

Original Intent
U.S. CONST. amend. I
July 4, 2010

I.

Happy Fourth of July! This weekend we celebrate our nation's independence and our heritage of freedom. Flags wave, bands play, and we gather with picnics, fireworks, and fellowship. Here at St. Thomas we will have our annual Red, White, and Blue Brunch in Johnson Hall after the service.

And we also are called to remember the men and women who gave their lives to preserve our freedoms. The nation's history confirms that we are the land of the free because we also are the home of the brave.

Today I am not going to speak about the readings, but rather talk about something else close to my heart; something that I mention just about every year at this time. It also is in our current newsletter. And I hope you indulge me because for Susan and me this is our fourth anniversary with you at St. Thomas. So perhaps I might have special permission do something different today.

But it isn't entirely different, because the subject of today's sermon also shows up in some of my other sermons during the year. These themes are the diminishing role of the church in society, the eroding acceptance of the Bible by society, and what both might suggest for the future.

And because we are a church we have a right, and a responsibility, to confront these issues. Some people say the church should stay out of public affairs, and that the Bible should not be part of the secular world. But think about that a minute. If the church is confined and the Bible has boundaries, then aren't the freedoms we celebrate today also jeopardized?

II.

I might start by going back to January 23, 1996. It probably was an ordinary day. Rev. Joe Wright, Pastor of the Central Christian Church in Wichita, opened a session of the Kansas State Senate with a prayer. The senators might have been expecting the usual generalities, but they got something else. Here is part of what he said.

"Heavenly Father we ask your forgiveness. We know your Word says, "Woe on those who call evil good," but that's exactly what we have done and we confess that:

- We have ridiculed the absolute truth of your Word and called it pluralism.
- We have neglected the needy and called it self-preservation
- We have killed our unborn and called it choice.
- We have neglected to discipline our children and called it self-expression.
- We have coveted our neighbor's possessions and called it ambition.
- We have polluted the air with profanity and pornography and called it freedom of expression.
- We have ridiculed the time-honored values of our forefathers and called it enlightenment.

Search us, O God, know our hearts today, cleanse us from every sin and set us free in the name of your Son, the living savior, Jesus Christ. Amen."

As you might imagine, that prayer caused some controversy. How dare Rev. Wright use a prayer to mention public issues? What freedom does he have to speak that way? Indeed. What freedom?

III.

This can lead us right into a discussion of the role of the church in society. And it might seem that politicians today are increasingly willing to talk about faith and religion. But have you noticed

that it's usually about their own faith and religion, not religion and society? That would get them into tricky waters made especially dangerous by the undercurrent of separation of church and state that lurks beneath.

And what does separation of church and state mean? Certainly its meaning has evolved in recent decades. Many people, including myself, believe those changes have distorted its original purpose to such an extent that the issue now is driven more by political agendas than by what our nation's founders intended.

We can begin by recognizing that the words "separation of church and state" are nowhere in the Constitution or Bill of Rights. A lot of people think otherwise. In a survey that was part of the 1991 Bicentennial of the Bill of Rights, sixty-nine percent of the people thought the words were there. They thought that "separation of church and state" actually was written in the law.

But the religion clause of the First Amendment says only that "Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof." Two simple parts. Sixteen words. Congress shall not establish religion. Congress shall not prohibit it.

So, how did this controversy arise? It probably began with Thomas Jefferson, and we know that Thomas Jefferson was a great patriot. He wrote the Declaration of Independence we celebrate today. But we should remember that he did not write the Constitution or the Bill of Rights. He was America's Ambassador to France at the time and did not participate in any drafting or debate.

But in 1802, thirteen years after the Bill of Rights was written, Jefferson responded to a letter from a Baptist Association in Connecticut. The Baptists had expressed concern that if the right of the people to freely exercise their religious beliefs was based upon a grant by the government, it also could mean that the government had power to change its mind and regulate religion.

