amendment," "Religious Liberty in the Founding Era," and "Religious Liberty in Modern Times." Bill of Rights Institute conference for teacher training. July 2011.

"Did America Have a Christian Founding?" Heritage Foundation (covered by C-SPAN). Washington, D.C. December 2010.

"The Scot as a Nationalist: James Wilson and the Creation of the American Republic." St. Andrews Society of Washington, D.C. December 2010.

"Faith and the Founders of the American Republic." Maryville Symposium on Faith and the Liberal Arts. September 2010.

"Faith and the Founders of the American Republic." Buechner Institute at King College. September 2010.

"James Wilson and the Role of Natural Law in the American Experiment in Self-Government." James Madison Program Conference, Princeton, May 2010.

"Roger Sherman and the Creation of the American Republic." McConnell Center for Political Leadership, University of Louisville. September 2008.

"Church-State Relations in the United States." The Hebrew University of Jerusalem. June 2008.

"Famous and Forgotten Founders: The Case of Roger Sherman." McConnell Center for Political Leadership, University of Louisville. March 2008.

"Respecting an Establishment of Religion." Oregon Chautauqua lecture, delivered at multiple locations throughout Oregon. 2006-2008.

"Jeffersonian Walls and Madisonian Lines: The Supreme Court's Use of History and the First

Amendment's Religion Clause." Featured presentation at "The American Experiment: Religious Freedom," a conference hosted by The University of Portland Garaventa Center for Catholic Intellectual Life and American Culture. April 2007.

"Why Johnny Can Read; But It Doesn't Really Matter." Commencement address delivered at Veritas School, Newberg. May 2005.

"John Rawls, Liberalism, and Christianity." Regent University. November 2002.

"James Wilson on Religion, Morality, and the Constitution." John Courtney Murray Lecture, the American Enterprise Institute, Washington, D.C. January 2000.

Selected Papers and Conference Participation

"The Declaration of Independence." Discussion Leader for Bill of Rights Teacher Colloquium. July 2026.

"The Declaration and Domestic Politics." Panelist, Victims of Communism Memorial Foundation. July 2026.

"Roger Sherman: American Statesman." Liberty Fund Virtual Discussion Leader. May 2026.

"Why Ohio Should Adopt a Religious Freedom Restoration Act." Panelist. Federalist Society of Ohio. April 2026.

"The Church and the Academy in the Mission of God." Panelist. Regent University. March 2026.

"The Revolution in Context: Governance, State Formation, and the People." Discussion Leader, Liberty Fund Colloquium. March 2026.

"Threats to Religious Liberty and Freedom of Speech." Regent Law Symposium. February 2026.

"The Sacred Rights of Conscience." Discussion Leader, CRCD colloquium. October 2025.

"The Sacred Rights of Conscience." Discussion Leader, The Abbey colloquium. September 2025.

"Did America Have a Christian Founding?" Led seminar on my book for students at Colorado Christian University. September 2025.

"Who's Afraid of Christian Nationalism?" Led seminar on my book for John Jay Institute Fellows. September 2024.

"The Preconditions of Civil Society." Participant, Liberty Fund Colloquium, September 2024.

"Vindiciae, Contra Tyrannos: The Influence of the Reformed Tradition in the American Founding." Reformation and Society Conference at Hillsdale College. August 2024,

"Christian Political Theology and the Declaration of Independence." Co-Director, Liberty Fund Colloquium. May 2024.

"Religious Liberty in the States: 2024." Henry Institute Conference. April 2024.

"Religious Liberty in the States: 2024 Preview." Ciceronian Society Conference. March 2024.

"The Sacred Rights of Conscience." Co-discussion leader for ISI-Liberty Fund colloquium. February 2024.

"The Declaration of Independence in Historical Context." Participant, Liberty Fund Colloquium, November 2023.

"Faith and Liberalism." Participant on panel with Rachel Ferguson and Kevin Vallier. Mercatus Center. October 2023.

"Resistance to Tyrants is Obedience to God: Reformed Resistance Theory, John Locke, and America's Founders." Co-Director, Liberty Fund Colloquium. August 2023.

"Religious Liberty in the States." First Liberty National Leadership Summit. Panel Presentation. July 2023.

"The Founders on Religious Liberty and Church-State Relations." Princeton University's Robert J. Giuffra Conference, Princeton University. Panel presentation. June 2023.

