

## VIEWING THE “CHRISTIAN NATION” CONTROVERSY IN ITS PROPER HISTORICAL PERSPECTIVE

By Larry Starkey

Blame it on the celebrated “Scopes Monkey Trial” of 1927. Up to that point science and religion had been getting along fairly well, despite publication of “The Origin of Species.” Not all the clergy lined up against its author, and not all the scientists rallied to his banner. Many agreed that God was capable of running His universe by any means He wanted to use, including species adaptation.

The trial in Dayton, Tennessee, 80 years ago changed all that. Though it arose over a minor restriction on teaching evolution in a public school, the affair degenerated quickly into a duel of egos involving three polarizing outsiders. Two were lawyers -- the evangelizing William Jennings Bryan and the atheist Clarence Darrow. The third was the iconoclastic H. L. Mencken, writing for *The Baltimore Sun* and *The Nation*, who recorded the event as a one-sided contest between religious rubes on the one hand and their intellectual superiors on the other. The Tennesseans deserved better, as did schoolteacher John Scopes.

The whole thing could be ignored completely if it was confined to the friends and foes of Charles Darwin. The problem is that those old wounds have been reincarnated as a clash between the forces of a “Christian Nation” and those of “Secular Humanism.” No longer confined to a question of creation, the new debate assumes that God and the secular Rule of Law are antithetical. That is not merely untrue. It is a complete distortion of American traditions, of American History, and of the unique Constitution under which the Founding Fathers united a pious people with the promise of a theologically neutral Government.

Contrast the acrid tone of the current debate with the sentiments expressed at the very end of the Scopes trial by Judge John T. Raulston, who presided over it. “I am glad to have had these gentlemen [Bryan and Darrow] with us. This little talk of mine comes from my heart, gentlemen. I have had some difficult problems to decide in this lawsuit, and I only pray to God that I have decided them right. If I have not, the higher courts will find the mistake. But if I failed to decide them right, it was for want of legal learning, and legal attainment, and not for the want of a disposition to do everybody justice. We are glad to have you with us.” The transcript adds that applause immediately followed those remarks.

They are kind words, gentle words, spoken by a conscientious jurist who was unashamed to admit that he believed in God and secular justice alike. In his remarks Judge Raulston was speaking with humble eloquence about the traditional American values of faith in God and in the secular Rule of Law. The current debate strays very far from such decent and tolerant principles, largely because the terms “Christian Nation” and “Secular Humanism” are rarely defined.

The assertion that “We are a Christian Nation” is highly flawed because it excludes most Christians and all non-Christians. There are substantial numbers of Jews, Muslims, Hindus, Buddhists and other people of faith who have made substantial contributions to American culture, society and history over the years and it is every bit as much their nation as anybody else’s. Nor does the exclusionary nature of the term end there. The United States is clearly a nation of faith, and the dominant faith is equally clearly Christian -- but there are many varieties of Christians, with many diverse beliefs. Proponents of the “Christian Nation” argument, however, also exclude from their nation the many Christians who believe Roe is good law, that marriage is a civil right, or that science has more to teach about astrophysics and biology than does Genesis. Because it is so exclusionary, the term is far too narrow to be consistent with American traditions about what it means to be a religious person in general or a Christian in particular.

Far more consistent with American values is the true meaning of the term that is used by the proponents of the “Christian Nation” argument to deride those who do not share their opinions. “Humanism,” at least where English North America is concerned, begins with Lady Margaret Beaufort. She was the mother of King Henry VII and a pretty gutsy lady in her own right who plotted and schemed for some 15 years to put her only child on the throne of England. Having succeeded in that primary goal, she looked about for other challenges and became not only the mother of a king but the mother of a whole new way of thinking as well.

When the barbarians had invaded Europe a thousand years earlier they burned all the books they could find, which forced the Catholic Church into a form of teaching called “scholasticism.” It taught that faith, and trusting the local Priest, provided a path to truth and salvation. As the centuries passed, and various surviving classical books authored by Latin, Greek, and Middle Eastern scholars began to be unearthed, a new form of thinking emerged in Italy that came to be called Humanism. It is not a word that should be used to frighten the children, and it is certainly not a word that can properly be coupled with the adjective “secular.” Humanism taught that the new knowledge available in classical works of history and commentary, when studied carefully and interpreted by a reasoning mind, could shed new light on old doctrine. Far from being the enemy of religion, Humanism was the intellectual and theological force that brought about the Protestant Reformation itself.

