

**Freedom Watch**  
**March 2003**  
**Volume 12, Number 1**

**Historical perspective: Church-state separation arose to protect religious freedom**

By Ken Burrows

Some of the more strident challenges to separation of church and state that have been voiced of late suggest that: one, the separation has no basis in history, and two, it amounts to a virtual attack on religion. A careful examination of history, however, reveals exactly the opposite: church-state separation was a very real, very controversial development in America's early days, and it occurred not as an attack on religion but as a way to protect religious liberty.

Perhaps nothing capsulizes the historical issue quite as clearly as the struggle over religion in the colony of Virginia - the very struggle that brought notoriety to both Thomas Jefferson and James Madison as staunch advocates for keeping church and state separate.

From Virginia's founding in the early 1600s, the Church of England was its established religious organization. By virtue of a 1643 law, the governor was even designated the head of the church in Virginia. This marriage of church and state in colonial days was common and is often pointed to as evidence America was intended to have a strong religious base to its government. Often overlooked are the effects of such church-state entanglements, the controversies they generated, and the manner in which America's most cherished principles evolved as a reaction.

**Virginia capsulizes issues of church-state entanglement**

In Virginia, specifically, the effects of church-state entanglement included: denial of legislative representation for "recusants" - those who refused to attend Church of England services; restrictions on dissenting ministers; tax monies channeled to support the church; even fees having to be paid to the established church by ministers of other faiths for permission to perform basic rituals such as marriage ceremonies. This union of church and state caused increasing friction, and then agitation for greater religious freedom. Matters came to a head in 1776 with the meetings of the Virginia General Assembly, which led to disestablishing the Anglican Church.

For some, such as Jefferson and Madison, official disestablishment did not fully remove the risks to religious liberty, because the key issue of "assessment" was left open. Assessment dealt with the question of whether citizens could be obligated for the financial support of religion. Proponents of aid to religion, deploring what they saw as a decline in morals, pointed to religion as a needed foundation for a decent society and a stable government. Their arguments are echoed today by advocates of increased religious influence in the public sphere, so it is worth reviewing how such proposals were handled in the late 1700s, and why.

**Stricter policies protecting religious liberty after church disestablishment**

In 1784 Patrick Henry proposed an assessment bill that would require all taxpayers "to pay a moderate tax or contribution annually for the support of the Christian religion." Prior to the final reading on Henry's bill, Madison composed his now famous Memorial and Remonstrance on the Religious Rights of Man\_, outlining 15 arguments against assessment and urging a strict separation of church and state.

When the Virginia Assembly reconvened to consider assessment in late 1785, it was greeted with pro-assessment petitions signed by some 1,200 citizens, but more than 10,000 anti-assessment

petition signatures! Henry's proposal expired without being brought back to the floor. Equally significant, in place of Henry's bill the General Assembly enacted Thomas Jefferson's Bill for Religious Freedom, whose language regarding church-state separation - including phrasing such as "our civil rights have no dependence on our religious opinions" - had previously been considered too bold and revolutionary to be given a formal hearing. It is largely this chain of events in Virginia that is considered as having given birth to what is known today as the principle of separation of church and state.

### **Separation driven by passion for religious freedom**

Far from being the result of any intolerance of religion, this move toward separation was very much driven by a passion for protecting religious freedom. The very title of Jefferson's work was a Bill "for Religious Freedom." Madison's Memorial\_\_\_ addressed by name the "Religious Rights" of Man. These advocates of separation clearly saw how the entangling of church and state had been, and always could be, inimical to religion and to freedom in general.

Jefferson, for instance, referred to "... the impious presumption of legislators ... who have assumed dominion over the faith of others ...". He further noted that bestowing any preference or privilege on a selected religion "tends only to corrupt the principles of that religion it is meant to encourage."

Madison was even more specific. In his Memorial and Remonstrance\_\_\_, he stated: "Whilst we assert for ourselves a freedom to embrace, to profess and to observe the religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us."

In a critique of the state's penchant for issuing religious proclamations, Madison said, "The tendency of the practice [is] to narrow the recommendation to the standard of the predominant sect. ... The practice if not strictly guarded naturally terminates in a conformity to the creed of the majority."

And, finally, there is this excerpt from a letter Madison wrote to Edward Livingston in 1822:

"... there remains in others a strong bias towards the old error, that without some sort of alliance or coalition between government and religion, neither can be duly supported. Such indeed is the tendency to such a coalition, and such its corrupting influence on both the parties, that the danger cannot be too carefully guarded against. Every new and successful example therefore of a perfect separation between ecclesiastical and civil matters is of importance ... in showing that religion and government will both exist in greater purity the less they are mixed together.

### **Celebrating community -- past and future**

by Kimberley Sherwood, Citizens Project new board chair

As 2003 unfolds, Citizens Project embraces a new era. This is our 10th anniversary year and we plan to celebrate! We celebrate the community Colorado Springs is becoming. We celebrate the generosity of our good friends and neighbors who have so steadfastly supported our efforts. We celebrate the vision of CP's founders and staff who so elegantly stewarded our small but feisty organization from birth to a strong and healthy 10 year-old-with big ideas. Most of all, we celebrate each of you who shares our vision of diversity, equality, and religious freedom. Without your energy, commitment, and passion, we would still be in the starting blocks.

