

**J. Brent Walker**  
***Executive Director, Baptist Joint Committee for Religious Liberty***

***Keynote Address presented to the 12<sup>th</sup> Biennial Award Banquet  
of the T. B. Maston Foundation***

***October 30, 2009  
Wilshire Baptist Church, Dallas, Texas***

**Baptists and the First Amendment**

This year, we celebrate our 400<sup>th</sup> year of being Baptists. Four hundred years since John Smyth — having led that rowdy group of dissenters across the English Channel to Holland to avoid religious persecution — baptized himself and then the others in 1609. Over the past four centuries, we who came to be known as “baptizers” have fought for religious liberty, for others as much as for ourselves. Yes, we were born in a struggle for religious freedom, and we’ve been at it ever since. We take seriously the God-given liberty for which Jesus himself broke the yoke of slavery and set us free. This was our birthright in 1609, our rallying cry today in 2009, and I pray our legacy four centuries from now in 2409.

Well, this celebration of our fourth century gives us an opportunity to look ahead as well as look back. That’s what I aim to do this evening. I want to talk about three issues, more like overarching concerns, that we free and faithful Baptists need to think about as we embark on our fifth century together.

The first thing I want Baptists to do is to embrace, fully understand, and be willing to fight for the protection of our religious freedom in the First Amendment. The first 16 words of the Bill of Rights say, *“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”*

The First Amendment in its entirety protects five different freedoms. The freedom of religion is the first listed, and it has two provisions — No Establishment and Free Exercise — while the other freedoms have only one each. That tells you a lot about how important our founders thought religious freedom was: giving it double protection and making it our First Freedom. You know, a recent poll showed that only 17 percent of the American public knows that religious liberty is one of the freedoms protected in the First Amendment. And more people can name all

five Simpsons than can name the five freedoms protected in the First Amendment. Can you name them? (Let's see, Homer, Marge, Bart, Lisa, Maggie ☺) Oh, I know you can name the five freedoms!

Yes, these two clauses — No Establishment (keeping government from helping religion); and Free Exercise (keeping government from hurting religion) require government to be neutral toward religion. Both ensure religious liberty; both require an institutional separation of church and state as a means to that end. As soon as government starts to meddle in religion or takes sides in religious disputes, someone's religious liberty is denied and everyone's is threatened.

Unfortunately, many Baptists have lost their way. They want to claim the benefits of the Free Exercise Clause but not the supposed inconvenience of the No Establishment Clause. This is entirely wrong-headed. Both clauses ensure religious liberty but in different ways. The Establishment Clause keeps government from indirectly hurting your religion by helping somebody else's religion, and Free Exercise keeps government from harming your religion directly.

Yes, even though these provisions are complementary, sometimes — when taken to their logical conclusion — each rubs up against the other clause.

But this tension between the two is good. If one camps too hard on the No Establishment Clause and forgets about Free Exercise, an atmosphere of hostility to religion can result. However, if one concentrates only on the Free Exercise Clause and forgets about No Establishment, the logical outcome can be a theocracy or something close to it. In either case, religious liberty is diminished. In short, it is important that we understand that government should accommodate religion without advancing it; protect religion without privileging it; sometimes lift burdens on the exercise of religion without extending religion an impermissible benefit.

Although American constitutional law has come up with elaborate tests to help us sort through this tension, I like to employ a common-sense exercise. Every time we say “no” to government's attempt to promote religion to uphold the Establishment Clause, we should find a way to say “yes” to its Free Exercise counterpart. This allows us always to seek a “win-win” solution and keep these two clauses in proper balance.

For example, if we disallow teacher-led prayer in the public schools or devotional Bible reading in the classroom (*as we should*), we must permit voluntary student prayer, student-initiated Bible

clubs, and teaching about religion at appropriate places in the curriculum. If we ban government subsidies for religion and religious institutions (*as we should*), we must favor tax exemption and permit government to fund separate religiously-affiliated social service agencies that minister without religious discrimination. If we forbid government-sponsored displays of the Ten Commandments and crosses (*as we should*), we must allow private citizens to do so even in public places. Again, every Establishment Clause “no” should be teamed up with a Free Exercise “yes.”

So, although the Supreme Court has not always interpreted these clauses consistently or even well, they do stand as twin pillars in our constitutional architecture, upholding the wall of separation between church and state and ensuring religious liberty — indeed to an extent that has caused us to become the envy of most of the world when it comes to protecting religious freedom. We must claim a robust understanding of both of these protections for religious liberty.

Secondly, we Baptists need to have a balanced understanding of what this freedom — so protected by the First Amendment — is all about. Yes, freedom is fundamental to what it means to be a Baptist Christian. But it is important to point out that the freedom we have, through the creation of God and the liberation of Christ, is not unlimited. As James Dunn has often said, “no one is as free as a bird. Only a bird is as free as a bird.” We are to avoid license as well as legalism, and we are to put freedom to good use. Paul tells us in the fifth chapter of *Galatians*:

*“Brothers and sisters, do not use your freedom as an opportunity for self-indulgence, but through love, become slaves to one another. For the whole law is summed up in a single commandment, you shall love your neighbor as yourself.” (Gal. 5:13-14, NRSV)*

Our freedom in Christ can never be separated from — and must always be limited by — the responsibility that we have to one another. Freedom and responsibility, liberty and accountability, these dyads must always be held in tension. We Baptists are not a bunch of “lone ranger” Christians who happen to get together once a week to worship God in the same place. We are a community, responsible not only for ourselves but for one another, too.