In England, the King’s own mom became a supporter of Humanism and of a newfangled invention called the printing press. She did something else, as well. A college had been founded on the River Cam, in East Anglia, and Lady Margaret endowed it with new professorships and new colleges. The region was the most contrarian in all of England -- it is no accident that the foremost anti-authority champions of folklore are Robin Hood and Lady Godiva, since both Sherwood Forest and Coventry are found in East Anglia. Soon, Cambridge University began turning out the most liberal theologians in the country. A century later both Cambridge and East Anglia became hotbeds of Puritanism.

The word “Puritan” is a 16th Century Anglican term meant as an insult. It was a broad reference to anyone who was less than an orthodox member of the Church of England,

and therefore included Calvinists, Lutherans, Presbyterians and Congregationalists, along with a whole host of other protestant beliefs that have not achieved similarly prominent status. Such Puritans were the radical protestants of their day, challenging the orthodoxy of the Church of Rome and the Church of England alike, and they formed a variety of denominations because people who are reading widely and thinking deeply sometimes come to different conclusions. As Cambridge birthed the new Puritan theologies, so East Anglia bred the hearty protestant champions of democracy whose secular political views diverged only over the question of whether it was best to overthrow the king or find someplace else to live.

Americans are descendants of the Humanists who chose the latter course. They were pioneers in a dangerous time and place, and the religious tradition they passed down was one of tolerance. For people with an English king to worry about to seaward, and justifiably angry Algonquians everywhere else, religious schism was a luxury they could not afford. They created a nation in which faith was an important and vital force providing each citizen with moral and spiritual guidance, but they recognized as well that each citizen needed to answer only to his or her own God and conscience in such matters. They didn't get it all right at the beginning, but they got a lot of it right nonetheless.

No more pious Christians can be found anywhere or at anytime than Governor William Bradford of Plymouth Colony and Governor John Winthrop of Massachusetts Bay. Faith was at the core of each man's soul, and frequently at the tip of his pen as well. Their religion was not of a Sunday morning variety, but one of constant companionship with their Savior. The Hand of God was always with them, and with His protection they and their equally pious companions risked everything they had in ventures that were at best on the long side of the gambling odds. No convenience store awaited them with supplies, and no Motel 6 offered clean sheets and air conditioning. The woods were filled with wolves and cougars, the lowlands were plagued by swarms of mosquitoes, and both the waters and the winters were treacherous. No sane man would attempt to build a home and a living under such conditions without a firm reliance on the help of a very real and present God.

Strong as their religious convictions were, however, they were stout opponents of a "Christian Nation." They had been there, done that, and had learned better. England's monarch wore not only a crown but a mitre. England was a "Christian Nation" in the fullest sense of the term, and the first two foolish Stuart kings who ruled there when America was being founded did not hesitate to clap men into dungeons for crimes of conscience. "I will harrie them out of the country," James I had threatened everyone who was not an orthodox Anglican in the first year of his reign, "or else do worse." These were not mere abstract notions of persecution. Bradford's patron William Brewster had been the object of an international manhunt for no greater crime than publishing a Presbyterian book called "The Perth Assembly." Winthrop had seen close friends imprisoned for their protestant beliefs. It is small wonder that each of them was firmly opposed to recreating a "Christian Nation" in their New England settlements.

In his History of Plymouth Colony, Governor Bradford used the word “pilgrim” only to describe his friends who had emigrated from Leyden. They were, however, a minority of the 102 passengers aboard the *Mayflower*. The rest were from London, of uncertain religious beliefs. Robert Cushman of Leyden wrote of his concern that “violence will break all” even before the ship left England, and by the time it dropped anchor in the lee of Cape Cod in the winter of 1620 his prediction seemed about to come true as the two groups began to quarrel. The “patent” they held was for land near modern New York City, and therefore no legal authority existed to clear land titles or to form a government. They desperately needed unity if they were to survive in the wilderness and William Brewster, who had been in the diplomatic service and was the only one with the legal training to do so, became the likely author of an ingenious solution to the problem. Brewster’s personal piety cannot be questioned. He had served as Elder of the Leyden church for a dozen years. “The Mayflower Compact” is, nevertheless, a completely secular document. The brief text of it reads:

“In The Name of God, Amen.