We are planning a community-wide celebration later in the year and we hope you will join us. Please keep reading Freedom Watch for more information.

For the moment, the political season holds our attention. This issue highlights our plans for the Mayoral Candidate Forum, March 4th, and City Council Forum on March 18th. The Candidate Survey will be published March 13th, the same week that most Colorado Springs voters will receive their ballot in the mail.

As the new board president, I'm pleased to announce the addition of five new board members for 2003, each of whom brings a unique perspective to their service on the board: Ken Burrows, Paul Durham, Ann MacLaughlin, Radha Pyati, and Greg Varner. The board is entering into a strategic planning process to map CP's future and strengthen the accomplishments and capacity of our first decade. Considering what our next 10 years will hold is the most important work of the board.

As always, we are interested in your perspective and encourage you to let us know your views on our work.

## **Legislators need to respect voters' wishes**

by Greg Borom, executive director

Colorado continues to experiment with democracy by being one of 25 states that allow citizens to place initiatives on the state ballot. This process allows voters to bypass state lawmakers and approve state statutes and state constitutional amendments by a majority vote of the people. The range and scope of these citizen-driven initiatives has been diverse - Citizens Project has opposed and supported several over the years.

In fact, Citizens Project's opposition to the 1992 ballot initiative known as Amendment 2 inspired many to become involved in Citizens Project a decade ago. Amendment 2 legalized discrimination of gays and lesbians. The voters passed this deceptive amendment, but the U.S. Supreme Court ruled it unconstitutional.

Citizens Project supports or opposes ballot initiatives that intersect our goals to promote diversity, equality, and religious freedom. Citizens Project supported Amendment 23 in 2000 (providing more funding for public schools), supported Amendment 27 in 2002 (campaign finance reform), opposed Amendment 17 in 1998 (tuition tax credits, a back-door voucher scheme), and opposed Amendment 31 in 2002 (anti-bilingual education). A majority of voters shared Citizens Project's values and passed Amendments 23 and 27 and defeated Amendments 17 and 31.

But apparently the lawmakers weren't listening.

This year, our state legislators are proposing legislation that would undermine the intentions of voters. El Paso County Representative Keith King has received a legal opinion that the public education funds created by Amendment 23 are not "off-limits" to legislators as they seek to balance the state budget. While that may be true, raiding public school funds during difficult economic times is not the spirit of Amendment 23. Rep. King plans to sponsor legislation later this session to move some of Amendment 23's dollars into the state's general fund.

House Bill 1132 undermines the campaign-finance reform measures passed by voters under last year's Amendment 27. HB 1132 would give incumbents an edge by providing "office accounts" to collect and hold campaign funds and creates a vague definition for "newspapers" that could be established as a launch pad for mean-spirited attack ads with no accountability. These proposed

loopholes are not consistent with the intent of Amendment 27. HB 1132 passed out of the House State, Veterans, and Military Affairs Committee with the votes of El Paso County Representatives Bill Sinclair and David Schultheis. The bill now heads to the House Appropriations Committee for further consideration.

Two bills - Senate Bill 1 and House Bill 1137 - seek to establish tax credits to funnel public tax dollars to private schools, including religious schools. Colorado voters said no to Amendment 17's tax credit proposal for a "backdoor" voucher scheme similar to SB 1 and HB 1137. The Colorado Constitution explicitly forbids state money to support religious schools, yet sponsors of these bills (Rep. King included) are determined to find loopholes, ignoring the will of Colorado voters.

Finally, El Paso County Representative Richard Decker missed the message sent by voters on Amendment 31. He introduced House Bill 1135, nicknamed Amendment 31 Lite. Like Amendment 31, HB 1135 sought to dismantle bilingual education programs across the state and substitute a two-year immersion program for English language learners. Fortunately, the House Education Committee killed the bill.

Although the jury is still out on Colorado's ballot-initiatives experiment, we ask that legislators pay attention to initiatives and stop trying to reverse the outcomes of the system. If they want to revive dead issues, they should collect signatures to place their ideas on the next ballot!

*To learn more about bills that Citizens Project monitors at the state legislature visit our website and click on the [Activist Network](http://www.CitizensProject.org) link: [www.CitizensProject.org](http://www.CitizensProject.org)*

## **Citizens Day at the Legislature: El Paso County citizens visit Denver**

by Ellie Collinson

So just what does it take to engage the public in issues that matter? Talk to the Citizens Day participants and you'll learn that there's no substitute for seeing your legislators' actions. A committed group of eighteen citizens participated in the 2003 Citizens Day at the Legislature, held on January 29th at the state capitol. Participants observed the morning session and committee meetings; met with progressive-minded lobbyists from the Colorado Progressive Coalition, Colorado Consumer Health Initiative, and Colorado Education Association to learn more about current legislative issues; ate lunch with Senator Doug Lamborn and Representatives Mark Cloer and Keith King; and learned more about the 2003 budget crisis from the senior fiscal policy analyst of the Colorado Fiscal Policy Institute. Most participants agreed that the highlight of the day's program was the opportunity to interact with El Paso County's elected officials, including a scientific demonstration on the Colorado budget by Rep. Cloer.

