Revisionists get church & state wrong, law professor says

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WACO—Contemporary Americans who cite isolated quotes by the nation's founders to buttress arguments in favor of a Christian nation or a secular society without religious influences misinterpret history and do injustice to those who framed the U.S. Constitution, law professor and author Michael Meyerson told a Baylor University audience.

University of Baltimore professor Michael Meyerson says America's founders sought to strike an equilibrium in the relationship of church to state."The cherry-pickers have forced people into camps" and created a false division the founders never intended, said Meyerson, author of *Endowed by Our Creator: The Birth of Religious Freedom in America*.

Meyerson, professor of law and Piper and Marbury Faculty Fellow at the University of Baltimore, delivered the Walter B. and Kay W. Shurden Lectures on Religious Liberty and Separation of Church and State at Baylor University. The Baptist Joint Committee for Religious Liberty sponsors the

annual lecture series.

While some early American patriots, such as Patrick Henry, advocated state support for religion, the key founders—George Washington, Benjamin Franklin, Thomas Jefferson and James Madison—held a sophisticated view that saw the value of religious commitment by citizens but the danger of sectarian division that would emerge from a wedding of church and state, he noted.

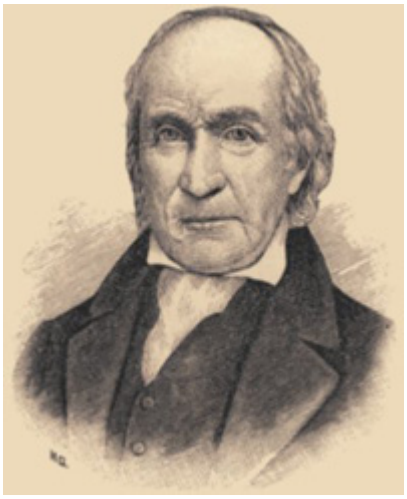
Equilibrium to avoid patisanship

The founders sought to strike equilibrium on the issue and compromised to produce a solution that avoided partisanship.

"They understood the complexity of this issue better than we do," Meyerson said. "They understood the solution had to be nuanced and had to be complicated—not beyond understanding, but not a simple 'never or always.' And that's what they worked on—that compromise."

Founders of the nation agreed on a respectful vision that religion is scarred with unbelievable evil, yet also graced with equally unbelievable good, he noted. Their goal was to formulate a standard on the issue of church and state relations that united the nation, rather than creating a mandate that brought division.

"They wanted to separate church and state but not necessarily God and state," he said. "They were most afraid of sectarianism, but they never intended to eliminate all discussion of God and religion from the public sphere."



Virginia Baptist preacher John Leland was an influential voice for separation of church and state. (Wikipedia Image)Furthermore, deeply religious Americans—such as Virginia Baptist preacher John Leland—voiced strongest support for separation of church and state as the best way to protect liberty of conscience, Meyerson said.

Leland possessed an "extraordinarily inclusive" vision of religious liberty for all people, including those with whom he disagreed, and an aversion to receiving any benefits from government to advance his own religious views, he said.

'Memorial and Remonstrance'

During a controversy in Virginia over a bill to levy a general assessment to support teachers of religion, two key petitions circulated to rally opposition to the tax. About 1,500 people signed Madison's "Memorial and Remonstrance." A Baptist-generated petition Leland spearheaded drew about 5,000 signatures, Meyerson noted.

When Madison ran for the first Congress, Leland strongly supported his candidacy, but not until he secured from Madison what Meyerson called "the most important campaign promise ever—and not just because it was kept."

Madison pledged to introduce a constitutional amendment to protect liberty

of conscience—the First Amendment, which says, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

Later, after he moved from Virginia to Cheshire, Mass., Leland delivered the celebrated “Cheshire Mammoth Cheese” as a gift to President Thomas Jefferson, celebrating the victory of the advocate of church-state separation. Stamped across the top of the 1,200-lb. block of cheese was the slogan: “Rebellion to tyrants is obedience to God.”

Leland—and other religious leaders who shared his perspective—“didn’t want the combination of church and state, but they didn’t mind the combination of church and politics,” Meyerson observed.

Baptist preacher John Leland delivered a mammoth 1,200-lb block of cheese as a gift to celebrate the election victory of Thomas Jefferson, an advocate of church-state separation. Stamped across the top was the slogan: “Rebellion to tyrants is obedience to God.” (Wikipedia Image)Neither Baptists like Leland nor the founding framers of the Constitution wanted the government involved in either advancing or inhibiting religion, he insisted.

“They knew their religion and their religious freedom depended on full liberty of conscience and the government not rooting for, not helping, not manipulating and not controlling the religion of individuals,” he said.

Meyerson noted the fathers of the Constitution concurred with Thomas Jefferson’s stance that “no man should be propelled to frequent or support religious worship, suffer on the account of religious opinions, and your religious opinions should not diminish, enlarge or affect your civil rights.”

Religious diversity

At the time the Constitution was drafted, Congregationalists made up 71 percent of the population in Massachusetts, but outside Massachusetts, religious diversity was the standard in the nation, Meyerson said. Congregationalists were only 20 percent of the total population, and there were many powerful mid-sized religious groups, he said.

The multiplicity of religious groups forced the founders to view religion through a different lens, Meyerson noted.

“The United States was so religiously diverse that if you wanted to unite the nation, you had to view religion and government very differently,” he said.

With the national imperative of how to unite a nation on the basis of government and religion in mind, the founders worked diligently to avoid in their writing language specific to any one religion.

“To Jefferson, a word like ‘God’ could be ambiguous or have multiple meanings,” he said. “He understood that language had multiple meanings and that was not only fine, but it was preferable.”

Question-and-answer session

In a question-and-answer session, Meyerson addressed the Hobby Lobby

case the U.S. Supreme Court is considering. The evangelical Christian owners of the crafts store chain insist the contraceptive mandate in the Affordable Care Act violates their religious liberty because it compels them to provide some birth-control methods for their employees they believe cause abortions.

Meyerson drew a distinction between the rights of individuals and the rights of corporations.

“A corporation protects you from liabilities. It is separate from you,” he said. “I think Hobby Lobby is separate from its owners.”

In response to a question about laws that many citizens support or oppose because of their religious convictions—specifically regarding abortion and same-sex marriage—Meyerson acknowledged many laws are religiously motivated.

“Religion can be a motivation for both the left and the right,” he said. “Religious motivations for laws are common and universal. The question is whether there is something other than religious doctrine behind the law.”

When asked why religiously affiliated universities enjoy many of the same legal protections as churches when they do not explicitly preach the gospel or administer the sacraments, Meyerson insisted he did not want government placed in the position of defining what is religious.

“I don’t want the government to say, ‘That’s not religious enough,’” he said. “There are many things the government does well and many things it doesn’t. The government doesn’t do religious distinctions well.”

Editor’s note: After the article was posted, one sentence in the first paragaraph under the “Religious Diversity” subhead was removed.