“We whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, by the Grace of God of Great Britain, France, and Ireland King, Defender of the Faith, etc.

“Having undertaken, for the Glory of God and advancement of the Christian Faith and Honour of our King and Country, a Voyage to plant the First Colony in the Northern Parts of Virginia, [we] do by these presents solemnly and mutually in the presence of God and one of another, Covenant and Combine ourselves together into a Civil Body Politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute and frame such just and equal Laws, Ordinances, Acts, Constitutions and Offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience.”

Though it opens with the standard boilerplate references to God and King that are present in all such legal documents of the time, the Compact establishes nothing beyond a "Civil Body Politic." To the original 41 (adult male) signers, as well as those who came afterward, it was far more important than a mere symbolic paragraph to be read aloud from time to time at thanksgiving celebrations but otherwise ignored. It was, in fact, a brief but nevertheless very real constitution and they took it very seriously indeed. For the next 70 years -- until Massachusetts Bay absorbed Plymouth in 1691 -- the Mayflower Compact was the source of authority for every single law that was adopted by the colony. There is no mention whatsoever of a church in that document, and, for that matter, Plymouth had no pastor-in-residence for the first decade of its existence.

Their pastor in Leyden, who continued to influence the colony through his correspondence with its leaders, was an extraordinary clergyman named John Robinson who preached an advanced understanding of Christian love. Properly considered the father of Congregationalism in Europe and America alike, he taught that “the Lutherans could not be drawn to go beyond what Luther saw,” and the Calvinists “stick where he left them, a misery much to be lamented.” Though Luther and Calvin “were precious

shining lights in their times,” it was nevertheless likely that “God had not revealed his whole will [and] it is not possible the Christian World should come so lately out of such thick antichristian darkness, and that full perfection of knowledge should break forth at once.” It is an amazing doctrine, championing open minds in a time when schism, intolerance, and charges of heresy fulminated from nearly every other pulpit in England and Europe.

Another powerful influence came from Holland as well. The Dutch practiced a careful and formal separation of church and state. William and Dorothy Bradford, it is worth noting, were married in a purely civil ceremony at Leyden’s Stadthuis. That idea of marriage as a civil union was continued in Plymouth, and young Bradford was elected Governor of the infant colony largely because Brewster, as an Elder of the Leyden church, was ineligible to hold any secular office.

By the time John Endicott landed in Salem eight years afterwards with the advance party of the Massachusetts Bay settlers the Plymouth community had achieved a population of 300, most of whom were new arrivals who were sometimes nearly pagan and oftentimes Anglican. All such differences of religious belief had been blended into a uniquely tolerant form of worship that was so liberal it eventually led to Unitarianism.

The Plymouth model can be characterized by three principles. First, a church is not a building but a gathering of believers. Second, each individual congregation governs itself, without supervision by either a bishop or a synod. Third, there is no formally defined doctrine other than whatever might be agreed upon by the pastor, elders, deacons and congregants debating it openly -- and frequently -- in each individual church. Such anti-authoritarian principles are the least likely breeding grounds for any homogenized “Christian Nation.”

Endicott adopted Congregationalism within a few weeks of landing at Salem in 1628, and when John Winthrop arrived two years later so did he, joining with others in establishing the first Boston church by a “laying on of hands.” Every church in New England during the founding years followed the Plymouth model.

Plymouth’s commitment to separating church and state wasn’t similarly necessary as a political model for its successor colony. The Massachusetts Bay Charter had been carefully written to authorize what its leaders claimed to be an autonomous government. Within weeks of the landing, the General Court voted to empower every male colonist with the vote. It was under no obligation to do so. What is more, contrary to popular myth it imposed no religious test whatsoever for that franchise.

As more and more emigrants began to arrive – 20,000 would swarm ashore in the following decade – a number of immigration restrictions were undertaken for fear (not without grounds) that Anglicans might take over the fledgling colony, and among these was a requirement for church membership in order to vote. With several dozen independent towns established, each with its own Congregational meeting, it was not difficult for anyone wanting that franchise to find a group that would take him in.

