

ON JEFFERSON AND RELIGIOUS FREEDOM

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Religious freedom and separation of church and state are guaranteed in the First Amendment in the Bill of Rights of the U.S. Constitution. The amendment stipulates that Congress shall make no law favoring one form or establishment of religion over another, *nor* shall it prohibit the free exercise of religion by any particular religious group or organization. The makers of the Bill of Rights had the wisdom to draw a line of separation between church and state. They knew what could happen when the state got into the religion making business. More wars and more persecution had been and still are inflicted upon humanity in the name of God and religion than almost any other cause. They wanted to be sure that the citizens of this new nation were not subjected to the same fate.

Thomas Jefferson, before he was President, helped establish religious freedom by law in the State of Virginia in 1786, five years before the passage of the First Amendment to the U.S. Constitution in 1791. This action became a model for other states and the nation to follow. Today religious freedom in America is not only for Jews and Christians, but also for Uni-Uni's and Unification Church Moonies, along with Hindus, Buddhists, Sikhs, and Muslim Shiites and Sunnis. If our liberal form of religion is to be tolerated, then we must tolerate all those radically different from ourselves.

Jefferson considered the passage of the Virginia Statute for Religious Freedom to be his greatest achievement, greater even than the Declaration of Independence for which he is more widely acclaimed. He also considered it to be the toughest job of his political life. It was enacted 9 years after it was first composed and 7 years after it was first proposed for adoption. Jefferson's close political friend, James Madison, who played a major role in its passage later said to Jefferson, "I flatter myself that we have in this statute extinguished forever the ambitious hope of making laws for the human mind."

Dr. William Lee Miller, of the University of Virginia, comments that Virginia "became the first state to end by law all forms of official religious persecution and exclusion and compulsion—to break with the whole ugly history of the use of state power to punish, enforce, suppress and enact religious beliefs." Without the Virginia Statute the First Amendment might never have become law for the rest of the nation. That's probably why Jefferson considered it his greatest achievement.

Now, one thing Jefferson clearly did *not* intend in his statute was to make the U.S. or the State of Virginia an officially Christian nation—far from it. An attempt was made to insert the name "Jesus Christ" before the phrase "the holy author of our religion": but it was soundly defeated. Jefferson contended that the intention of the majority was "to comprehend, within the mantle of protection, the Jew and the Gentile, the Christian and the Mahometan, the Hindoo and the infidel of every denomination." Think of it, this is the late 18th Century, and Thomas Jefferson is talking about granting religious liberty not only to various Jewish and Christian sects, but also to Mahometans and Hindoos and infidels of every denomination! Was this Unitarian infidel President centuries ahead of his time or not!

In recent years we have witnessed a struggle and tension between religious freedom on the one hand, and separation of church and state on the other hand. Problems arise when the public realm and the religious realm come into potential conflict and relation with one another. What happens when one right conflicts with another, when free speech and the free exercise of one's religion conflicts with the separation of church and state? Or when the federal government starts talking about funding so-called "faith-based initiatives", which we had under the Bush Administration, and allowed public money to support the social ministries of specific denominational programs, even when their employment practices were in violation of discriminatory policies of secular law and governmental regulations? I ask you, is this not a violation of the constitutional separation of church and state? I think it is.

What about the use of religious words and phrases and prayers at public ceremonies and gatherings? In some instances their use is considered an accepted practice, and other instances they have been declared unconstitutional. For example, the words "In God We Trust" is imprinted on every coin and bill, and the phrase, "under God", was inserted into the original Pledge of Allegiance during the Eisenhower years. Both actions were permitted by the Supreme Court. They probably shouldn't have been, but the reference to God is undefined and nonsectarian, and certainly no one pays the least attention to the word God on our coinage. It neither makes us less or more moral nor less or more religious. It is coercive to atheists, however, who are forced to say the word God in the Pledge of Allegiance, something a lower court judge suggested might in fact be unconstitutional. And so the battle for and about the word God continues.

Congress still opens each session with an invocation from a congressional chaplain, and the President (regardless of party) closes all of his speeches with a benediction, "God Bless the United States of America." Every inauguration of a president opens and closes with a prayer by clerical representatives from different traditions, usually Christian and Jewish. No one has yet declared these practices to be unconstitutional. Why is an invocation at a congressional session or a presidential inauguration accepted practice while the same act at a public high school graduation is considered unconstitutional? It doesn't make sense does it?

The pendulum seems to swing between radical separationists who want no mention or hint of God and religion in the public realm whatsoever, and accommodationists who want some acknowledgment of religious values and ideas in the public realm without coercion or advocacy of one religion over another. The accommodationists argue that we have replaced freedom of religion with freedom from religion in our interpretation of the First Amendment.

A number of years ago TIME magazine cited an instance in which a primary school teacher ordered her seven year old students to strike out the word God which appeared in a phonics textbook. She told her students that it was against the law to mention God in public school. How can anyone teach history or social studies or poetry and pretend that the word "God" doesn't exist?

It is one thing to favor one establishment of religion over another. It is quite another thing to eliminate any reference to religious words or issues or concerns altogether from one's education. I first learned about the history of the Protestant Reformation in a high school Modern History class taught by an Irish Roman Catholic, Mr. Hannigan. It was an excellent course and the teacher taught the facts without taking sides. How could one teach such a course and not mention the word God? It would be falsifying history to do otherwise.

