

Challenging the Expansive Interpretation of “*Religion*” Under the First Amendment of the Constitution of the United States of America

A Constitutional Research Paper

Respectfully submitted to the Legislative and Judicial Bodies of the United States of America

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Executive Summary

The First Amendment of the Constitution of the United States of America states: “*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.*” This provision was intended to protect the free exercise of the Christian faith and individual conscience from federal government interference—not to create a neutral, expansive shield for any and all belief systems, including those centered on what Biblical and historical sources identify as false gods or idolatry.

The modern legal definition of “*religion*” employed by USA courts—a broad, purportedly neutral sociological category encompassing diverse ideologies and competing belief systems—is a post-Biblical, post-Enlightenment Western construct. It did not exist in the ancient world, in Biblical texts, or in the original understanding of America’s Founders. Applying this modern category to grant Constitutional protection to practices involving false gods fundamentally distorts both the scriptural foundations of Western liberty and the original intent of the First Amendment. This report demonstrates that such an expansive interpretation must be reconsidered to align with historical, textual, and Constitutional reality.

I. Historical and Linguistic Analysis: “*Religion*” as a Modern Construct

The Stanford Encyclopedia of Philosophy entry on “*The Concept of Religion*” provides authoritative scholarly support:

- The modern Western concept of “*religion*” as a broad, purportedly neutral category that includes many competing belief systems did not exist in the ancient world or in the Bible. Biblical writers had no such pluralistic umbrella term; they distinguished the true worship of the God of Israel from idolatry and false gods.

- Latin *religio* originally signified conscientiousness, scrupulous observance, or binding duty—not a comparative genus of belief systems. Greek *thrēskeia* referred narrowly to ritual piety. Pre-modern societies lacked a separate “*religious*” compartment distinct from culture, law, and ethnicity.
- The neutral pluralistic category used in modern American law is a relatively recent development, arising primarily between the 16th and 19th centuries from Reformation divisions among Christians and the efforts of Western scholars to classify non-Christian practices encountered during European expansion. This concept is entirely foreign to both the ancient world and Scripture.
- In English Bible translations (e.g., KJV), “*religion*” appears rarely and narrowly in the New Testament (primarily James 1:26-27), denoting pure, practical piety. The Old Testament contains no equivalent Hebrew term. Worship of other gods is uniformly condemned as idolatry, abomination, vanity, and rebellion.

This historical evidence establishes that Biblical faith does not treat systems centered on false gods as equivalent, protected “*religions*.”

II. Original Intent of the First Amendment and America’s Foundational Framework

America’s Constitutional order rests on the clear recognition of the supremacy of God. The *Declaration of Independence* (1776), principally authored by Thomas Jefferson, explicitly acknowledges the existence and authority of God.

Thomas Jefferson also authored the *Virginia Statute for Religious Freedom* (1786), which he considered one of his greatest achievements. This statute disestablished the Anglican Church as the official state-supported church in Virginia and protected freedom of conscience. However, it was enacted within an overwhelmingly Christian cultural context and was never intended to equate Biblical Christianity with false gods or pagan systems.

The Northwest Ordinance (1787), passed by the Continental Congress, further declared:

“Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”

In addition, at the time of the Founding, nearly all of the original thirteen states embedded explicit Christian qualifications for public office in their State Constitutions. Many required officials to profess faith in God the Father, Jesus Christ, and the divine inspiration of the Scriptures.

The First Amendment was intended to prevent the federal government from establishing a national church while protecting the free exercise of the Christian faith, consistent with the Christian foundations upon which the American Republic was built. Clearly, this protection was meant to keep the federal government out of the business of the church. It was not intended to provide Constitutional protection for false gods to be erected and worshipped in America. Such an

interpretation would directly contradict Scripture, particularly Exodus 20:3–4, which commands: “*You shall have no other gods before me. You shall not make for yourself an idol...*”

III. Legal and Policy Implications for the United States

Granting Constitutional protection to practices centered on false gods under the First Amendment creates several untenable outcomes:

- It compels the state to remain neutral toward systems the foundational texts of Western civilization (the Bible) explicitly reject as idolatry, inverting the Founders’ intent.
- It prioritizes a contested sociological definition over historical, Biblical, and original-intent analysis, contrary to sound principles of Constitutional interpretation.
- It opens the door to unlimited claims, straining public resources, social cohesion, and the rule of law in a manner not contemplated by the Founders.

In practice, the purportedly neutral application of the First Amendment has produced inconsistent results, providing foreign ideologies and belief systems preferential treatment and accommodations, while Christian expressions of faith face increasing marginalization and persecution. America’s immigration and integration policy should prioritize those who are willing to fully embrace American values and our Constitutional foundations rooted in the supremacy of God.

The Supreme Court’s decision in *Torcaso v. Watkins* (1961), which struck down state *religious* tests for public office, marked a significant departure from the original understanding of the First Amendment and the Christian moral foundations of the American Republic. This ruling, like *Roe v. Wade*, should be reconsidered and overturned. A return to the original public meaning of the Constitution would restore the authority of the states to ensure that those who hold positions of public trust uphold the Christian principles and moral order upon which this nation was built. This is essential to protecting America from foreign ideologies and systems that are fundamentally incompatible with its Constitutional order.

This approach calls upon the judiciary to return to principled, originalist interpretation rooted in the moral and Christian foundations recognized by the Founders, whereby faith in God and morality were viewed as indispensable to good government and ordered liberty.

IV. Recommendations

1. **Legislative Review:** Congress and state legislatures should examine and clarify the original meaning of the First Amendment through declaratory legislation or other appropriate measures.
2. **Judicial Advocacy:** In relevant litigation, parties should introduce expert evidence on the history of the concept of *religion*, the Christian foundations of America, and the intent of the Founders.

3. **Policy Reform:** Government agencies should distinguish between protecting individual conscience and granting institutional or public equivalence to practices centered on false gods or foreign ideologies.
4. **Reconsideration of Precedent:** Prior judicial interpretations that expand “*religion*” beyond its original understanding, including *Torcaso v. Watkins*, should be revisited and corrected in light of America’s founding documents and Christian heritage.

Conclusion

The current broad application of “*religion*” under the First Amendment of the Constitution of the United States of America rests on a modern invention foreign to the Bible, the Declaration of Independence, the Virginia Statute for Religious Freedom, and America’s Christian founding heritage. It cannot legitimately shield systems the Scriptures identify as false gods or idolatry.

Restoring the historically and Constitutionally accurate understanding honors the vision of America’s Founders, upholds the supremacy of God recognized in our founding documents, and preserves meaningful liberty for the nation.

This position is supported by rigorous scholarship, primary founding documents, Biblical text, and America’s unbroken founding history. It merits serious consideration by all branches of government and the judiciary.