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## Articles

### THE MEANING OF "RELIGION" IN THE FIRST AMENDMENT

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In this article, the author attempts to define the meaning of the word "religion" in the First Amendment of the United States Constitution. In defining "religion", the author is mindful of the position taken by almost all constitutional scholars; the original meaning of the text is important. On the other hand, the article contends that the criteria, by which to judge the meaning of the text of the Constitution, is the meaning attributed to the text by the Ratifiers. The meaning of the word "religion" is not the subjective meaning attributed by individual Ratifiers, but rather the objectified meaning of the text as generally understood by all the Ratifiers.

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This article addresses both the will and the revocable trust as vehicles to accomplish gratuitous property dispositions, and analyzes the requisite mental capacity necessary to convey property during life and after death. This article focuses on undue influence in such situations, and the use of constructive trusts as remedial tools to rectify cases of undue influence. The author concludes by proposing that because of the existence of available and adequate probate and trust remedies, trust beneficiaries harmed as a result of undue influence should first resort to the equitable remedy of

constructive trusts before being able to pursue a legal remedy through tort claims against the importuning party.

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