

Editorial: Religious liberty: Baptist idea featured in confirmation hearing

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Religious liberty, a key Baptist distinctive, featured prominently in the Senate Judiciary Committee's opening day of confirmation hearings for Judge Amy Coney Barrett. And it wasn't a Baptist who gave the principle its fullest description.

During opening remarks, Sen. Ben Sasse (R-Neb.) used just over three minutes of his allotted 10 minutes to discuss religious liberty.

Sasse described religious liberty as "a positive grand unifying truth about America," saying it is one thing we should all agree on.

"Government can wage wars, government can write parking tickets, but government cannot save souls. (While government, wars and tickets are important,) your soul is something the government can't touch," he continued.

How we worship or don't worship is "none of the government's business," Sasse asserted.

Sasse made so much of religious liberty in response to Sen. Diane Feinstein (D-Calif.) making much of Barrett's religious belief during a previous confirmation hearing in 2017. At the time, Barrett was a law professor at Notre Dame who was nominated by President Trump for a vacancy on the U.S. Court of Appeals for the Seventh Circuit.

Trying to differentiate law from dogma, Feinstein said, "I think whatever a

religion is, it has its own dogma. ... And I think in your case, Prof. [Barrett], when you read your speeches, the conclusion one draws is that [the dogma lives loudly within you](#), and that's of concern" in relation to issues for which many have fought.

Just as Democrats are holding certain Republicans to their words that such confirmation hearings should not take place in an election year, Republicans are holding Democrats to Feinstein's words they are calling a religious test.

Senators might not be discussing any of this at all if not for the Baptist commitment to religious liberty enshrined in the U.S. Constitution.

Religious liberty in the Constitution

What does the Constitution say about religion?

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."—[First Amendment](#) to the U.S. Constitution

"... no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."—U.S. Constitution, [Article VI](#)

The prohibition of a religious test in Article VI and the First Amendment establishment and free exercise clauses can be traced to [Virginia Baptists](#). Virginia Baptists advocated and fought for religious liberty because they knew religious persecution firsthand. They were persecuted by other Christians who considered Baptist beliefs strange to the point of abusive.

A core Baptist belief is that [baptism should follow a person's voluntary choice to follow Jesus](#). Anglicans in Virginia [accused Baptists "of child](#)

[abuse](#) (because they did not baptize their children as infants).”

During his comments, Sasse included a handful of orthodox Christian tenets among strange beliefs.

“As somebody who’s self-consciously a Christian, we got a whole bunch more really weird beliefs,” he said. “Forgiveness of sins, the virgin birth, resurrection from the dead, eternal life—they’re a whole bunch of really, really crazy ideas that are a lot weirder than some Catholic moms giving each other advice about parenting.”

Baptists fought to ensure such oddities didn’t qualify a person for incarceration or disqualify them from public office.

Sasse, according to [an interview](#) posted by *World Magazine* on Sept. 30, 2016, was raised “[Missouri Synod Lutheran](#)” and is a member of Grace Church in Fremont, Neb., which is part of the [Presbyterian Church in America](#).

Religious freedom in the Senate

During his comments, Sasse doubled-down on his estimation of religious freedom.

“[Religious liberty] is the fundamental American belief,” he said. “Religious liberty is one of those five great freedoms clustered in the First Amendment—religion, speech, press, assembly and protest—these five freedoms that hang together, that are the basic pre-governmental rights, are sort of Civics 101 that we all agree on well before we ever get to anything as relatively inconsequential as tax policy.”

This by itself is an extraordinary statement to make in the halls of secular government. More fundamental than ideas like equal representation—also under discussion this election season—is freedom of religion, the right to

worship or not worship according to the dictates of a person's conscience.

To this effect, Sasse said: "Religious liberty is not an exception. You don't need the government's permission to have religious liberty. Religious liberty is the default assumption of our entire system."

Today, a governmental body far more religiously diverse than the First Continental Congress or the Constitutional Convention is deliberating whether to confirm a Catholic woman to the Supreme Court.

Those [100 senators, by self-identification](#) (as of Aug. 24, 2020), are Catholic (22); Presbyterian (14); Baptist (11); Methodist (10); Evangelical (6); Lutheran (6); Episcopalian (4); unspecified Protestant (5); Congregationalist, United Church of Christ (2); Holiness, Church of God (1); Restorationist, Churches of Christ (1); Latter-day Saints, Mormon (4); Jewish (8); Buddhist (1); and unaffiliated (5).

Religious liberty in practice

Sasse's explicitly stated freedom was demonstrated implicitly during an exchange between Sen. Mazie Hirono (D.-Hawaii) and Sen. Lindsey Graham (R.-S.C.), chair of the Senate Judiciary Committee.

Hirono, a Buddhist, talked about her ongoing battle with cancer and the concern Graham, a Baptist, demonstrates for her health.

"To this day," she said, "when the chairman of this committee and I find ourselves away from the cameras or sharing an elevator, he never hesitates to ask me about my health. He says, 'How are you doing?'"

She noted their disagreements before expressing her gratitude for his concern for her.

Neither senator said anything about their religious beliefs. Instead, the

effects of their beliefs were on display for anyone with eyes to see and ears to hear.

A final word on religious liberty

We can agree with most of Sasse's estimation of religious liberty, but my conscience compels me to call him up short on his final appraisal of this cherished value.

Sasse said, "More fundamentally, it's an American idea."

No, Mr. Sasse. More fundamentally, religious liberty is a Baptist idea. And more fundamentally still, it is a Baptist idea because we believe it is God's idea.

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