Adelphia cable and the Colorado Springs Independent were major media supporters of the event. The Citizens Day at the Legislature also benefited from the continued support of several Colorado Springs and Denver area nonprofit cosponsors including: 9to5 National Association of Working Women-Colorado Branch, Colorado Progressive Coalition, Food for Thought Gatherings, NAACP-Colorado Springs Branch, Planned Parenthood of the Rocky Mountains, Springs Community Action Network (SpringsCAN), Urban League of the Pikes Peak Region, and Voters Network.

All participants agreed that the day's program increased their knowledge of the Colorado state legislative process. The Citizens Day at the Legislature program is aimed at increasing interest in

civic participation among El Paso County citizens. The event is open to everyone. Political events put on by Citizens Project are nonpartisan, providing opportunities for all citizens to engage one another regardless of political affiliation. Citizens Project will continue to promote civic participation for the upcoming Municipal Election, April 1.

## **City and county residents offered voting records for the first time**

by Ann Oatman-Gardner, Voters Network

On January 9th, 2003, a local Government Accountability Project published the inaugural edition of "The Public Record: A Guide to the Pikes Peak Region's Elected Officials." The stand-alone guide, published as an insert in the Colorado Springs Independent, contains information on the Colorado Springs City Council members, El Paso County Commissioners, and El Paso County-elected State Representatives and Senators. The "Public Record" is a joint project of The Voters Network and Citizens Project. It was created to serve as a catalyst for greater participation in the democratic process by offering easy access to information as well as tips on how to lobby. It is the first time voting records have been compiled on City and County officials.

Now in one easy-to-read publication, including maps of the various political boundaries, residents can find information to help them know who represents them at each level of government. Readers will find biographical information, campaign information, how to contact each elected official, and a record of a few of the decisions they made in the past year. The Guide also contains information on how to participate in the Citizens Project Civic Leadership Task Force. CLTF compiles information on all appointed boards and commissions in the region and notifies participants of openings and the appointment process.

It is the sharing of a common goal of mobilizing citizens on issues of concern that leads Citizens Project and The Voters Network to join forces and seek support for what is hoped to be an annual publication. The first edition was funded with the help of a matching grant from the Independence Community Fund; financial support for the second edition will again be matched, through a repeat grant from the Fund. Until the end of March, contributions can be made to Pikes Peak Community Foundation, PO Box 1443, Colorado Springs, CO, 80901.

To get a copy of the first edition of "The Public Record: A Guide to the Pikes Peak Region's Elected Officials" contact Citizens Project: (719) 520-9899, [info@citizensproject.org](mailto:info@citizensproject.org); or the Voters Network: (719) 471-8824, [votersnet@aol.com](mailto:votersnet@aol.com). The publication is available for a suggested donation of \$4.00. Interns are being sought to help with the second edition.

## **Municipal Elections**

### **Add your vote to the city elections**

Turnover within the city leadership is high for this Colorado Springs municipal election. Citizens Project encourages our supporters to make informed decisions on city leadership. At issue are growth, water, transportation, and implementation of the city's strategic plan.

Municipal elections is April 1st. Elected positions to be determined are the Mayor of Colorado Springs, City Council District 1 (northwest Colorado Springs), District 3 (southwest Colorado Springs), and four at-large city council seats. This election will be determined by mail-in ballot. If

you are registered to vote, your mail-in ballot will be sent (to the address under which you are registered) between March 11 and 17. To receive your ballot at an alternate address, you must call the City Clerk before March 17. Ballots are due by 7 p.m., April 1, 2003. You must vote by mail. More election information including the ballot initiatives and a map of City Council districts appears on the city's website, [www.springsgov.com](http://www.springsgov.com).

**Not all registered voters will receive ballots!**

Inactive voters — those who did not vote in the November 2002 elections — should have received a card from El Paso County at the address under which they are registered. That card determined if you would receive a mail-in ballot. If you did not receive a card and you haven't voted in a while, you need to complete a form in writing and submit it to the city by March 25. (Contact the city clerk's office at 719-385-5901.)

To help sort through the many candidates, March 13th Citizens Project will again publish an 8-page survey with Mayoral and City Council candidates. Responses will also appear on our website. Also, plan on attending our candidate forums listed below.

**Mayoral Forum**, March 4, 6:30-9 p.m.

El Pomar, Penrose House

Please courtesy RSVP by calling (719)471-6106

Derek Okubo, Director of the National Civic League, will moderate a discussion among mayoral candidates.

**City Council Forum**, March 18, 6:30-8:30 p.m.

Penrose Public Library, Carnegie Room

Our City Council forum follows two weeks later, where you'll be able to pick up an additional copy of our candidate survey. We're trying a new format that will allow greater interaction between candidates and participants.