There is no indication whatsoever that such a restriction usurped the rights of anyone, or, for that matter, that anyone objected to it. Depending on the town, even voting could be, and often was, unrestricted. Everyone was required to attend church, but not being a formal member carried neither burden nor punishment. On the other hand, along with the “freeman” status conferred by church membership went certain community obligations such as mending the common fences and maintaining the common roadways. Those are not high-status chores. An aversion to digging post-holes or cleaning up after the cows, rather than strict spiritual requirements, may be the reason why so few of the newcomers showed any eagerness to become full church members. It may also explain why colonial women, who were exempted from such chores, outnumbered their men rather substantially where church membership was concerned even though the consequent right to vote did not extend to them.

The authorities in Massachusetts Bay had their hands full with the purely secular task of establishing a workable and sustainable government. The General Court quickly took radical steps toward democracy. In response to a complaint from the town of Dorchester about -- of all things -- taxation without representation, it invited every town to send representatives to discuss such colony-wide matters. Shortly afterwards, responding to a heated dispute over the proper owner of a long-dead pig, the General Court split itself into a bicameral legislature with two representatives from each town forming the lower house.

New Englanders were required during those formative years to revisit yet again that concept of an homogenous “Christian Nation.” When the Bishops’ Wars sent England into civil war, Charles I was executed and replaced by the Puritan Oliver Cromwell as Lord Protector. Informed of a subsequent English Navigation Act that interfered with the colony’s trading practices, the General Court responded with a formal message proclaiming that Parliament’s authority did not extend across the ocean. The colonists had rejected the idea of a “Christian Nation” when it was Anglican, and they now rejected it when it was protestant. Theirs was a free state in which religion was supremely important, but it was not going to be a state governed by any foreigner, or any church.

No more ridiculous notion has been foisted on a gullible public than that of the “Massachusetts Bay Theocracy.” Though certain leaders such as the clergyman Thomas Hooker and Deputy Governor Thomas Dudley may well have dreamed about such monolithic rule, there never was such a thing because it simply couldn’t be done. Thousands of people, scattered over a wide geographic area and attending independent churches, wouldn’t tolerate it and couldn’t be compelled to do so. Even the immensely popular Winthrop was voted out of office from time to time lest he might become too influential and powerful. Besides, any congregation could pack up and move somewhere else if it wished to, as did Hooker when he founded the first colony in New Haven.

Obviously, a community trying to live by Biblical principles needed to rely heavily on its trained experts in such matters. Since error might possibly bring down Heavenly wrath it was extremely important to have an educated clergy – so important in fact that in order to

guarantee its own supply of such learned men the Colony established Boston Latin School in 1635 and Harvard in 1636. The government frequently requested the advice of clergy (though they were rarely unanimous in their responses) when it was deliberating secular matters. The line, however, was clearly drawn. Clergy could consult, could teach, and could advise. The government would make all the decisions, and would exercise all police powers.

The earliest example of this involved Roger Williams. Along with Ann Hutchinson, he is frequently – and erroneously – put forward as proof that the alleged theocracy did not hesitate to punish its strays. The reverse, in both cases, is true. Williams and Hutchinson alike were the conservatives who wanted to inflict an homogenous definition of a “Christian Nation” on the rest of Massachusetts Bay.

Though he would later gain deserved fame for founding Rhode Island with complete freedom of religion, the young Williams was not so tolerant. Hired as co-pastor of the Salem Congregation, he promptly announced that the secular General Court had no authority to hear cases arising under the “First Table” of the Ten Commandments. Those are the ones involving man’s relations with God, as opposed to behavioral prohibitions such as Coveting and Adultery. Williams’ argument was that these latter Commandments might be within the province of secular authority but the churches should have the sole power to punish heresy. By arguing for ecclesiastical courts Williams was advocating a theocracy (and not for the last time, either). The General Court reacted promptly and angrily, summoning the young pastor to appear and defend himself. Williams wisely retracted his demands.