"Liberty and Responsibility in the African American Religious Tradition." Participant in Liberty Fund Colloquium. April 2023.

"Savannah Seminar." Center for Religion, Culture, and Democracy. Discussion leader. April 2023.

"The Future of Christian Nationalism." Panel presentation. Religious News Association. Bethesda. March 2023.

"Religious Liberty and the States." Panel presentation. The Ciceronian Society. March 2023.

"American Christian Nationalism." Panel presentation. George Washington University.

February 2022.

"American Christian Nationalism." Panel presentation." Hungary Foundation. November 2022.

"Alexis De Tocqueville on Liberty and Equality in America." Co-discussion leader for CRCD Colloquium. October 2022.

"Equality and Inequality in America." Participant in Bill of Rights Institute Colloquium. October 2022.

"Are Americans as Divided as They Seem?" One of three panelists on a Mercatus Center sponsored panel at the State Policy Network annual meeting, September 2022.

"Civility, Civics, and the Fate of the City of Man." One of three invited respondents to paper by Patrick Deneen. University of Portland, April 2022.

"Why Tolerate Religion: Contemporary Threats to Religious Liberty." Paper presented at Institute for Humane Study conference Cultural Challenges to Pluralism, March 2022.

"Religious Accommodations and Religious Minorities." Paper presented at Institute for Humane Study conference Cultural Challenges to Pluralism, November 2021.

"Freedom and the American Reconstruction Era." Discussion leader for Liberty Fund colloquium. November 2021.

"Common Moral Commitments in an Age of Individual Autonomy." Co-discussion leader for Religious Freedom Institution/First Liberty, June 2021.

"Political Tribalism and Religious Liberty." Participant in IHS virtual discussion, May 2021.

"Religious Liberty at the Crossroads." Participant in IHS virtual colloquium, April 2021.

"Reformed and Unreformed Liberty: Turretin, Spinoza, and Locke." Discussion leader for Liberty Fund colloquium. February 2021.

"The Sacred Rights of Conscience." Discussion leader for IHS colloquium for college students. William Jessup University. April 2019.

"Proclaim Liberty Throughout All the Land: The Bible, Liberty, and the American Founding." Discussion Leader for Liberty Fund colloquium. March 2019.

"The Sacred Rights of Conscience." Discussion leader for IHS colloquium for college students. Assumption College. February 2019.

"Liberty in the Book of Genesis." Liberty Fund Colloquium. Greenville, South Carolina. February 2019.

"Liberty, Political Neutrality, and Religion." Liberty Fund Colloquium. Jekyll Island, Georgia. November 2018.

"The Sacred Rights of Conscience." Discussion leader for ISI/Liberty Fund colloquium for college students. Providence. November 2018.

"The Sacred Rights of Conscience." Discussion leader for IHS colloquium for college students. Azusa Pacific University. September 2018.

"Liberty, Markets, and Ideas in the Works of Joyce Appleby." Liberty Fund Colloquium. Indianapolis. August 2018.

"Roger Sherman, Ordered Liberty, and the Creation of the American Republic." Liberty Fund colloquium director. Indianapolis, April 2018.

"Thomas Jefferson: Revolutionary?" Liberty Fund colloquium. Williamsburg. March 2018.

Fourth Annual Salmon P. Chase Lecture and Colloquium. Invited Participant, Georgetown Law School. December 2017.

"The Future of Libertarianism and Conservativism." Directed conference co-sponsored by the Institute for Humane Studies and the Intercollegiate Studies Institute. Newberg. September 2017.

"Liberty and the Declaration of Independence." Discussion leader for Acton/Liberty Fund colloquium. Philadelphia, August 2017.

"The Sacred Rights of Conscience." Discussion leader for ISI/Liberty Fund colloquium for college students. Baltimore. March 2017.

"The Birth of a New American State: Indiana." Discussion leader for Liberty Fund colloquium. Indianapolis. December 2016.

"Federalism and Constitutionalism." Discussion leader for ISI/Liberty Fund colloquium for college students. Providence. September 2016.

"The Sacred Rights of Conscience." Discussion leader for McConnell Center/Liberty Fund colloquium for high school teachers. Boston, February 2016.

"Law, Liberty, and the State." Liberty Fund Colloquium. Portland, Maine. October 2015.

