

Chairman Longmuir and members of the committee,

My name is Christian B. Wagner and I am a resident of Troutman, North Carolina.

I stand before you today in support of HCR 3020, the "Christ is King" Resolution. This resolution is not an imposition, nor is it a demand for religious conformity. Rather, it is an honest acknowledgment of reality—that Christian values have shaped this state and this nation from their founding, and that those values continue to be a guiding force for the majority of North Dakotans today.

A recent study confirms this.<sup>1</sup> 54% of North Dakotans believe the U.S. government should declare America a Christian nation. Additionally, 71% believe that our laws should be based on Christian values. These are not small numbers. This resolution simply affirms the truth of what North Dakotans already believe—that Christianity has played, and continues to play, a defining role in our way of life.

The fact that this great country is a Christian Nation has been recognized at the highest level, including in the famous supreme court decision, *Church of the Holy Trinity v. United States*, which I linked in my written testimony.<sup>2</sup> The unanimous decision was authored by Associate Justice David Brewer. In fact, Justice Brewer actually wrote a book explaining the decision called *The United States: A Christian Nation*, which I have linked in my written testimony.<sup>3</sup>

When we call America a Christian nation and call forth such a resolution, we do not seek to impose the Christian religion on the citizens of this state. Rather, we wish to highlight two realities, a historical reality and a social reality. I won't bore you with the history of this, you can read Justice Brewer's study that I mentioned earlier.

By saying that America is a Christian nation socially, we don't mean that the entire population is Christian, this is true of 80% of the population of this great state according to a recent poll,<sup>4</sup> but what about the 20%? Even while these individuals are not Christian, they still are influenced by Christianity and enjoy the liberties and blessings that come from a tradition of law and governance shaped by Christianity. I will give you an example. How many of you have secular friends who are polygamists? None. This is actually a practice that is common among most cultures, it is almost uniquely from Christian influence that polygamy is uncommon in this great nation. I could give you a number of different examples, but it is clear that, even among those

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<sup>1</sup> <https://northdakotamonitor.com/2024/05/29/poll-finds-ndgop-voters-fear-country-losing-christian-values/>

<sup>2</sup> <https://supreme.justia.com/cases/federal/us/143/457/>

<sup>3</sup> <https://dn720501.ca.archive.org/0/items/unitedstateschri00brew/unitedstateschri00brew.pdf>

<sup>4</sup> <https://ava.prii.org/#religious/2022/States/religion>

who are not Christian themselves, we can truly say that there is a social effect of Christianity that is present among them.

I know what many of you are thinking, you would love to support this resolution, but believe that it is against the Constitution, and, therefore, despite your agreement with it, you cannot, in good conscience, pass this resolution. I believe that this comes from common misunderstandings about the Constitution spread by liberal education, more than it does the historical reality of the matter.

There are three clauses touching religion in the Constitution, the religious tests clause, the free exercise clause, and the establishment clause.

The religious tests clause states that “no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.” I give an example in my written testimony,<sup>5</sup> but a religious test refers to an oath given before installment into office where one is required to make certain statements about what they believe religiously. It is a complete abuse of history to apply such a clause in our situation.

Further, this resolution does not violate the free exercise clause. In the American and common law traditions, to be “free” to do something is to have the ability to engage in some act without the government stepping in and restricting that act. Refer to my written testimony for a link to Justice Clarence Thomas’ illuminating study on this point.<sup>6</sup> Is this resolution meant to stop a Muslim North Dakotan from fasting during Ramadan? Of course not. It isn’t meant to restrict the religious acts of anyone and therefore it is a complete abuse of history to apply the free exercise clause against this resolution.

Lastly, we have the establishment clause which states that “Congress shall make no law respecting an establishment of religion.”<sup>7</sup> As before, to attempt to call this resolution unconstitutional on these grounds is an abuse of history.