And they told Jefferson that religious freedom was a natural right given by God, not the government. Therefore they thought that the Bill of Rights should not even mention religion because it could be a crack in the door that the government could later open.

Jefferson explained that they should not worry because the "wall of separation between church and state" would protect the rights about which they were so concerned. This was Jefferson's private opinion, expressed as a metaphor, more than a decade after the debates were over.

And we might note that Jefferson never had used the phrase before in his writings and never used it again. Otherwise historians would have found it, and we would know about it. Jefferson's voluminous papers are on the University of Virginia website. While it is clear he supported religious freedom, he used the term "separation of church and state" only on that one occasion.

I believe the evidence shows that our nation's founders never intended to require a literal separation of church and state. Instead, they wanted to ensure that the government could not support a state religion, or impose religious requirements on public officials, or create religious standards in private life. Those were very real issues in England and colonial America, and therefore would seem to have been the issues addressed in the Constitution.

There is nothing, however, to suggest that the First Amendment was intended to prohibit public religious expression. Jefferson's use of the phrase "separation of church and state" was related to government power; not religious expression by private individuals while on public property.

For example, I ask you to think about this. Thomas Jefferson founded the University of Virginia, a state institution. What if someone had offered a prayer at the first graduation ceremony? Would Jefferson have said the prayer was unconstitutional? What if someone wanted to put a manger scene on university grounds at Christmas? Would he have said it was not lawful?

I believe Jefferson would not have opposed either activity, and certainly would not have thought they had constitutional implications. In fact, history shows that both Jefferson and James Madison supported a plan for students at the university to attend religious services each morning.

And that's the way it continued for over one hundred fifty years. God and government peacefully coexisted, and the term "separation of church and state" simply was not in the public dialogue.

Then, in 1947, the U.S. Supreme Court quoted Jefferson's letter about separation of church and state and the floodgates opened. God gradually was kicked out of the public square. Prior to that time the Supreme Court used this term only once, and even then not in the context of religious expression. Since that time it has been used thousands of times, frequently to support outcomes that neither Jefferson nor his colleagues would have intended.

IV.

And the constitution is not the only document that has suffered from the growing secularism of society. Just as some people claim the Constitution should be changeable, there also are those who view the Bible the same way. They believe the church and its biblical understandings also must follow and mirror trends in society if it is to be relevant.

What do we think? Should our understandings of Scripture change in accordance with the tides of public opinion? Should society dictate what the Bible means? Can we without consequence revise the Bible to suit our agendas? Or is the Bible the unchanging Word of God revealed to us through the Holy Spirit?

As a lawyer for many years I believed the courts should interpret the Constitution in accordance with the intent of the nation's founders. As a priest I feel the same way about the Bible and its writers. If the church continually adapts its doctrine to accommodate the constantly changing values of society, it will forfeit its role as a leader in society and God's Word will be compromised.

In short, while the Bible on occasion might seem cumbersome, it does not come in a concentrated form. It's not like frozen orange juice. We do not have to add water before we can use it.

V.

But there is cause for optimism. An example is on the website of the chaplain for the United States Senate. While the chaplain acknowledges that separation of church and state has been a historical reality, he does not endorse it and instead explicitly proclaims that there is no separation between God and state. That is a step in the right direction.

And there are flashes on the horizon that courts are moving away from endorsing a secular state, notwithstanding a close Supreme Court decision announced last week. There are priests and pastors throughout America who proclaim biblical truth. And there are bishops, such as we have here in Mississippi, who believe and apply God's word in their lives, work, and ministries

So, on this Fourth of July weekend, we can be hopeful about America and the church. There is hope that God will return to a rightful place in the community, and not just be relegated to our homes and church buildings. There is hope the church will stand on God's word. And there will continue to be hope as long as we remember the basic principles on which our nation and the church were founded.

One of those basic principles was articulated by George Washington in his farewell address, and it was echoed by presidents and political leaders until recent times when secularism became more dominant. He said, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who [also] should labor to subvert these great pillars of human happiness." *Amen.*