"Liberty, Emancipation, and the Rule of Law." Jack Miller Center Jeffersonian Colloquium, Portland. March 2015.

"The Presidents and the Constitution: John Adams." Discussion leader for Ashbrook Center-Liberty Fund Colloquium for high school teachers, Quincy, MA. November 2014.

"*Burwell v. Hobby Lobby*." Chair of roundtable panel at the annual meeting of the American Political Science Association, Washington, D.C. August 2014.

"Madison's Memorial and Remonstrance, Jefferson's Statute for Religious Liberty, and the Creation of the First Amendment." Paper presented at the annual meeting of the American Political Science Association, Chicago. August 2013.

"Understanding the Declaration of Independence in Historical Context." Discussion leader for Liberty Fund Colloquium. Indianapolis. June 2013.

"The Sacred Rights of Conscience: The Development of Religious Liberty in America, 1610-1835." Liberty Fund Colloquium director. Indianapolis. June 2013.

"Milton's Conception of Liberty," Liberty Fund Colloquium. Seattle. October 2013.

"Liberty and Responsibility in Adam Smith." Liberty Fund Colloquium. Holland, Michigan. August 2013.

"The Sacred Rights of Conscience: Testing Constitutional Principles of Religious Liberty and Church-State Relations in the New Nation, Part III." Liberty Fund colloquium co-director. Indianapolis, April 2013.

"Federalism and the Separation of Powers." Discussion leader for Ashbrook Center-Liberty Fund colloquium for business leaders. Cincinnati. February 2013.

"The Sacred Rights of Conscience." Discussion leader for Liberty Fund colloquium for high school teachers. Washington, D.C., February 2012.

"Reformed Political Thought and the Creation of the American Republic." Paper accepted for presentation at the annual meeting of the American Political Science Association, New Orleans. September 2012 (convention was cancelled).

"Order and Disorder in International Politics: From *Pacem in Terris* to the Regensburg Address." Panel discussant at the annual meeting of the American Political Science Association, Seattle. August 2011.

"Religion, Society, and the Rule of Law in China." Council for Christian Colleges and

Universities International Seminar. June 2011.

"Roger Sherman, Ordered Liberty, and the Creation of the American Republic." Liberty Fund colloquium director. Indianapolis, November 2010.

"Vindiciae, Contra Tyrannos: The Influence of the Reformed Tradition on the American Founding." Paper presented at the annual meeting of the American Political Science Association, Washington, D.C. September 2010.

"*Christian Legal Society v. Martinez* and the Future of Religious Liberty in America." Chair of roundtable panel at the annual meeting of the American Political Science Association, Washington, D.C. September 2010 (covered by C-SPAN).

"Resistance to Tyrants is Obedience to God." Liberty Fund colloquium. Orange Beach, Alabama. May 2010.

"The Sacred Rights of Conscience: Defining Religious Liberty in the Founding Era." Liberty Fund colloquium co-director. Cincinnati, November 2009.

"Herbert Hoover Symposium XVII." Director. Newberg, October 2009.

"Evangelical Political Thought and Natural Law." Panel discussant at the annual meeting of the American Political Science Association, Toronto, September 2009.

"Jeffersonian Walls and Madisonian Lines: The Supreme Court's Use of History in Religion Clause Cases." Paper presented at the annual meeting of the American Political Science Association, Toronto. September 2009.

"The Great Awakening Revisited, Political Theology, and the Rise of American Liberty." Liberty Fund colloquium. Orange Beach, Alabama. May 2009.

"James Wilson, the Law of Nature, and the Protection of Liberty." Liberty Fund colloquium. San Diego, January 2009.

"2008-2009 Socratic Leadership Seminar I," Liberty Fund seminar. Indianapolis, October 2008.

"Reformed Theology and the American Founding: The Case of Roger Sherman." Paper presented at the annual meeting of the American Political Science Association, Boston. August 2008.

"Roger Sherman, Religious Liberty, and Church-State Relations." Paper presented at the annual meeting of the American Political Science Association, Boston. August 2008.

"Defending Democracy, Defeating Terrorism." Foundation for the Defense of Democracy

Academic Fellows Program. Tel Aviv, Israel. June 2008.