The case against Mrs. Hutchinson was essentially one of slander. She had accused all of the clergy but her own pastor, John Cotton, of preaching a covenant of works, which is to say heresy. It is worth noting that where there is smoke there is usually fire, and it would seem some of the pastors were skating close to the idea that good works might be an indication of salvation. More to the point, though, like Williams she was the one attempting to impose a single theological standard for a “Christian Nation.”

The “New England Way” rejected such confrontation. Reasonable men, it was believed, could gather together to discuss their differences, and this usually resulted in a consensus that left everyone happy. The population of New England was the most literate in the world of its time, because everyone needed to read the Bible. Tom might understand a passage one way, and William another. Since there was no absolute authority to decide the matter, they would join with the congregation in a general discussion of the proper interpretation. Will would budge a bit, and Tom would budge a bit, and in time a phrasing would be found that could incorporate both beliefs. The effect was to create an increasingly broad umbrella under which a variety of opinions could be accommodated.

The accused pastors met with Mrs. Hutchinson in that spirit, trying to work out an accommodation. Her continued intransigence cost her even the support of Pastor Cotton, and she was then called before the General Court where Governor Winthrop appealed to her yet again to cooperate in working out a mutually acceptable position. She not only

rejected the overture, but went on to proclaim a divine revelation that required her banishment. It doesn't end there, however.

Buried in the records of the Bay Colony that relate to the Hutchinson trial is an order requiring that several dozen men of substantial influence, including Militia Captain John Underhill, were to be disarmed until Mrs. Hutchinson had left the colony. It would seem she had not only a following, but a committed and influential and rather large one that was at least toying with the idea of opposing her accusers – which is to say the whole of the clergy -- by force of arms. Any attempt to impose a Theocracy on such independent-minded Yankee pioneers was about as feasible as herding cats.

Governor Winthrop stalled efforts to establish a formal body of laws for a decade, believing that a new Commonwealth was better served by creating its own common law traditions as it dealt with the problems and situations arising from its unique and unpredictable conditions. In 1641, however, the Massachusetts Body of Liberties was at last put into effect. It, too, has a bearing on this issue of a “Christian Nation” because it was the first detailed constitution written in America -- and because it firmly separates the state from the church.

There are 98 enumerated Articles. About half deal with commonplace issues of wills and estates, business transactions, and procedures to be followed in civil and criminal courts. Those of particular note because they are found in modern law protect the accused against being tried twice for the same crime (double jeopardy), guarantee the right to (unpaid) counsel and the right to appeal any conviction to a higher court, and forbid the use of torture to gain a confession. Other Articles concern the “Liberties of Children” and the “Liberties of Servants.” Articles 92 and 93 forbid cruelty to animals. Another Article forbids spousal abuse of a wife by her husband “unless it be in his own defense.” Slavery is accepted, but the Biblical liberties of slaves are guaranteed – which included certain civil rights. A person might be held as a slave in New England, but he or she was a human being in the eyes of the law, not mere chattel property.

One of the Articles specifies twelve capital crimes. Five of them involve the various ways in which a person can be murdered, and one involves kidnapping. Six are of a moral nature. Three of these involve sexual conduct, while the remainder concern purely spiritual matters of witchcraft, heresy and blasphemy. It's a pretty scary list to read today, and it was apparently pretty scary back then as well since nobody was ever put to death for heresy or blasphemy. As far as witchcraft was concerned, in most cases during the next 50 years it was the accuser who ended up being fined for slander.

Article 95 is “A Declaration of the Liberties the Lord Jesus hath given to the Churches,” and it begins by saying that “All the people of god within this jurisdiction who are not in a church way, and be orthodox in judgment, and not scandalous in life, shall have full liberty to gather themselves into a church estate, provided they do it in a Christian way with due observation of the rules of Christ revealed in his word.” Read that again, and carefully. It says people are free to form a church according to their own beliefs. It does not say that only people professing a certain belief are free to form a church. That is not



to say that there were no qualifications. There were. What is important is that the language is generous enough to accommodate divergence rather than to enforce homogeneity.