It used to be a requirement that teachers read from the Bible as part of opening exercises in the public schools. I grew up with the practice. I seem to recall that we said the Lord's Prayer together. I don't think it did me any harm. However, this was eventually declared unconstitutional, since it was clearly sectarian and coercive in nature to those of other faiths or none. Perhaps if they had read from the Koran or the Vedas as well as the Bible, and offered prayers to Buddha and Allah, as well as Jehovah, it might have been more acceptable. Instead of formal spoken prayer some have proposed a Moment of Silence at opening exercises in public schools. I personally see nothing wrong with such a practice, though I'm not sure that students would take it seriously enough to use for private prayer or mediation.

The same reasoning was used in ruling against public sponsorship of Nativity scenes on city or state properties. When tax money is involved it is even more coercive since non-adherents are forced to pay for the promotion of a sectarian religious display. Perhaps if they celebrated the birthdays of religious leaders

of other faith traditions in the public square, it might be okay. But where do you draw the line and how many would you do? We are a much more diverse country today than we were in 1892 when the Supreme Court declared that we were "a Christian nation." We have nearly 1200 different religious bodies in this country, including Hindu, Buddhist, Muslim, Sikh and Pagan.

Sometimes the Supreme Court has declared one thing and then later reversed itself on church/state issues. During W.W.II some Jehovah Witnesses refused to allow their children to salute the flag in public school exercises because they considered the practice idolatrous, a form of secular prayer. Their refusal was comparable to early Christians refusing to worship the Roman Emperor. The Supreme Court ruled against the Jehovah Witnesses, and then reversed their decision a year later. They denied Mormons the right to practice polygamy as part of their religion and have never reversed themselves, though there are still some pockets of Mormons who continue to engage in the practice without benefit of law.

As you can see the issue of religious freedom versus the separation of church and state is a complicated one. Sometimes the arguments on both sides of a particular case seem petty and small minded, other times the issues loom large in their implications. Often the missing ingredient in the whole debate is mutual respect and tolerance of other's views. A prime example is the abortion debate. Some see it as a religious issue and argue that it is really a case of one religious group, mainly Catholic, trying to impose its religious views on the rest of society, and therefore should be prevented from doing so in the name of the First Amendment principle of separation of church and state. Others argue that it is not a sectarian religious issue since both proponents and opponents can be found across the religious spectrum including secular atheists.

Let us return for a moment to Thomas Jefferson. Probably the most famous quote from Jefferson is the one carved in stone at his monument in Washington, D.C. "I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man." What is missing in that quote is the context, which Jefferson wrote in 1800 in a letter to Dr. Benjamin Rush, signer of the Declaration of Independence and a Universalist. Jefferson was contending against clerical leaders who wanted to impose religious standards of belief upon political office holders, the very kind of thing we are hearing these days from the religious right. What Jefferson said to the clergy of his day he would say to the same clergy of our day:

The clergy believe that any portion of power confided to me, will be extended in opposition to their schemes. And they believe rightly; for I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man. But this is all they have to fear from me: and enough in their opinion.

Jefferson was trying to ensure two essential rights and freedoms—religious liberty and civil rights—by keeping them separate and inviolable. We must be permitted complete freedom of religious expression and convictions without governmental interference. And our civil and political rights must in no way be compromised by our religious views or opinions or the lack thereof. An atheist and a Christian can both seek political office and both must be allowed freedom of speech. Jefferson said, "The legitimate powers of government extend to acts of conscience only as they are injurious to others. It does me no injury for my neighbors to say there are 20 gods, or no God. It neither picks my pocket nor breaks my leg."

It is probably no accident that Jefferson was so attracted to the preaching of a Unitarian minister, Joseph Priestley, in Philadelphia. Unitarianism permitted the greatest freedom of belief in religious matters, which Jefferson himself so obviously prized. He wrote in his diary and in letters to friends that he considered himself to be a Unitarian, but that in the State of Virginia, which lacked a Unitarian Church, he would have to be content to be a Unitarian by himself. Well, today, there is a Unitarian church in

Charlottesville, Virginia, and it is called the Jefferson Unitarian Church. And in the State of Virginia today there are a total of 23 UU churches and societies.

In 2000 Jefferson would not have to rest content being a Unitarian all by himself. This religion which prizes freedom, reason and tolerance for all religions is alive and well in the State of Virginia and in the North American continent. Because of Thomas Jefferson we enjoy the privileges of more than two centuries of religious freedom and a Free Church tradition. We do not have to be content being Unitarian Universalists all by ourselves in the Commonwealth of Massachusetts or in the Town of Chatham. We are the beneficiaries of a free church tradition, which has its roots in this soil and community, and whose branches reach out and touch other Unitarian Universalists and religious liberals around the globe.

Remember that as you think about supporting your church with your time and your money in the year ahead. What we have is precious to sustain and to promote now and in the future. Our religious freedom was bought at a price—the price of struggle and vigilance and courage. We must be willing to pay the same price or lose the freedoms we so dearly cherish.

“Almighty God”, wrote Jefferson, “hath created the mind free. All attempts to influence it by temporal punishments or burdens are a departure from the plan of the holy author of our religion.” I say, let us stick with the plan and ensure that religious freedom remains the hallmark of our nation’s charter and of our own free faith tradition.