"The Sacred Rights of Conscience: Biblical and European Themes of Religious Liberty in Colonial America." Liberty Fund colloquium co-director. Cincinnati, October 2007.

"Herbert Hoover Symposium XVI." Director. Newberg, October 2007.

"Religion and the American Founding." Conference Director, George Fox University, March 2007.

"China Confronts New Security Issues." A National Science Foundation Chautauqua Short Course in Beijing, China, June 2006.

"National Faculty Leadership Conference." Chair of political science and law steering committee, Washington, D.C., June 2006.

"Liberty and Liberal Education." Intercollegiate Studies Institute Faculty Colloquium, Seattle, October 2002.

"Religion, Freedom, and Prosperity in Oklahoma." Conference Director. Ada, Oklahoma, April 2001.

"Religion in the American Founding: Alternative Perspectives." Panel discussant at the annual meeting of the American Political Science Association, San Francisco, August 2001.

"James Wilson, Thomism, and the Founding Era." Paper presented at the annual meeting of the American Political Science Association, Washington, D.C. September 2000.

"Templeton Institute for the Advanced Study of Freedom." Newport, RI, May 1999; Galway, Ireland, June 2000.

"Emma Willard on Citizenship and Politics." Paper presented at Baylor University Symposium, "Cultivating Citizens: Soulcraft & Citizenship in Contemporary America," Waco. October 1999.

"Religion, Irreligion, and the Founding." Panel discussant at the annual meeting of the American Political Science Association, Atlanta, September 1999.

"Catharine Beecher and the Creation of Virtuous Citizens." Paper presented at the annual meeting of the Association for the Scientific Study of Religion: Southwest, Dallas. March 1999.

"American Evangelicalism and Fundamentalism." Calvin College Faculty Summer Seminar under the direction of George Marsden, Summer 1999.

"Religious Liberty in Early Nineteenth-Century America." Liberty Fund colloquium. Richmond, March 1999.

"Beyond Self-Interest: The Political Theory of American Women, 1800-1860." Paper presented at the annual meeting of the American Political Science Association, Boston. August 1998.

"The Political and Legal Philosophy of James Wilson, 1742-1798." Roundtable panel participant at the annual meeting of the American Political Science Association, Boston. August 1998.

"The Second Great Awakening and the Development of the Political Theory of American Women." Paper presented at the annual meeting of the Association for the Scientific Study of Religion: Southwest, Dallas. March 1998.

"Political Theory After Liberalism." Calvin College Faculty Summer Seminar under the direction of Nicholas Wolterstorff, Summer 1998, Spring 1999.

"Republican Motherhood in the Early Nineteenth Century: The Evolution of a Concept." Paper presented at the annual meeting of the Oklahoma Political Science Association, Ada. November 1997.

"Political Obligation and the United States Supreme Court," with George Klosko. Paper presented at the annual meeting of the American Political Science Association, San Francisco. August 1996.

"Foundations of American Liberty," Salvatori Center for Academic Leadership Conference, The Heritage Foundation, Summer 1994, Spring 1995.

"Religion and Politics in the United States: Lessons from the Founders." Paper Presented at the annual meeting of the Association for the Scientific Study of Religion: Southwest, Dallas. March 1995.

"The Changing Dynamics of State Constitutional Law and Politics." Panel discussant at the annual meeting of the American Political Science Association, New York, September 1994.

"The Wilsonian Dilemma." Paper presented at the annual meeting of the Southern Political Science Association, Savannah. November 1993.

"The Christian Foundation of James Wilson's Legal Philosophy." Paper presented at the annual meeting of the American Political Science Association, Chicago. September 1992.

Reviews

Allen D. Hertzke, *Why Religious Freedom Matters: Human Rights and Human Flourishing*. *Religion & Liberty*. Forthcoming,

David Bobbs and Tony Williams, *Divided Over the Declaration: How an Enduring Debate Sustains the Vision of America. Law & Liberty*. May 2026. Available here: https://lawliberty.org/book-review/the-declarations-promise-and-peril-at-250.

American Heretics: Religious Adversaries of Liberal Order, by Jerome E. Copulsky. *Journal of Church and State*. April 2026.

Seven reviews of historic sites for the Heritage Foundation:

Fort Clatsop: February 2026. Available here: Fort Clatsop | Heritage Guide to Historic Sites | The Heritage Foundation

Fort Vancouver: February 2026. Fort Vancouver | Heritage Guide to Historic Sites | The Heritage Foundation.