An “establishment of religion” refers to the pre-modern practice of having a tax funded Church, which was permitted to the states, such as Massachusetts, but was not permitted for the federal government. To state that this resolution would violate the establishment clause should be laughable to anyone with a basic knowledge of the history of established Churches. In my

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<sup>5</sup> “I do believe in one God, the creator and governor of the universe, the rewarder of the good and the punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration.”

<sup>6</sup> <https://supreme.justia.com/cases/federal/us/576/644/>

<sup>7</sup> There is also the clause in the North Dakota State Constitution that mentions that “The free exercise and enjoyment of religious profession and worship, without discrimination **or preference** shall be forever guaranteed in this state.” The idea of a “preference” does not have in mind such a resolution, but material benefits, e.g., tax benefits. For example, cf., Gerhardt v. Heid, “compulsory support, by taxation or otherwise.”

written testimony, I have linked three scholarly articles on this topic.<sup>8</sup> We are not trying to follow after England and start paying the salaries of the Christian Pastors of North Dakota.

To those who say this resolution violates the Constitution, was it unconstitutional when the Supreme Court called the United States a Christian Nation? Was it unconstitutional when one of the authors of the constitution, the great supreme court justice Samuel Chase said “by our form of government, the Christian religion is the established religion?”<sup>9</sup> Was it unconstitutional when Supreme Court Justice James Kent, one of the greatest jurists in American history, said in one of his decisions “We are a Christian people...[Christianity] is part and parcel of the law of the land?”<sup>10</sup> Was it unconstitutional when Chief Justice John Marshall said “it would be strange indeed, if with such a people, our institutions did not presuppose Christianity, and did not often refer to it, and exhibit relations with it?”<sup>11</sup> Was it unconstitutional when Justice Joseph Story, founder of Harvard Law School, “Christianity ought to receive encouragement from the State so far as was not incompatible with the private rights of conscience and the freedom of religious worship?”<sup>12</sup> Or is it only unconstitutional when North Dakota acknowledges this simple truth?

I could multiply quotes on this point from American history, which you can read in David Barton’s book *The Myth of Separation*, which I linked in my written testimony, but you get the point.<sup>13</sup>

This is a resolution of honesty and not one of coercion. Opponents will claim this resolution is exclusionary and will alienate non-Christians. That is not the case.

Christianity has always been the majority faith of this state, but it has never demanded persecution of others. Rather, it has provided the moral foundation upon which our freedoms are built. It is precisely because of Christianity that we enjoy equal treatment under the law and the rights we enjoy today. In fact, the greatest violation of these rights have been under the various secular, despotic regimes of the 20th century, it is only under the kingship of Christ that we can ensure them.

A study found that 75% of North Dakotans believe that if the U.S. moves away from its Christian foundations, we will lose our country. The citizens of this state realize that we are in

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<sup>8</sup> [A Political History of the Establishment Clause](#), [The Establishment Clause: Its Original Public Meaning and What We Can Learn From the Plain Text](#), [The Original Meaning of the Establishment Clause and the Impossibility of Its Incorporation](#)

<sup>9</sup> <https://firstamendment.mtsu.edu/article/runkel-v-winemiller/>

<sup>10</sup> *The People v. Ruggles*, 1811

<sup>11</sup> Letter to Jasper Adams, May 9, 1833.

<sup>12</sup> *Familiar Exposition of the Constitution of the United States*

<sup>13</sup> <https://archive.org/details/mythofseparation0000unse>

the midst of a civilizational crisis. This fear is not irrational—it is a recognition of reality. As legislators, you have an obligation to your people, people who fear that their country, the country their fathers fought and bled to establish, will be no more.

If the majority of North Dakotans believe in this resolution, why should their will be ignored? Why should the opinions of a vocal minority dictate the moral direction of this state? This resolution does not impose a theocracy. It does not force anyone into church pews. It does not demand adherence to doctrine. It does one thing: it tells the truth.

Thank you for your time. I ask for a Do Pass Recommendation on HCR 3020, and will stand for any questions.