The first dozen Articles of the “Body of Liberties,” along with five others, are even more compelling guides where interpreting the “Christian Nation” argument is concerned. Article 1 is a paraphrase of Magna Carta itself, guaranteeing that no one can be denied the right to life, liberty, or property without due process of law. Article 2 extends that right to “Every person within this jurisdiction, whether inhabitant or foreigner...” and Article 12 guarantees that “Every man whether inhabitant or foreigner, free or not free, shall have liberty to come into any public court, council, or town meeting, and either by speech or writing to move any lawful, seasonable, and material question, or to present any necessary motion, complaint, petition, bill or information, whereof that meeting has proper cognizance, so it be done in convenient time, due order, and respective manner.” Mind your manners, it says, and you may speak your mind about anything, without regard to your theology or your church membership.

Articles 59 and 60 specifically separate church and state. The former holds that “Civil authority hath power and liberty to deal with any Church member in a way of civil justice, notwithstanding any church relation, office or interest.” The following Article makes certain the clerics cannot do the same: “No church censure shall degrade or depose any man from any civil dignity, office or authority he shall have in the Commonwealth.”

It is too bad that it cannot end there, but the two blackest marks against Massachusetts Bay cannot be ignored because they happened after the Body of Liberties was adopted. Four Quakers were hanged to death in Boston in 1660 and 19 more people were executed as witches in 1692. Though neither travesty can be excused, each nevertheless offers further proof that the early founders completely rejected the idea of a “Christian Nation.”

The Quakers believed, as had Anne Hutchinson, in personal divine revelation but it was not their theology but their practice of disrupting other church meetings that made them unwelcome in old and new England. After earlier measures to keep them out of Massachusetts Bay had failed the General Court passed a law providing that any Quaker who returned after being banished would be subject to capital punishment. The idea was to make them stay away, but it didn't work with all of them. Three men were hanged, and a woman named Mary Dyer was spared after her husband and children appealed for her life. She had been a friend of Mrs. Hutchinson and had followed her into Rhode Island exile. Though her family attempted to prevent it she returned to Boston, where she was hanged.

It was such an appalling miscarriage of justice that the English government intervened to end further persecution of the Quakers. New Englanders, who routinely ignored English dictates, not only accepted this one but began reducing capital sentences for moral crimes to corporal punishment, and then to fines, and then to smaller fines. The execution of Mary Dyer was the closest they had come to the evils of a “Christian Nation” theocracy, and they backed away from it. One exception remained.

Everyone believed in witches, including those accused of witchcraft. Aside from an isolated instance, however, there was no plague of demons until the upheavals surrounding the Glorious Revolution in England. The deposed King James II had lifted the Charter, and the colonists had subsequently overthrown the Royal Governor who had been imposed on them. That meant there was no government, and no law. Making matters worse, bloody Algonquian attacks in the wake of King Philip's War were taking place all along the New England frontier.

It was in this chaotic time that a pastor, who was fighting for his job with a contentious congregation, let it be known that his daughter was suffering demonic fits inflicted by his Caribbean slave woman, Tituba. Threatened with torture, death, or worse – it is impossible to tell -- Tituba saved herself by naming others, and some of them, equally terrified, named still more members of the coven. Soon there was complete hysteria ranging north into New Hampshire and south as far as Andover, though in towns like Ipswich, led by a courageous pastor, the congregation not only remained calm but served as a refuge for the accused.

By the time the new Governor William Phipps arrived and appointed a Court of Oyer and Terminer to deal with the matter, a lynch mob had formed that was out of control. One of the appointed judges resigned immediately in disgust, while others, including the clergy, began demanding that the idiocy be brought to an end. Famous as it is, and awful as it was, the psychotic episode lasted only three months.

The "Salem Witches" were by no means the only innocent men and women whose lives have been sacrificed to misguided justice and the barbarity of capital punishment. Compare the response of some modern prosecutors when DNA or other new evidence endangers their convictions to that of the early Massachusetts authorities. One year after the witch trials Judge Samuel Sewall stood with bowed head before the congregation in the Old South Meeting House as his statement of contrition was read aloud. Each year during all of the following century the General Court passed its own act of contrition, and not a single soul was ever again executed in New England for witchcraft.

