

A Christian Nation: But Which Christianity?

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Bill Underwood

I.

I was born in 1956. Some of you remember that year. Eisenhower was re-elected in a landslide, with nearly 60 percent of the popular vote. Elvis Presley released his hit version of "Hound Dog." Don Larson pitched a perfect game in the World Series for the New York Yankees, who defeated the Brooklyn Dodgers. It was a time of great optimism in America. It was a forward-looking time.

It was a time when separation of church and state was almost universally embraced as one of the cornerstones of our liberty — as perhaps America's greatest contribution to democratic theory. Nine years earlier, the United States Supreme Court had unanimously recognized that the establishment and free exercise clauses of the First Amendment erected a wall of separation between the garden of the church and the wilderness of the state.¹ The Court's decision meant that government could not favor

¹ *Everson v. Board of Education*, 330 U.S. 1 (1947). The majority opinion authored by Justice Black quoted Thomas Jefferson and cited a Supreme Court decision from the 19th Century in acknowledging that "the clause against establishment of religion by law was intended to erect a wall of separation between Church and State." *Id.* at 16. The dissenters disagreed with the majority regarding how the doctrine of separation of church and state applied to the facts of the case, but agreed that the First Amendment was intended to "create a complete and permanent separation of the

one religion over another, or religion generally over non-religion.

Conceived by Roger Williams, advanced by Thomas Jefferson and James Madison, and embraced by the United States Supreme Court, there was a consensus in America that church and state should be kept separate, with the most visible religious leaders in America leading the way. One of the leading Baptist voices of his day, W.A. Criswell, senior pastor of the First Baptist Church of Dallas, Texas, declared in 1960 that our founding fathers wrote "into our Constitution that church and state must be, in this nation, forever separate and free."²

II.

That was America in 1960. So what happened? By 1962, the consensus embracing separation of church and state began to erode with the Supreme Court's

spheres of religious activity and civil authority. . . .² *Id.* at 32-33.

²Randall Balmer, "In Search of America's Baptists," address presented at the Religious Liberty Council Luncheon, Washington, D.C., June 29, 2007 (citing W.A. Criswell, "Religious Freedom and the Presidency," *United Evangelical Action* 19 (September 1960), 9-10; quoted in Richard V. Pierard, "Religion and the 1984 Election Campaign," *Review of Religious Research* 27 (December 1985), 104-05).

school prayer decision.³

As a matter of constitutional law, the decision was an easy one. It was nearly unanimous, with only a single justice dissenting. The Court's decision wasn't written by "some liberal Yankee from Harvard." It was authored by a Southerner from Alabama — the only Southern Baptist to ever hold a seat on our nation's highest court — Justice Hugo Black. Government officials had written a prayer, and directed that students and teachers begin each school day by reciting aloud this prayer.

³ *Engel v. Vitale*, 370 U.S. 421 (1962).

By requiring teachers and students to stand and pray to the "Almighty God," government officials violated settled doctrine. The government was clearly favoring religion over non-religion. Writing for the Court, Justice Black had little difficulty concluding that "in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by the government."⁴

⁴*Id.* at 425.

How should I say this? . . . The Court's decision was not universally applauded. One of my heroes, Baptist evangelist Billy Graham, protested: "I am shocked at the Supreme Court's decision," he said. "Eighty percent of the American people want Bible reading and prayer in the schools. . . . Why should the majority be so severely penalized by the protests of a handful?"⁵ Of course, protecting a dissenting religious minority from the majority is the whole point of the First Amendment's religion clauses. After the school prayer decision, Criswell and many others associated with the emerging Christian right began singing a different song about separation of church and state. Speaking during the Republican National Convention in 1984, Criswell declared: "I believe this notion of the separation of church and state was the figment of some infidel's imagination."⁶

Over the past five decades, there has been more demagoguery directed to the

⁵ "Billy Graham voices shock over decision." (June 18, 1963), *New York Times*. p. 17. Billy Graham has continued to learn, grow and mature throughout his life. Speaking during a 1985 sermon at Washington National Cathedral, Graham said "We have a Constitution which guarantees to all of us human freedoms, of which religious freedom is foremost. In America any and all religions have the right to exist and to propagate what they stand for. We enjoy the separation of church and state, and no sectarian religion has ever been imposed upon us. We pray God, ever will be imposed upon us." Jon Meacham, *American Gospel: God, the Founding Fathers, and the Making of a Nation* (New York: Random House, 2006) 214.

