Stephen M. Krason presented this talk at the “Stand Up for Religious Freedom” rally in Buffalo, New York on June 8, 2012. It was one of many that were held around the U.S. that day, to show opposition to the attempt by the Obama administration’s Department of Health and Human Services to mandate that religious entities provide free contraceptives (including abortifacients) and sterilization procedures in their health insurance programs.

I have a book appearing later this month, entitled The Transformation of the American Democratic Republic, in which I examine what has happened over the course of our history to the vision and handiwork of our Founding Fathers. Central among the principles and practices our Founders believed necessary to sustain a democratic republic were religion and the upholding of rights such as religious liberty.

We find a strong endorsement of the importance of religion for sustaining republican government in the statements of the Founding Fathers. In his Farewell Address, George Washington said that “[o]f all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.” He referred to God as the “Great Author of every public and private good.” John Adams wrote that “it is religion and morality alone, which can establish the Principles upon which Freedom can securely stand.” He also said that, “Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.” One of the lesser-known Founders, Dr. Benjamin Rush, wrote, “the only foundation for a useful education in a republic is to be laid in Religion. Without this there can be no virtue, and without virtue there can be no liberty.” The Northwest Ordinance, adopted by a Congress under the Articles of Confederation (in 1787) that included a number of the Founding Fathers, declared, “Religion, morality, and knowledge [as] being necessary to good government.” Even the supposed deist, Benjamin Franklin, at a crucial impasse during the Constitutional Convention, spoke up to call for prayers, saying “that God governs in the affairs of men . . . without his concurring aid we shall succeed in this political building no better than the Builders of Babel.” He also said, “If men are so wicked as we now see them with religion, what would they be if without it?” and “Doing good to men is the only service of God in our power; and to imitate
his beneficence is to glorify him.” Thomas Jefferson and James Madison, noted so much for their struggles for religious liberty and their strong skepticism about the undue influence of religious bodies on government, echoed these sentiments. Jefferson wrote: “[C]an the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God? That they are not to be violated but with His wrath?” He also said, “No nation has ever yet existed or been governed without religion. Nor can be.” Madison, called the “Father of the Constitution,” stated that, “Religion is the basis and Foundation of Government.” He also said, “We have staked the future of all of our political institutions upon the capacity of mankind for self government; upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God.” Late in his life he wrote, “The belief in a God All Powerful wise and good, is . . . essential to the moral order of the World and to the happiness of man.” In his First Inaugural Address (1809), he asserted, “We have all been encouraged to feel in the guardianship and guidance of that Almighty Being, whose power regulates the destiny of nations.”

While the Founders believed, then, that religion was necessary for the morality and order that republican government requires, their view about religion was not just utilitarian. The evidence concerning their personal religiosity seems clear. Professor M.E. Bradford’s study of the fifty-five Founding Fathers established that “with no more than five exceptions (and perhaps no more than three), they were orthodox members of one of the established Christian communions.” M. Stanton Evans writes that “many of the framers were professing Christians—active in church affairs, engaged in prayer, avowing a belief in God and Scripture.” Bradford recounts the religious utterances, without reference to political concerns, and the religious writings and efforts of many of them. The Founders did not just hold these beliefs privately, but they shaped their political thought and efforts. Charles S. Lutz and Donald S. Hyneman’s well-known study of the Founders’ writings from 1760 to 1805 showed that of 3,154 references they made to various sources, fully 34 percent were from the Bible. Another 9 percent were from ancient or classical writers. Thus, fully 43 percent came from Judeo-Christian or classical sources. Another 18 percent came from Whig writers, whose views were often closely intertwined with Protestantism. Another 11 percent came from the English common law, behind which, of course, stood the natural law and Christianity. Only 18 percent of the references in their writings came from Enlightenment era figures—who tended to downplay religious belief—and the most frequent
of these who they cited was Montesquieu (who was the Enlightenment thinker closest to the natural law and the Christian tradition).20

The Founders’ public actions further establish that they were very serious about religion and its importance for republican government. When the Declaration of Independence appeals to the “Supreme Judge of the world” and states the signers’ “firm reliance on the protection of divine Providence,” it is clearly calling on God to help them with the perilous path they were undertaking in separating from England. The practices of the Second Continental Congress, which included a number of the later Founders, give further evidence of their serious religiosity. On numerous occasions, the Congress called for days of public fasting, humiliation, and thanksgiving throughout the Revolutionary War. The language of the Congress’s proclamations had a distinctly Christian character. The notion of covenant, so evident in colonial American politico-religious symbolism, came across clearly in them.21

After the Declaration of Independence, eleven of the thirteen states proclaimed new constitutions. In all of these constitutions and in the colonial charters that remained in effect in the other two states, the existence and preeminence of God were recognized.22 The Articles of Confederation, which preceded the Constitution, made a theistic reference to “the great Governor of the world.”23

It was for all of these reasons, that the great nineteenth-century French writer about the American democratic republic, Alexis de Tocqueville, said that while there was complete freedom of religion in America and there was no established church, “religion was the first of their political institutions.”24

There was certainly no question about the importance and pervasiveness of religion in earlier American culture generally. It remains to be asked what role it played in the life of the American people generally. Tocqueville spoke about “the quiet sway of religion” over America,25 and says that it “is mingled with all the national customs and . . . feelings which the word fatherland evokes . . . [so] it has particular power.” Specifically, he said, “Christianity has kept a strong hold over the minds of Americans.”26 He also said that Americans generally held that religion was “necessary to the maintenance of republican institutions.”27 The Christian influence obviously continued on from early colonial times, and was rejuvenated by the Great Awakening (which was the great pre-Revolutionary era religious revival).28 As my good friend the late historian Donald D’Elia wrote, “[t]he social way of life” in eighteenth century America was “largely based on the Christian faith . . . the social and political symbols of the American Founding took their meaning from it.”29 Evangelical Prot-
estantism had gotten a strong hold on much of American culture, and reading of the Bible was widespread (with no other book approaching it in importance). As the great twentieth-century scholar Russell Kirk said, the “American faith” was “a biblical Christianity, securely rooted in popular conviction.” From the beginning, American law upheld the Christian dimension of the common law.