Pittock Mansion: February 2026. Available here: Pittock Mansion | Heritage Guide to Historic Sites | The Heritage Foundation.

Washington State Historical Museum: February 2026. Available here: Washington State History Museum | Heritage Guide to Historic Sites | The Heritage Foundation.

Fort Nisqually: February 2026. Available here: Fort Nisqually Living History Museum | Heritage Guide to Historic Sites | The Heritage Foundation.

Yorktown. October 2025. Available here: Yorktown | Guide to Historic Sites | The Heritage Foundation.

Jamestown. October 2025. Available here: Jamestown | Guide to Historic Sites | The Heritage Foundation.

So Help Us God: American Presidents and the Bible, by Carl J. Richard. *Religion & Liberty*. Winter 2025. 57-60. Available at: https://www.acton.org/religion-liberty/volume-36-number-1/holy-scriptures-and-americas-presidents.

The Grand Collaboration: Thomas Jefferson, James Madison, and the Invention of American Religious Freedom, by Steven K. Green. *Law & Liberty*. December 2025. Available at: https://lawliberty.org/book-review/religious-freedom-and-the-founding/.

Money, Lies, and God: Inside the Movement to Destroy American Democracy, by Katherine Stewart. *Law and Liberty*. May 2025. Available at: https://lawliberty.org/book-review/the-rights-descent-into-fascism/.

Stumbling Toward Utopia: How the 1960s Turned into a National Nightmare and How We Can Revive the American Dream, by Timothy S. Goeglein. Regent University Center for Christian Thought and Action. January 2025. Available at: https://ccta.regent.edu/review-of-timothy-s-goeglein-stumbling-toward-utopia-how-the-1960s-turned-into-a-national-nightmare-and-how-we-can-revive-the-american-dream-nashville-fidelis-2024/.

Remaking the World: How 1776 Created the Post Christian West, by Andrew Wilson. *Religion & Liberty*. Spring 2024. Available at: https://www.acton.org/religion-liberty/volume-34-number-2/1776-year-changed-everything.

"God and Country: A Review." *Commonwealth.* February 2024. Available at: https://adfontesjournal.com/commonwealth/god-country-a-review/.

The Full Armor of God: The Mobilization of Christian Nationalism in American Politics, by Paul A. Djupe, Andrew R. Lewis, and Anand E. Sokhey. *Law & Liberty*. October 2023. Available at: https://lawliberty.org/book-review/american-theocrats/.

The Godless Crusade: Religion, Populism, and Right-Wing Identity Politics in the West, by Tobias Cremer. *Law & Liberty.* May 2023. Available at: https://lawliberty.org/book-review/europes-post-religious-right/.

The Classical and Christian Origins of American Politics: Political Theology, Natural Law, and the American Founding, by Kody Cooper and Justin Buckley Dyer. *Law & Liberty*. February 2023. Available at: https://lawliberty.org/book-review/americas-founders-and-natural-law/.

The Case for Christian Nationalism, by Stephen Wolfe. *Providence*. November 2022. Available at: https://providencemag.com/2022/11/the-500-year-old-case-for-christian-nationalism/.

Separating Church and State: A History, by Steven K. Green. *Journal of Christian Legal Thought*. November 2022, 65-66.

Common Law and Natural Law in America: From the Puritans to the Legal Realists, by Andrew Forsyth. *Journal of Law and Religion*. November 2022, 569-72.

American Crusade: Christianity, Warfare, and National Identity, 1860-1920, by Benjamin J. Wetzel. *Juicy Ecumenism.* October 2022. Available at: https://juicyecumenism.com/2022/10/18/american-crusade/.

American Crusade: How the Supreme Court Is Weaponizing Religious Freedom, by Andrew Seidel. October 2022. Available at: https://lawliberty.org/book-review/a-crusader-court/.

The Blessings of Liberty: Human Rights and Religious Freedom in the Western Tradition, by John Witte, Jr. September 2022. Available at: https://www.thepublicdiscourse.com/2022/09/84692/.

The Religion of American Greatness: What's Wrong with Christian Nationalism, by Paul D. Miller. September 2022. Available at: https://lawliberty.org/book-review/christian-nationalism-an-existential-threat/.