⁶Randall Balmer, "In Search of America's Baptists," Address Presented at the Religious Liberty Council Luncheon, Washington, D.C., June 29, 2007 (citing W.A. Criswell, "Religious Freedom and the Presidency," *United Evangelical Action* 19 (September 1960), 9-10: quoted in Richard V. Pierard, "Religion and the 1984 Election Campaign," *Review of Religious Research* 27 (December 1985), 104-05).

issue of school prayer than perhaps any other. Among the calamities attributed to the school prayer decision are the September 11 terrorist attack, the Columbine shooting, wild fires in California, a decline in SAT scores, increases in the divorce rate, Hurricane Katrina, and the federal budget deficit. Taking government-imposed prayer out of our public schools has supposedly led to òa nation rife with perjury, broken marriage covenants, un-forgiveness, cults with demonic covenants, extortion, bribery, libel, slander, profanity, hypocrisy, idle talk, and lawsuits initiated solely for revenge and personal gain.ö

All that just since 1962 ó all because we kicked prayer out of our public schools. Of course, the truth is that the Supreme Court never kicked prayer out of school. Prohibiting students from praying in public school would violate the free exercise clause of the First Amendment. Any student is free to pray at any time, as long as she doesn't disrupt the studies of other students.⁷ But the facts and law seldom get in the way of a good story.

Separation of church and state no longer enjoys unanimous support on the Supreme Court. Justice Antonin Scalia dissented from the Court's 2005 decision that posting the Ten Commandments in Kentucky courthouses violated the establishment

⁷Justice O'Connor observed that ònothing in the United States Constitution as interpreted by this Court . . . prohibits public students from voluntarily praying at any time before, during, or after the schoolday.ö *Wallace v. Jaffree*, 472 U.S. 38, 67 (1984).

clause.⁸ In his dissenting opinion, Justice Scalia rejected the idea that the establishment clause prohibits the government from favoring religion over non-religion.

Of course, once the government begins to favor religion over non-religion, it necessarily must decide among the various religions. When the Ten Commandments are posted in the courthouse, which format should be used? The version typically employed in Catholic catechisms? The version embraced by most Protestants? Or do we post the version preferred in the Jewish tradition? Justice Scalia conceded the problem, observing that if "religion in the public forum had to be entirely nondenominational, there could be no religion in the public forum at all."

Justice Scalia's answer to this dilemma shakes to its very foundation our national commitment to government neutrality in matters of individual conscience. According to Justice Scalia, the government is apparently permitted to pick and choose among religions "the government is permitted to favor some religions over others."

⁸*McCreary County v. ACLU*, 545 U.S. 844 (2005).

So, which religion is the government permitted to favor? On this thorny question, Justice Scalia isn't altogether clear. Others, however, including many of today's most visible Baptist voices, are quite certain of the answer. As an Alabama Supreme Court justice, Baptist Roy Moore placed a monument to the Ten Commandments in the lobby of the Alabama Judicial Building. When asked about his refusal to accommodate similar displays representing other faiths, Moore responded that when the founders talked about "free exercise of religion" they meant Christianity.⁹

When on one rare occasion a Hindu priest was invited to offer an invocation before Congress, the Family Research Council responded with fury: "our founders" they fumed, "expected that Christianity — and no other religion — would receive support from the government. . . ." The late Jerry Falwell asserted in his book *Listen America* that any "diligent student of American history finds that our great nation was founded by godly men upon godly principles to be a Christian Nation." Falwell added that he did "not believe in the separation of church and state, nor did our founders."¹⁰

These folks could be dismissed as extremists with little influence on mainstream attitudes, but for the fact that it wouldn't be true. The way politics works today, when

⁹Randall Balmer, *Thy Kingdom Come: An Evangelical's Lament* (New York: Basic Books, 2006), 60.