The most important lesson taught by the Salem dementia is the one that is most often ignored. Anyone accused of being a witch could easily avoid being hanged. All that was necessary was to confess the sin under oath and renounce Satan. There was a catch, however. In order to prove the recantation was earnest it was necessary to name other witches. The 19 men and women who were hanged refused to swear such a false oath before God, and refused to purchase their own lives by selling out others whom they knew to be innocent. The last of the aspiring theocrats, Cotton Mather, harangued the court to take their lives, and harangued them to save their souls, but they remained firm in upholding their own values. They were not victims but heroes in the fullest sense of the word, standing up for what they believed no matter the consequences. It was from such determined – and heterodox -- individuals that the United States has gained its most noble traditions.

More to the point, the colony revised its rules of evidence and its rules of procedure. Lawyers rather than clerics became the experts to whom legislators and litigants alike turned for advice. Nobody threw out the Bible, but in the narrow confines of the courts other texts came to the fore such as the Massachusetts Bay Charter and the English constitution that included Magna Carta, the Petition of Right, and the Declaration of Rights. Coke's Commentaries on the Common Law became must reading for any young lawyer, and brilliant minds that a generation earlier might have been turned to the ministry were now drawn to a different discipline. Jeremiah Gridley, James Otis, and John Adams thus became the nurturers of a purely secular "Rule of Law" that Americans embraced with enthusiasm. It is simply preposterous to argue that such courageous and stalwart people braved a wilderness, and fought a Revolution, only to return to discredited old European notions of an homogenous "Christian Nation." Nor is it surprising that those who created a government within such a tradition were careful to prevent any specific religion from gaining dominance over the Rule of Law they established.

Though the Founding Fathers respected Christian teachings, they were men of the Enlightenment who for the most part followed no particular religion. Thomas Jefferson regarded Jesus Christ as an important philosopher but completely rejected His divinity. Simply put, Jefferson was not a Christian – and among the many other leaders of his day who also rejected or doubted such divinity were Benjamin Franklin, George Washington, John Adams, James Madison, James Monroe, and John Quincy Adams. These are the principal architects of the United States government. Included in that illustrious gathering are the authors of the Declaration of Independence and the Bill of Rights, along with the father of the Constitution itself. The group also comprises the first six Presidents, under whose policies and practices the new form of government was given application and meaning.

The Founders were widely read (Adams and Jefferson did so in four languages) and were strongly influenced by 300 years of Humanist thinking and study. To such men, the only pathway to truth was through the educated and reasoning human mind. Put all of them in a small room and it would be hard to hit a pious Christian with a shotgun. There is no way to deny that, or to get around it. And there is no need.

To say they were not religious is not to say they were anti-religion. It was Jefferson who authored the Virginia Statute of Religious Freedom precisely to protect Baptists from further persecution by the Anglican Church. The purpose of what he described as the "wall of separation" created by the First Amendment was to impose the same restraint on any religion aspiring to secure a victory at the ballot box in order to force its beliefs on everyone else. Think about that whenever a School Board candidate who wants to require rote recitation or control curricula cites some Biblical interpretation and then incants that such standards can be forced on each and every member of the community because "We are a Christian Nation." Let that group succeed, and next year others may also look at the demographics, find a Biblical citation, and seek the power to enforce equally exclusionary ideas on such grounds as "We are a White Christian Nation." The wisdom of the First Amendment to the Constitution is that neither of them can get away with it.

It is not an Amendment that was casually passed. It was a deal-breaker, and without the promise of it a substantial number of citizens in 1787 were prepared to oppose the Constitution itself. The vast majority of Americans who supported ratification of the Constitution did so only after Alexander Hamilton and James Madison agreed that a Bill of Rights would be attached to it. Simply put, the American people were opposed to any form of government that might infringe on their hard-won rights. Ranking high among these was their right to worship as they chose, and they were determined to deny the State any opportunity whatsoever to interfere with their faith. The hardy pioneers of the American past had embraced a creative and loving Christianity that accepted new truth regardless of its origin and rejected little that was useful in forming a true community. Theirs was an inclusive religion, and it worked so well that they protected it with a firm restriction: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof [.]” It is the most clear and uncompromising language in all of the Constitution: “Congress shall make no law....”

