

Dr. Eddie Hyatt: Gorsuch and the Christian History of the Supreme Court

When Neal Gorsuch is sworn in as the 113th Justice of the United States Supreme Court, he will become part of an august judicial body with an overt Christian history—a history the secularists would like to obliterate.

Gorsuch, who was raised Catholic and attends an Episcopalian church, has indicated that his faith in God is very important to him. In this he stands in harmony with Antonin Scalia, whom he has replaced, and a long tradition of the court going back to the Founders.

The First Chief Justice

The first chief justice of the United States Supreme Court, John Jay, was a devout Christian. He was one of the authors of *The Federalist Papers* and also served as president of the Continental Congress from 1778-79. In 1789, George Washington appointed him as the first chief justice of the Supreme Court, a post he held until 1795 when he resigned to serve as governor of New York.

Jay, like the entire founding generation, saw no conflict between his faith and his duties as Chief Justice. He once publicly declared:

Unto Him who is the author and giver of all good, I render sincere and humble thanks for His manifold and unmerited blessings, and especially for our redemption and salvation by His beloved Son. Blessed be His holy name.

The Second Chief Justice

John Marshall (1755-1835) succeeded John Jay as Chief Justice

of the Supreme Court. Many consider him to be the greatest Chief Justice the Court has known. He served in this capacity for 34 years, and during that time, he heard cases and offered groundbreaking opinions that continue to guide the Supreme Court and the United States government today.

In one of his writings, Marshall clearly states what every founder assumed—that the founding documents and institutions on which the nation was formed presuppose a commitment to Christian principles and values. He wrote:

No person, I believe, questions the importance of religion in the happiness of man even during his existence in this world ... The American population is entirely Christian, and with us Christianity and religion are identified. It would be strange, indeed, if with such a people, our institutions did not presuppose Christianity, and did not refer to it, and exhibit relations with it (Hyatt, *Pilgrims and Patriots*, 166).

That Marshall saw no problem with expressions of faith in government is demonstrated by the fact that he ordered the Supreme Court facilities to be made available to a congregation for their Sunday gatherings. So each Sunday, the singing of Christian hymns and the preaching of God's Word could be heard ringing through the chambers of the United States Supreme Court.

Justice Joseph Story

Joseph Story (1779-1845) served as a Supreme Court justice for 34 years from 1811-1845. He is particularly remembered for his *Commentaries on the Constitution of the United States*, first published in 1833. This work is considered a cornerstone of early American jurisprudence and remains a critical source of historical information about the forming of the American republic and the early struggles to define its law.

Like the Founding Fathers, Story believed that Christianity

provided the values and philosophical presuppositions necessary for a stable and prosperous nation. He pointed out that the First Amendment was not a ban on faith in government, nor did it indicate an indifference to Christianity by the Founders. He wrote:

We are not to attribute this prohibition of a national religious establishment to an indifference in religion, and especially to Christianity, which none could hold in more reverence than the framers of the Constitution (Hyatt, *Pilgrims and Patriots*, 152-53).

America a Christian Nation

In the 1892 case of *Church of the Holy Trinity v. The United States*, the United States Supreme Court declared America to be a Christian nation. This ruling came after examining thousands of documents related to America's origins and history. In its ruling the Court declared:

Our laws and our institutions must necessarily be based upon and embody the teachings of The Redeemer of mankind. It is impossible that it should be otherwise; and in this sense and to this extent our civilization and our institutions are emphatically Christian ... From the discovery of this continent to the present hour, there is a single voice making this affirmation ... we find everywhere a clear recognition of the same truth that this is a Christian nation (Hyatt, *Pilgrims and Patriots*, 167).

This clear statement, made by the nation's highest court, was based on historical precedent going all the way back to the nation's founding. Precedent is on our side.

Antonin Scalia

The justice Gorsuch has replaced, the late Antonin Scalia, understood this. Because he knew American history, Scalia saw no conflict between his faith and his duties as a Supreme

Court justice.

Scalia made it clear that he was guided in life and on the bench by his Christian faith and he encouraged others to be bold in their faith. Speaking to a Christian conference, he exhorted those present to be willing to be “fools for Christ.” He said:

God assumed from the beginning that the wise of the world would consider Christians as fools ... and he has not been disappointed. If I have brought any message today, it is this. Have the courage to have your wisdom considered as stupidity. Be fools for Christ. And have the courage to suffer the contempt of the sophisticated world.

The Key to a Happy Nation

Let us, therefore, pray that Neal Gorsuch and other Christians on the court will not be intimidated concerning their faith in God. Let us also pray that the nation’s highest court will be filled with devout followers of Christ, for only when the righteous are in authority can we have any hope of being a happy nation.

This is what George Washington had in mind when he wrote in 1783 to the governors of the young nation and exhorted them, saying:

Let us demean ourselves with that charity, humility and temper of mind, which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of His example in these things, we cannot hope to be a happy nation (Hyatt, *Pilgrims and Patriots*, 134). {eoa}