¹⁰Jerry Falwell, *Listen America!* (Garden City, NY: Doubleday and Company, 1980), 29.

extremists in either party say jump, many politicians tend to say "how high." One of the nominees for Vice President of the United States last election jumped pretty high, agreeing that the Constitution established America as a Christian nation. She added that "we should keep this clean, keep it simple, go back to what our founders and our founding documents meant. They're quite clear that we would create law based on the God of the Bible and the 10 commandments. It's pretty simple."

It would be helpful for our political leaders to read our founding document of the United States Constitution. If they were to do so, they would find that it is a thoroughly secular document. It makes no mention of God, a Creator, or a Supreme Being of any sort. It doesn't mention the Bible. And it expressly prohibits any religious test for public officeholders. Nor is it true that our legal system is founded on the Ten Commandments of a notion that we hear asserted all the time of one that has become a truism, except that it isn't true. Our laws aren't based on the Ten Commandments. They don't prohibit blasphemy, coveting, lying, adultery, or failing to honor our parents. They do prohibit murder and theft, but so do the laws of every other nation in the world.¹¹

They're wrong. Wrong about our history. And wrong about our constitution.

¹¹ For an extended and thoughtful discussion of the tension between the Ten Commandments and law in the United States, see Mark Osler, "Aseret Had'Varim in Tension: The Ten Commandments and the Bill of Rights," 49 *Journal of Church and State* 683 (Autumn 2007).

But Christian nationalists are nonetheless gaining ground. A recent public opinion survey found that most Americans today believe that the nation's founders wrote Christianity into the Constitution. Of those surveyed, 55 percent believe that the Constitution establishes a Christian nation and 58 percent say teachers in public schools should be allowed to lead prayers.¹²

Some have suggested that these views are the product of years of not teaching the First Amendment at a young age. But I think they reflect more than mere passive inattention. These views are the result of a relentless campaign by Christian nationalists to rewrite our nation's history. This fight to control the narrative of American history has now gone beyond home schools and some private Christian academies to our public schools, with the Texas State Board of Education seeking to place an ideological imprint on history, including writing separation of church and state out of the history lessons taught to future generations of Americans.

III.

The truth is that these extremists might eventually prevail. So what would a Christian nation look like, as conceived by Christian nationalists? Certainly we should expect that government-imposed prayer rituals would return to our public schools.

¹²2007 Survey by the First Amendment Center.

So what will these government prayers say? I suppose it will depend on which Christian God we are praying to. I am not saying there is more than one God. I am saying that Christians see that God in fundamentally different ways. And how we see God impacts how we pray. Will we pray to the God of wrath and vengeance that many Christians worship or the God who two prominent Baptist clerics credited with bringing the 9/11 attack as revenge for America supporting the agenda of the pagans, and the abortionists, and the feminists, and the gays and the lesbians?¹³

Or will we pray to the very different God of love and grace that many other Christians worship? Of course, there is that small minority of Christians who believe that Jesus was serious when he enjoined us against ritualistic public prayers or that small minority who believe that Jesus meant it when he taught that "when you pray, go into your inner room and close your door . . . And when you are praying, do not use meaningless repetition. . . ." or that small minority of especially devout Christians likely will be out of luck in our Christian nation. The best they could hope for is that their children would be allowed to stand in silence while their classmates engage in

¹³Jon Meacham, *American Gospel: God, the Founding Fathers, and the Making of a Nation* (New York: Random House, 2006) 234-25 (quoting conversation between Pat Robertson and Jerry Falwell on Robertson's *700 Club* television broadcast).

government-imposed public prayer rituals.

Who will write the prayers? This is important, because it will decide which version of Christianity is advanced by the government. I suppose it could be teachers, or principals, or school superintendents. But more likely it will be elected officials ó school board members or State Board of Education members. They won't be able to resist the temptation. It could even be federal bureaucrats with the Department of Education, who could impose a prayer as a condition for accepting federal education funds. You think the culture wars are intense today ó think about a Christian nation in which elections would be fought over the question of what prayer the government will impose on students and teachers in public schools.