The early Americans’ common Christianity (albeit housed in different sects) meant a common morality. There was no significant difference in moral teachings or divergence from the natural law. As Tocqueville stated, this “innumerable multitude of sects . . . all preach the same morality in the name of God.” As Kirk said, the Americans had “the Ten Commandments at the back of their minds, when not in the forefront” and “[m]ores and morals flowed from religious doctrine.” The virtues that the Founders emphasized were crucial in sustaining a democratic republic were a part of this morality. Americans believed with the early Puritan leader John Winthrop that America was—I’m sure you’ve heard the phrase—“a city on a hill,” a great experiment to be an example to all nations—but only if they continued to be faithful to God.

What about the Founders and religious liberty? As former U.S. Secretary of Education William Bennett wrote, “In America, unlike any other country of the time, the Founders envisioned a land where people of all faiths could worship God without fear of persecution.” Jefferson said that “[a]mong the most inestimable of our blessings . . . is . . . liberty to worship our Creator in the way we think most agreeable to his will; a liberty deemed in other countries incompatible with good government; and yet proved by our experience to be its best support.” Madison wrote that “[a]mong the features peculiar to the Political system of the U. States, is the perfect equality of rights which it secures to every religious sect.” Early in his presidency, George Washington wrote to the congregation of the famous early Jewish synagogue in Newport, Rhode Island: “All [citizens] possess alike liberty of conscience and immunities of citizenship” and that “the Government of the United States . . . gives to bigotry no factions, to persecution no assistance.” He wrote to the Baptists of his zealousness to “establish effectual barriers against . . . every species of religious persecution,” and that “every man . . . ought to be protected in worshipping the Deity according to the dictates of his own conscience.”

Looking back on the Founding Era, the great nineteenth-century Supreme Court Justice Joseph Story said that “the general if not the universal sentiment in America was, that Christianity ought to receive encouragement from the state so far as was not incompatible with the private rights of conscience and freedom of religious worship.” Some recent constitution-
al scholars have said that the establishment clause of the First Amendment was intended by its framers (which in the first Congress included a number of our Founding Fathers, led by Madison) to buttress the free exercise clause and, implicitly, the rights of conscience.43

In conclusion, how did America get from the thinking about religion and religious liberty of the Founding Era to HHS mandates and the other threats to religious liberty and conscience rights that we see in our day? The answer is perhaps provided by the British Catholic historian Paul Johnson in his magisterial book, A History of the American People. Writing in the 1990s, he said that: “For the first time in American history there was a widespread tendency, especially among intellectuals, to present religious people as enemies of freedom and democratic choice.”44 Religion is not only not important to these opinion-makers and trendsetters—many of them see religion as entirely subjective, just a matter of sentiment and even emotion, with no connection to truth—but they also see it as a threat. This view is part of a larger perspective that Archbishop Chaput of Philadelphia said consumes intellectual, cultural, and political opinion-makers in the Western world: the Catholic Church and genuine religion are seen in opposition to the secular culture’s chief virtues of “tolerance” and “diversity.”45 What that really means is that the Church and traditional religion in general stand in the way of letting the individual do whatever he wants—at least, so long as those individual choices are in conformity with secular orthodoxy. More, true religion fails to give those immoral and even destructive choices their blessing. The desire to have the certain kinds of individual conduct and decisions universally endorsed—in conformity, especially, with a secular sexual and reproductive agenda—is really what is at the heart of the HHS mandate. Quite the contrary of promoting democratic “choice,” when true, basic natural rights like religious liberty are violated, as Blessed Pope John Paul II said, democracy becomes a “thinely disguised totalitarianism.”46

I close on this personal note. When I was a graduate and law student at UB (the University of Buffalo, or State University of New York at Buffalo) in the late 1970s, the secular students who controlled the student government imposed on the student body a requirement to pay for abortion as part of the student health insurance.47 Now secular students like them—not just from UB, but also from many other universities around the country—have grown up and some are in government and are trying to impose a similar thing on the whole country with the HHS mandate. Your effort in coming out for this rally and in what you go on to do after this can help stop the imposition of “a thinly disguised totalitarianism” in the U.S. today.

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Notes

5. John Adams, address to the officers of the First Brigade of the Third Division of the Militia of Massachusetts (Oct. 11, 1798), quoted in Bennett, Our Sacred Honor, 367.
7. Northwest Ordinance, Article 3 (July 13, 1787), in Bennett, Our Sacred Honor, 383.
15. James Madison, letter to Frederick Beasley (Nov. 20, 1825), quoted in ibid., 412.
16. James Madison, First Inaugural Address (March 4, 1809), quoted in ibid.


23. Quoted in ibid., 31.


25. Ibid., I, ii, 295.

26. Ibid., II, i, 432.

27. Ibid., I, ii, 293.


29. D’Elia, “We Hold These Truths,” 67, 68.


47. All students were required to have health insurance of some kind. If students did not have another policy or were not covered under their parents’ policy—which was possibly the majority of students—they had to purchase the UB student health insurance policy. The university-wide funding board within student government formulated the policy, which the UB administration accepted, and included in it abortion coverage. In spite of a strong student effort—which included this writer (we formed an organization called the UB Rights of Conscience Group)—to secure an option for students who conscientiously objected to the abortion coverage to not have to pay for it, the student government resisted and would not allow an option.