Thomas Jefferson: A Biography of Spirit and Flesh, by Thomas Kidd. *Law & Liberty*. July 2022. Available at: https://lawliberty.org/book-review/revisiting-the-sage-of-monticello/.

Solemn Reverence: The Separation of Church and State in American Life, by Randall Balmer. *Law & Liberty*. May 2022. Available at: https://lawliberty.org/book-review/there-was-never-any-first-amendment-wall/.

Joseph Smith for President, by Spence W. McBride. *Law & Liberty*. July 2021. Available at https://lawliberty.org/book-review/religious-liberty-put-to-the-test/.

Religious Liberty in Crisis: Exercising Your Faith in an Age of Uncertainty, by Ken Starr. *First Things*. June 2021. Available at https://www.firstthings.com/web-exclusives/2021/06/a-sacred-right.

Our Dear-Bought Liberty: Catholics and Religious Toleration in Early America, by Michael Breidenbach. *Law & Liberty*. May 2021. Available at https://lawliberty.org/book-review/did-catholics-establish-religious-liberty-in-america/.

They Knew They Were Pilgrims: Plymouth Colony and the Contest for American Liberty, by John G. Turner. *Law & Liberty*. February 2021. Available at https://lawliberty.org/book-review/the-pilgrims-at-400/.

Religious Liberty and Education: A Case Study of Yeshivas vs. New York. Ed. Jason Bedrick, Jay Greene, and Matthew Lee. January 2021. Available at https://lawliberty.org/book-review/to-bigotry-no-sanction/

Beyond Belief, Beyond Conscience: The Radical Significance of the Free Exercise of Religion, By Jack Rakove. August 2020. Available at https://www.christianitytoday.com/ct/2020/july-web-only/jack-rakove-beyond-belief-conscience-free-exercise.html

America on Trial: A Defense of the Founding, by Robert Reilly. June 2020. Available at

https://lawliberty.org/book-review/americas-founders-acquitted/.

The Cambridge Companion to the First Amendment and Religious Liberty, ed. Michael D. Breidenbach and Owen Anderson. May 2020. Available at https://lawliberty.org/book-review/religious-liberty-in-a-hostile-age/.

Disestablishment and Religious Dissent: Church-State Relations in the New American States, 1776-1833, ed. Carl H. Esbeck and Jonathan J. Den Hartog. March, 2020. Available at https://www.lawliberty.org/book-review/the-complicated-history-of-disestablishment/.

Free to Believe: The Battle over Religious Liberty in America, by Luke Goodrich, November 2019. Available at: https://www.christianitytoday.com/ct/2019/november-web-only/free-believe-luke-goodrich-religious-freedom.html

The Founding Myth: Why Christian Nationalism is Un-American, by Andrew Seidel, August 2019. Available at: https://www.lawliberty.org/2019/08/06/unlearning-the-founding-myth/

The Third Disestablishment: Church, State, & American Culture, 1940-1975, by Steven K. Green, May 2019. Available at: https://www.lawliberty.org/2019/05/16/a-strict-separationist-speaks/

Religious Freedom, LGBT Rights, and the Prospects for Common Ground, ed. William N. Eskridge, Jr. and Robin Fretwell Wilson, March 2019. Available at: https://www.lawliberty.org/book-review/the-road-to-compromise/

Swords and Plowshares: American Evangelicals on War, 1937-1973, by Timothy D. Padgett. *Christianity Today*, January 2019. Available at: https://www.christianitytoday.com/ct/2019/january-web-only/timothy-padgett-swords-plowshares-evangelicals-war.html?utm_source=ctweekly-html&utm_medium=Newsletter&utm_term=13251582&utm_content=631812161&utm_campaign=email

The Founders and the Bible, by Carl J. Richard. *American Political Thought*, Summer 2017, 483-486.

Benjamin Franklin: The Religious Life of a Founding Father, by Thomas S. Kidd, *Education and Culture: A Critical Review*, (Summer 2017).

In the Beginning Was the Word: The Bible in American Public Life, 1492-1783, by Mark A. Noll, *Journal of American History*, (October 2016), 1265-1266.

Inventing a Christian America: The Myth of the Religious Founding, by Steven K. Green. *First*

Things Online, (September 2015): http://www.firstthings.com/web-exclusives/2015/09/the-myth-of-americas-religious-founding.