We could also expect mandatory Bible study in the schools of our new Christian nation. How we approach this Bible study would once again depend on the version of Christianity we impose. Would future generations be taught in our public schools to read the Bible as one might read the instruction manual for a new microwave oven?¹⁴ Would they be taught that the differing creation accounts in Genesis should somehow be read as historical, eyewitness accounts of a creation that took six 24-hour days to complete approximately 6,000 years ago? This was the view of the Chairman of the Texas State Board of Education. Would this kind of Bible study lead government

officials to prohibit teaching evolution in our science classes? Or would future generations be taught to read the Bible as the great literature that it is, rich with metaphor and deep theological truth? Think about living in a Christian nation in which elections are fought over the approach to teaching the Bible in our classrooms, and what impact that should have on how we teach science.

And what about the pledge of allegiance? One group of Christian nationalists has actually designed a United States Christian Flag, with an eagle carrying a bloody cross. That same group has written a new pledge of allegiance to this new flag:

¹⁴Diarmaid McCulloch, *Christianity: The First Three Thousand Years* (2010: Viking Press).

I pledge allegiance, to the Christian Flag, of the United States of America,
and to the Lord, who made us great and free. I purpose, to band together,
with all believers, to protect the truth and liberty of God.¹⁵

All this is only a glimpse of what life would be like in our new Christian nation.

IV.

My generation may, if we don't get moving, be our nation's first to leave its children with a lower standard of living. We could also be the generation that leaves its children less free. President Ronald Reagan observed that "freedom is a fragile thing and is never more than one generation away from extinction. It is not ours by inheritance; it must be fought for and defended constantly by each generation."

Because of those who have gone before me, it has been my privilege to live in a country where we have the freedom to pursue our dreams, no matter how modest our backgrounds. My grandfather was a custodian, who never finished the fourth grade. My father was an oil field worker, who hadn't even graduated from high school when he was called to be a Southern Baptist minister, took the GED, and then loaded our family and everything we owned into a 1954 Ford and a U-Haul trailer and headed off to college.

¹⁵From the "US Christian Flag" designer's website.

Now a generation later, Iøve had the privilege of teaching in a law school, and serving as president of a great university. My children have the opportunity to attend Ivy League colleges. This is the American story. Itø one that has been repeated in one way or another millions of times. Itø one that would not be possible in much of the world. This is truly the land of opportunity. The freedom to pursue our dreams is central to the American story. It is part of what has made this the greatest nation in history.

So too is the intellectual freedom that we enjoy ø the freedom to think for ourselves, the freedom to worship as we choose, the freedom to share our thoughts with others, the freedom to be exposed to the thoughts of others, freedoms guaranteed by the First Amendment to our Constitution. Perhaps more than any other, it is this freedom to think and to share in the thinking of others that has made America great. It has facilitated the work of great inventors and scientists ø Franklin, Edison, and Ford. It has enabled us to build the greatest universities in the world.

Perhaps most importantly, by guaranteeing a free religious and intellectual market, the First Amendment has created here, in the United States, the most robust religious environment of any nation in the world.¹⁶ Why would we want to trade the

¹⁶ Mark A. Noll, *The Scandal of the Evangelical Mind* (Grand Rapids: Eerdmans Publishing Co., 1994), 66.

strength, vitality, and authenticity of religious experience in America for the dead, empty edifice of state religion? Is our goal to change people's hearts, or to twist their arms?

Today, we are being measured. The work of the Baptist Joint Committee for Religious Liberty has never been more important. The freedom future generations enjoy will depend upon how we respond to the threat posed by Christian nationalists. Will we have the determination to preserve for our children and grandchildren the freedom we have enjoyed? Will we have the strength to defeat the neo-conservatives who are fighting to invite the government into that most sacred place of our lives? Will we stand with our allies in this fight ó religious minorities, including fellow Christians who worship a very different God than the God of the extreme Christian right?

My prayer today is that the answer will be yes. My prayer is that God will grant us the courage to face this challenge ó that God will provide us wisdom to guide us in the struggle ahead. My prayer is that God will grant the blessings of liberty that we have enjoyed to our children, and to their children.

Amen.