

A Model Religious Freedom Day Proclamation or Resolution

The following is a model resolution or proclamation recognizing Religious Freedom Day—a day commemorating the enactment of the Virginia Statute for Religious freedom, written by Thomas Jefferson and championed in the legislature by James Madison.

The Virginia Statute for Religious Freedom is recognized by historians and legal scholars as the forerunner to the approach to religion and government intended by the Framers of the Constitution and later the First Amendment.

This resolution and related information was produced in consultation with experts and intended to accurately reflect the work of Jefferson and Madison, as well as the act of Congress that designated January 16th as Religious Freedom Day.

A version of this resolution has already been introduced by veteran State Senator John Marty (D-MN) and by the Washington, D.C. Council.

This historically accurate model resolution is needed now more than ever because Christian nationalists have been campaigning to redefine religious freedom in ways that advance their religious, political and policy agenda.

A state legislative campaign called Project Blitz, which has been promoting a resolution that passed several state legislatures in 2018, distorts and obscures what the Virginia Statute is all about, if they mention it at all.

RELIGIOUS FREEDOM DAY

January 16, 2019

On this day, January 16, 2019, we commemorate the enactment of the Virginia Statute for Religious Freedom on January 16, 1786. Written by Thomas Jefferson and championed by James Madison, this legislation was the forerunner to the approach to religion and government taken by the Framers of the Constitution in 1787, and the First Amendment in 1789.

Today we understand that religious freedom is a fundamental American and human right. We acknowledge that religious freedom is a cornerstone of democracy. We declare that religious freedom is not a privilege for the few, but a right for all. We embrace that this fundamental right applies to people of all and of no religious affiliations or beliefs.

We further recognize that the Statute insists on equality as a guiding and governing principle. It specifies that one's religious identity should be neither an advantage nor a disadvantage under the law. To this end, the Virginia Statute declared: "...all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities." Jefferson later said that religious freedom encompasses "the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel of every denomination."

We hold that these principles are not only foundational, but remain essential to the health and future of our democracy. To that end, these principles should guide and inform judicial decisions, legislation and public policy making at all levels of government.

In 1992, Congress designated January 16th as Religious Freedom Day -- to celebrate the enactment of the Virginia Statute, stipulating only that it be commemorated by a presidential proclamation. It is in that spirit that we recall the centrality of the Virginia Statute in shaping one of the highest aspirations of the American experiment: religious freedom. We call on our fellow citizens to do the same.

Points for Other Possible Elements of a Religious Freedom Day Resolution or Proclamation

FREEDOM FOR ALL

- The Statute declares that “that our civil rights have no dependence on our religious opinions,” rejecting any notion that the United States is officially a “Christian nation” or that Christians have any special rights (although in their private lives then, as now, the majority of Americans are Christian of one variety or another).
- In fact, the Statute was adopted in response to a proposal that the government should impose a small tax to benefit all Christian denominations. That idea was emphatically rejected because, as Madison explained in his influential manifesto, Memorial and Remonstrance Against Religious Assessments, it discouraged non-Christians from immigrating, violating that “generous policy, which, offering an Asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country,...”

SEPARATION OF CHURCH AND STATE

- The Statute for Religious Freedom had an enormous influence on the First Amendment, both the “no establishment” clause and the “free exercise” clause.
- The first Supreme Court case on the religion clauses of the First Amendment unanimously ruled that Jefferson’s Statute “defined” religious freedom and endorsed the Danbury Baptist letter (declaring a “wall of separation” between church and state). *Reynolds v. United States* (1879).
- The Statute explains that government officials have no right to interfere in religion. The Statute notes that it is an “impious presumption” for civil officials to think they can make laws and regulations for religion and that such official actions only “beget habits of hypocrisy.”
- American religious freedom led to the “voluntary principle:” people were free to believe what they want and to voluntarily support any church without government interference, either promotion or opposition.

BROAD SUPPORT

- James Madison was supported in getting the bill through the legislature, by a broad coalition of 18th century evangelicals – especially Baptists and Presbyterians – who insisted that mixing church and state corrupts both.
- John Leland, the great 18th century Virginia Baptist minister, warned that letting government endorse religion was a “species of idolatry...acknowledging a power, that the head of the church, Jesus Christ, never appointed.” He added that the “notion of a Christian Commonwealth, should be exploded forever.”

- Virginia Presbyterians in 1785 insisted that Christianity was most effective “free from the intrusive hand of the civil magistrate.” Even the most general preference for religion was “quite out of the province of any Legislature upon earth.”
- “The unlawful cohabitation between Church and State, which has so often been looked upon as holy wedlock,” Virginia Baptist preacher Lewis Lunsford demanded, “must now suffer a separation and be put forever asunder.”
- If government “can do any thing in Religion,” Rockingham County Presbyterians warned, it “can do every thing.” The only safe course is to keep officials out of religion, separate church and state. Buckingham Baptists said that was also the only way to convince people that they “do not follow Christ for Loaves.” A free choice for God assumed that government was not promoting religion.

RELIGION IN THE UNITED STATES

- Jefferson’s Statute was not anti-religious; Jefferson expected a vibrant religion on the “other,” non-governmental side of the “wall.” Jefferson was Unitarian and thought that it would become the most popular religion; while he was wrong about that, he always supported private religion, made financial contributions to churches and attended an Episcopal church, although he never became a member.
- In fact, Jefferson thought that Christianity, private Christianity, was good for a nation with a diverse population representing many ethnicities, religions, and races because Christianity demanded love not just for your neighbors but for your enemies.
- The one limitation to universal toleration that Jefferson endorsed was: “Perhaps the single thing which may be required to others before toleration [is granted] to them would be an oath that they would allow toleration to others.”

IMPACT

- The Statute for Religious Freedom has had an enormous impact. Not only did it play a major role in adoption of the First Amendment, but it has been reprinted around the world and motivated religious freedom efforts worldwide.
- Jefferson wrote in 1808: “We have solved, by fair experiment, the great and interesting question whether freedom of religion is compatible with order in government, and obedience to the laws. And we have experienced the quiet as well as the comfort which results from leaving everyone to profess freely and openly those principles of religion which are the inductions of his own reason & the serious convictions of his own enquiries.”

Source Readings

The Virginia Statute for Religious Freedom:

https://www.encyclopediavirginia.org/Virginia_Statute_for_Establishing_Religious_Freedom_1786#start_entry

James Madison's Memorial and Remonstrance Against Religious Assessments:

<https://founders.archives.gov/documents/Madison/01-08-02-0163>

Peterson, Merrill D., and Robert C. Vaughan. *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History*. Cambridge, England: Cambridge University Press, 1988.

Ragosta, John A. *Religious Freedom: Jefferson's Legacy, America's Creed*. Charlottesville: University of Virginia Press, 2013.