Nature's God: The Heretical Origins of the American Republic, by Matthew Stewart. Featured Review, *Christian Scholar's Review*, (Spring 2015): 285-291. Available at: https://christianscholars.com/a-failed-attempt-in-partisan-scholarship-an-extended-review/.

The First Thanksgiving: What the Real Story Tells Us About Loving God and Learning From History, by Tracy McKenzie. *Anglican and Episcopal History*, (December 2014): 448-449.

Thomas Jefferson's Qur'an: Islam and the Founders, by Denise A. Spellberg. *Journal of American History*. 101 (December 2014): 563.

God's Arbiters: Americans and the Philippines, 1898-1902, by Susan K. Harris. *Anglican and Episcopal History*, (September 2014), 363-364.

The Religious Beliefs of America's Founders: Reason, Revelation, and Revolution, by Gregg L. Frazer. *Journal of American History*, 99 (March 2013): 1226-1227.

God of Liberty: A Religious History of the American Revolution, by Thomas S. Kidd. *Journal of American History*, 98 (June 2011): 191.

The Political Origins of Religious Liberty, by Anthony Gill. *Journal of the American Academy of Religion*, 77 (March 2009): 165-69.

Uncovering the Constitution's Moral Design, by Paul R. DeHart. *Politics and Religion*, 1 (December 2008): 496-97.

Rough Crossings: Britain, The Slaves, and the American Revolution, by Simon Schama. *The Oregonian*, (May 14, 2006): O16.

Myths America Lives By, by Richard T. Hughes. *Religion and Politics Newsletter*, XXI (Spring 2005): 32-33.

Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America, by Andrew R. Murphy. *Canadian Journal of Political Science*, 35 (December 2002): 959-60.

The Political Writings of William Penn, ed. Andrew R. Murphy. *Religion and Politics Newsletter*, XIX (Fall 2002): 3.

Excluded from Suffrage History: Matilda Joslyn Gage, Nineteenth-Century American Feminist,

by Leila R. Brammer. *Journal of Church and State*, 44 (Winter 2002): 161-62.

The Religious World of Antislavery Women: Spirituality in the Lives of Five Abolitionist Lecturers, by Anna M. Speicher. *Journal of Church and State*, 43 (Winter 2001): 160-62.

Virtue and the Making of Modern Liberalism, by Peter Berkowitz. *Religion and Politics Newsletter*, 16 (Winter 2000): 7.

Free in the World: American Slavery and Constitutional Failure, by Mark E. Brandon. H-SHEAR, H-Net Reviews, (February 2000).

Most Humble Servants: The Advisory Role of Early Judges, by Stewart Jay. *William and Mary Quarterly*, 56 (January 1999): 222-24.

New Deal Justice: The Constitutional Jurisprudence of Hugo L. Black, Felix Frankfurter, and Robert H. Jackson, by Jeffrey D. Hockett. *Oklahoma Politics*, 7 (October 1998): 99-101.

Religion and Politics in the Early Republic: Jasper Adams and the Church-State Debate, by Daniel L. Dreisbach. *Review of Religious Research*, 39 (June 1998): 371-72.

A Conscience as Large as The World: Yves R. Simon Versus The Catholic Neoconservatives, by Thomas R. Rourke. *American Political Science Review*, 91 (December 1997): 951-952.

The Politics of Revelation and Reason: Religion and Civic Life in the New Nation, by John G. West, Jr. *Review of Religious Research*, 39 (September 1997): 85-86.

The Myth of American Individualism: The Protestant Origins of American Political Thought, by Barry Alan Shain. *Religion and Politics Newsletter*, 12 (Summer 1996): 15-16.

John Quincy Adams and the Public Virtues of Diplomacy, by Greg Russell. *Oklahoma Politics*, 4 (October 1995): 91-92.

The Moral Sense, by James Q. Wilson. *Southeastern Political Review*, 23 (March 1995): 170-71.

Awards and Honors

Regent University's Fall 2025 Faculty Award for Excellence in the area of Scholarship.

National Endowment for the Humanities. Chairman's Award to support work on an article entitled "The History and Tradition of Protecting Parental Rights in the United States." Summer 2025.

Visiting Scholar, James Madison Program. Princeton University. 2022-2023.

Visiting Scholar, Mercatus Center. 2022-2023.