Yes, we are free! But free for what? Is religious liberty an end in itself to be enjoyed for its own sake? Or does it lead to and find fulfillment in something else? I think the latter. We are free, in the words of the great commandment, to love God and love one another. Even though we are at liberty to say “no” to God, the only choice that results in true freedom is for us to say “yes” to God’s invitation, through faith in Jesus Christ.

Our honoree, Dr. McBeth, has acknowledged the paradoxical notion of “freedom, under the Lordship of Christ.” He has written, “It sounds contradictory — how can we be free yet come under the complete authority of another? But that’s exactly what Baptists mean. Jesus has complete authority over our beliefs and behavior.”

And our freedom in Christ must always be exercised in the context of the responsibility we have one to another. This also involves the ethical imperative of ensuring everyone’s religious liberty. An attitude of “religious liberty for me but not for thee” is self-centered, irresponsible, and sinful.

I pray that we Baptists in the next century (as we enjoy our own freedom) will take seriously our responsibility to the group — to minister to others — and to ensuring the religious liberty of everyone. We Baptists need to love others just as much as we love our freedom.

So, with our religious freedom protected by the First Amendment and circumscribed by the responsibilities that come along with it, I want to talk about yet another limitation of sorts. This has to do with the duties we owe to Caesar. Jesus himself affirmed this dual allegiance when he talked about rendering unto Caesar what is Caesar’s and to God what is God’s. And in *Romans 13*, Paul affirms not only allegiance to the state, but he plainly says that the authority of the state is divinely ordained. And if Paul’s teachings applied to the heavy-handed Roman rule in the first century, how much more should they apply to us today, living in a robust constitutional democracy? Yes, we Baptists have a duty to be good citizens.

The third tension is the one between civic withdrawal and engagement. Should we separate ourselves from public life, or do we confront the public square and body politic with our Christian witness? Historically, for most Baptists, the separation of church and state has never meant a segregation of religion from politics or the stripping of religious talk from the public square. It does not relieve Baptists of their duties of citizenship. Antipathy to political engagement historically has been more the hallmark of our Anabaptist cousins than our Baptist grandparents. Baptists, from the very beginning, have been eager to engage in public life. We see this from Thomas Helwys’ rebuke of King James I in the inscription in his treatise on religious liberty, *A Short Declaration on the Mystery of Iniquity*. We see it in the colonial lobbying engaged in by Isaac Backus and John Leland in favor of separation of church and state. We cannot overlook German Baptist Walter Rauschenbusch’s leadership in the social gospel movement advocating for progressive reforms at the turn of the 20<sup>th</sup> century, and the work of Martin Luther King, Jr., and the leaders of the civil rights movement for passing the Civil Rights Act of 1964. On and on we could go.

Indeed, this is something of a linchpin of Walter Shurden's understanding of Baptist history. He says that we got the way we are on church-state issues because (1) we were *birthed* in adversity, (2) we are *believers* in a common-sense theology encouraging diversity, and (3) this experience caused us to *be* activists. Our *birthing*, our *believing*, and our way of *being* mean that we have always been committed to *doing* — rolling up our sleeves, going to work, and speaking out in the public square. And we have done it cooperatively, together — from the General Committee of Virginia, the so-called “political mouth” of Colonial Virginia Baptists, to the political activities of Isaac Backus' “Warren Association” in Rhode Island, to the Baptist Joint Committee and the Christian Life Commission of the BGCT.

A young seminary student attended the BJC's annual luncheon in Houston at the CBF. We had Rep. Chet Edwards speak. (Chet Edwards is one of the fiercest allies we have on Capitol Hill for religious freedom and church-state separation.) This young man was horrified that we had invited a government official to speak and, even more, on church-state issues. Purporting to heed Jesus' admonition that we cannot serve “two masters,” he wants the Baptist Joint Committee and the church generally to abjure public engagement, adopt something of the Christ-against-culture mentality, and change the world by “witness to the radical alternative kingdom of the church.”

To me, this is off-base. Yes, Jesus warned against serving two masters, but he also acknowledged the two kingdoms of which we are citizens — Caesar's and God's — with duties and allegiance to both. Of course, of the two masters, God comes first. Yes, we must be careful not to be co-opted and compromised by a political party or government officials. But we must speak out in the public square and work with public officials who articulate our message in the Supreme Court, in the halls of Congress, and in the White House. To be sure, there is a tension between withdrawal and engagement, just as there is a tension between rights and responsibilities and between the principles of No Establishment and Free Exercise.

But these tensions are part of life and certainly an aspect of public life. It is my prayer that, in our so-called post-modern, post-denominational time and throughout the next four hundred years, we Baptists carry forward a proper understanding of these three issues and deal with them responsibly and constructively.

Yes, our challenges today are daunting, but no more difficult than the ones that our forebears have fought and won over the years. So, for our part, we at the BJC are going to get up every day and file briefs in the Supreme Court, pressure Congress, advocate in the agencies, advise

the administration, interpret events for the media, and oppose those forces that would diminish religious liberty by denying the importance of the separation of church and state. With your help, I am confident that we can preserve our heritage of freedom and pass it on to future generations.