Religion, the people insisted, was a private matter from which the government was to be completely excluded. They proved the point more than a decade later when the newly created United States Senate was presented with a treaty George Washington’s administration had negotiated with Tripoli in the hope of restraining Mediterranean pirates. Following its ratification in 1797, the new President, John Adams, put his signature to it. Article 11 of that Treaty reads, in full: “As the Government of the United States of America is not, in any sense, founded on the Christian religion; as it has in itself no character of enmity against the laws, religion, or tranquillity, of Mussulmen; and, as the said States never entered into any war, or act of hostility against any Mahometan nation, it is declared by the parties, that no pretext arising from religious opinions, shall ever produce an interruption of the harmony existing between the two countries.”

Predation on Mediterranean shipping was a major issue of the day. The young country remained a seacoast nation, and shipping affected everyone’s life. The numerous Senators who voted unanimously in favor of ratification clearly read the full text of such an important document, as did the President who submitted it to them and his successor President who subsequently signed the treaty into law. What is most important, however, is that the treaty was widely reprinted in the many newspapers that proliferated in the ten-year-old nation. The text was widely read by substantial numbers of citizens who felt strongly about their opinions and about their right to express such opinions vigorously. Not a single speech, not a single letter-to-the-editor, and, for that matter, not a single sermon can be found objecting to the treaty or to the wording of Article 11. It was a profound silence.

Americans saw absolutely nothing objectionable in the expression that “... the Government of the United States of America is not, in any sense, founded on the Christian religion...” The American people in the Founding Years not only agreed with the wisdom of basing their government on the secular Rule of Law, but fully realized that prohibiting legal bias toward one set of beliefs provided the surest protection for all their various religions.

Judge Raulston's gracious and wise remarks at the end of the Scopes trial reflected such an American heritage, recognizing that the secular Rule of Law established what has become the world's oldest democracy, and that democracy has enriched and protected every citizen's relationship with God ever since. Go to whatever house of worship you prefer, or go to none. Teach your children whatever values you believe are important. Interpret the Bible, or the Torah, or the Qur'an, any way you want. But understand, as did your forebears, that unless all are free to do so, none are safe. The law, neutral in theological matters because of that "wall of separation" erected by the Founding Fathers between church and state, protects everyone's right to private worship according to his or her own conscience.

The pioneers, revolutionaries, and government-builders who in their own individual times regularly and consistently rejected every attempt to impose uniformity on their politics and their religious beliefs alike would be thoroughly appalled by the current proponents of an homogenized "Christian Nation" that tolerates no opinions but its own, and seeks to usurp the law in order to impose those beliefs on everyone else. Unlike such advocates of a rigid and unforgiving modern theocracy, the men and women who built America understood that personal faith cannot be safe unless diversity is protected, and diversity is not safe without mutual respect and tolerance.

The United States is a nation combining Pastor John Robinson's wisdom and piety with the genius of James Madison and John Adams in the science of secular government. The country's history is replete with men and women of similar intellect, courage and eloquence, yet no one has described the American heritage better than the pious lawyer John Winthrop when he articulated a very personal faith that he believed would be necessary for the new society he hoped to build in the new world.

Writing more than 375 years ago, on the tossing deck of the *Arbella* in the middle of the Atlantic Ocean, this is how he envisioned America even as it was being born:

"... we must be knit together, in this work, as one man. We must entertain each other in brotherly affection. We must be willing to abridge ourselves of our superfluities, for the supply of others' necessities. We must uphold a familiar commerce together in all meekness, gentleness, patience and liberality. We must delight in each other; make others' conditions our own; rejoice together, mourn together, labor and suffer together, always having before our eyes our commission and community in the work, as members of the same body. So shall we keep the unity of the spirit in the bond of peace."

Such was the society that Winthrop worked so hard for the remainder of his life to build. Notice that so far he has spoken only of the secular relationships between citizens. He does not claim that God requires such behavior. Yet he is sure that God will smile on such a tolerant society, promising in the next and final sentence: "The Lord will be our God, and delight to dwell among us, as His own people, and will command a blessing upon us in all our ways, so that we shall see much more of His wisdom, power, goodness and truth, than formerly we have been acquainted with. We shall find that the God of

Israel is among us, when ten of us shall be able to resist a thousand of our enemies; when He shall make us a praise and glory that men shall say of succeeding plantations, 'may the Lord make it like that of New England.' For we must consider that we shall be as a city upon a hill. The eyes of all people are upon us."

Amen.