Fellowship Research Grant, The Earhart Foundation, Summer 2014.

Fellowship Research Grant, The Earhart Foundation, 2012-2013.

American Political Science Association, Travel Grant, Summer 2012.

Fellowship Research Grant, The Earhart Foundation, Summer 2010.

National Endowment for the Humanities, Summer Stipend, 2007.

Fellowship Research Grant, The Earhart Foundation, Summer 2007.

CCCU Initiative Grant, Project Director, 2006-2008.

Chautauqua Scholar, Oregon Council for the Humanities, 2005-2008.

Fellowship Research Grant, The Earhart Foundation, Summer 2005.

Researcher of the Year, George Fox University, 2003.

Summer Research Grants, George Fox University, 2004, 2003, and 2002.

Hatfield Public Service and Constitutional Studies Grant Program Award, 2001.

Freedom Project Award, The John Templeton Foundation, 2000-2001.

Freedom Project Award, The John Templeton Foundation, 1999-2000.

Fellowship Research Grant, The Earhart Foundation, 1998-1999.

Summer Research Grants, Oklahoma Humanities Council, 1999, 1997, 1994.

Oklahoma Political Science Teacher of the Year, The Oklahoma Political Science Association, 1998.

Mellon Research Fellow, Virginia Historical Society, Summer 1998.

Governor's Fellow, The University of Virginia, 1992-1993.

Bradley Fellow, The University of Virginia, 1988-1992.

Service

Regent University, Research Advisory Council of the Office of Research and Sponsored Programs, Regent University.

Member of Editorial Board for Davenant Academic. May 2026-present.

Dissertation director for Mara Englebert, Eric Fugitt, and Alyssa Marks, Robertson School of Government. In progress.

Outside reader for reader for Kirstin Anderson Birkhaug's dissertation (University of Wisconsin), July 2023.

Outside reader for reader for Gary Lee Stewart's dissertation, "Justifying Revolution: The Reformed American Clergy's Argument for Political Resistance, 1763-1783, (Southern Baptist Theological Seminary), March 2017.

Outside reader for reader for Sarah Morgan Smith's dissertation "With a Publick Spirit: Community and Commitment in New England, 1630-1689" (Rutgers University), March 2016.

External manuscript reviewer for Oxford University Press, Cambridge University Press, University of Illinois Press, Liberty Fund Press, Rowman and Littlefield, *American Political Science Review*, *American Political Thought*, *History of Political Thought*, *Journal of the Early Republic, Pennsylvania Magazine of History and Biography, Politics and Religion, Journal of Religion, Culture, and Democracy,* and *Religion and Politics*.

External grant reviewer for American Political Science Association and National Endowment for the Humanities.

Faculty Advisor, Intercollegiate Studies Institute chapter at George Fox University, 2005-2022.

Faculty Advisor, College Republicans chapter at George Fox University, 2005-2022.

Faculty Advisor, Pi Sigma Alpha chapter at George Fox University, 2002-2022.

George Fox University, Honor Program Committee, 2013-present; Curriculum Committee (chair), 2016-2017, member 2017-present; Richter Scholars Committee, 2004-2010; Faculty Development Committee, 2001-2004, 2011-2012; Chair, Task Force on Honors Program, 2011-2012; Ad hoc committee on Intensified Studies, 2003-2004.

Oklahoma State Regents for Higher Education Faculty Transfer Curriculum Committee, 1995-2001.

Faculty Advisor, Pi Sigma Alpha chapter at East Central University, 1995-2001.

East Central University: North Central Association Self-Study: Missions and Purposes Subcommittee, January 2000-2001; Library Committee, 1996-1998; Athletic Committee, 1994-1996.

Offices

Member, Oregon Advisory Committee of the U.S. Civil Rights Commission, 2019-2023.

Affiliate Scholar, John Jay Institute, 2013-present.

Board of Governors, Veritas School, Newberg, Oregon, 2004-2021.

President, Christians in Political Science, 2010-2014, Vice-President 2008-2010.

President, Association for the Scientific Study of Religion: Southwest, 1996-1999.

Member, Academic Advisory Board, *The Encyclopedia of Religion in American Politics*, The Oryx Press.

Academic Coordinator, Oklahoma Girls State, 1995-2000.

References

Available upon request.

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