

The Knights of Columbus

8/7/85

I commend Knights of Columbus for their long record of civic responsibility. The public service of private groups of religious citizens such as yours was what deTocqueville saw a century and a half ago as the keystone of American society. In our own day this is exactly what President Reagan is calling for in a renewal of the private sector to meet the needs of our people. I might add that that's why the President has insisted that the tax exempt status of fraternal charitable groups is an essential feature of the tax code and not a loophole that could be closed.

I would like to preface my remarks by recognizing something very important about our American democracy. We should never expect any religious group, or any charitable group either, to be in 100 percent agreement with any political movement or any political party.

But we can share important principles between the few who are called to serve in government and the many who stand as the foundation of that government. I think it is important to talk about the principles that we do share.

I know that you and the Knights of Columbus share many of the vital first principles that form the foundation of what we are trying to accomplish in the Justice Department and in the Reagan Administration.

1. Our first principle is to protect and expand the liberties of all Americans. Ronald Reagan has been doing this by defending us effectively from hostile threats abroad, by preserving peace overseas and tranquility at home, and by recognizing that the *American people themselves*, and not government, are the engine of progress today as they have always been throughout our history.
2. In protecting the rights of all Americans, we believe that it is essential to protect the right of each person to be safe from crime, from assault against his person and his property. During the Reagan Administration, the crime rate has dropped sharply for the first time in years. This has happened not one year, not two years, but three years in succession. While a number of factors have contributed to this trend, I believe that our firm stand against criminal activity, and especially the President's clear concern that freedom from crime be recognized as a right and responsibility of government, is a crucial factor.

3. An integral part of our fight on crime is the war against drugs. Drug use contributes significantly to other forms of criminal behavior. It not only undermines the safety of each citizen from violent crime, but also undermines the ability of parents to raise families in a supportive community. I have just returned earlier this week from kicking off a nationwide effort to eradicate the growing of marijuana. We have had tremendous success in this effort, and we are encouraging other countries to continue their eradication efforts as well. You, yourselves can help us in our effort to tell young people across our land that drugs are destructive, that those who use them are giving their money to support a vicious and brutal trade, and that those who profiteer from this trade will not be tolerated by the law enforcement authorities of this country.
4. Another priority that flows from our first principles is our resolve to resist and combat terrorism.
5. I would also like to call attention to President Reagan's commitment, which I know you share, to mobilize private sector resources for those in need. Whether we are talking about missing and exploited children, orphans and other victims of the breakup of the family, unwed mothers and their children, or those with other needs, your efforts and those of private charitable groups throughout our country have been essential in meeting the needs of people in ways far more effective than government has been able to devise.
6. I also know that Virgil Dechant was among the concerned citizen leaders who attended the first briefing for President Reagan on the problems of pornography. Since that time three years ago, we have passed a law to impose severe sanctions and close every loophole against child pornographers. We have already brought more indictments under that new 1984 Child Protection Act than were brought against child pornographers in all the years since the passage of the earlier 1978 Child Pornography Act. In addition, I have set up a new commission, at the President's request, to study the effects of pornography on our society and to make recommendations for further action. We have already stepped up our efforts, and we are open to all effective means of combatting this problem within the limits set by our Constitution to protect non-obscene speech.

In all six areas, as we follow out the principles that we share, we should not expect government to provide the sole answer. It is citizens working through groups such as yours that provide the real energy and dynamism to accomplish what we all seek to further. With respect to many problems, government is most effective when it facilitates private sector solutions.

Today I would like in particular to talk to you about a matter that concerns not only the Knights of Columbus but Americans generally. It's a matter that too often is not articulated, particularly in a clear and effective way where we look into its history and look at what really we have as a resource to deal with it.

Indeed, it is an issue that has concerned Americans ever since Christopher Columbus first arrived in this hemisphere. It was one of the motivating forces for many of the people to come to this land. It is the issue that has been the reason so many Americans immigrated over the course of the past five centuries, from England, Scotland, and Ireland; from all parts of Europe and the Middle East; from Africa, Asia, and from our own hemisphere. Rarely has an hour passed, I would suppose, that this issue has failed to engage some American, somewhere, in some way. And in recent years this issue has attracted more rather than less attention.

The subject of my remarks today is religious freedom.

Religious freedom is understood in a most personal way by those of you who are engaged in its exercise. Since 1882 Knights of Columbus, through their religious commitment, have helped countless Americans, and the nation is the better for it.

I have two main points to convey this afternoon. The first is that America's novel experiment in behalf of religious freedom has proved to be a tremendous success. This is a happy point. Unfortunately my second point is perhaps less so. It is that there are ideas which have gained influence in some parts of our society, particularly in some important and sophisticated circles, ideas that are opposed to religious freedom and indeed to freedom in general. In some areas there are some people that have espoused a hostility to religion that must be recognized for what it is, and expressly countered. There is a hostility to certain basic values of the American people that must be clearly described, and equally clearly opposed.

I believe that only by speaking candidly, as did my colleague Secretary Bennett in his remarks to you today, that will we have clarity as to the nature of the battle of ideas that is taking place in our culture. And only by speaking candidly and forthrightly can we hope to prevail.

As I said, America's novel experiment in behalf of religious freedom has been a tremendous success. What was this experiment and why did the Founders of our Republic undertake it?

Basically, the founding generation decided that America should not have a national church, that government should neither establish a religion nor prefer one religious group over another.

This decision distinguished the early United States from the Old World. It had long been the custom in Europe for church and state to be yoked together. Some of the colonies even in this new land and later some of the states supported particular religions; and in doing so they often clearly preferred one religion over another. Just as in the Old World, even in the New World such preferences sometimes precipitated even armed conflicts between the adherents of different religions. And clearly, it was early recognized that it was an unfair burden for people of one religion to have to bear by their taxes the cost of another religion to which they did not personally subscribe.

It was for this reason that the Founding Fathers two hundred years ago, in the development of the Constitution, decided to break from the old pattern of establishing a church as an instrument of official or governmental policy. This was what was new about the Constitution of the United States. Written in 1787, an event that we will celebrate in barely two years, it provided that a religious test for office was forbidden. When several states asked to make explicit in Constitutional language what was implicit in the theory behind the text, an amendment was proposed as a part of the Bill of Rights. And this amendment, the First Amendment, deals with several matters including this matter of freedom of religion. The two religious clauses in this

Amendment constitute our fundamental legal charter on the issue of religious liberty. And those clauses say—and it's important that we remember the precise words of the First Amendment—

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

This language represented what Thomas Jefferson termed a great “experiment,” which would test the proposition that the religious benefits and beliefs of the American people would flourish without state coercion.

It is important for us to be clear and to make clear that while the Founding Fathers sought to avoid the establishment of a particular religion in America, in doing so they were not hostile or indifferent to religion in general. What Jefferson rightly called a great experiment was done with confidence that the religious beliefs of the American people would flourish even in the absence of any state coercion.

The Founders wanted religious belief and practice to flow from the hearts of individuals and their churches, not because of the heavy hand of government either as a tax collector to support the churches or to inflict any particular religious test or to require any religious practices.

In addition, they wanted religion to thrive for reasons that to religious people may seem secondary, but to them, as political scientists, were very important. The Founders devised a political system to secure liberty; it was a system that included the principles of *representation, representative government, separation of powers, and federalism*. It was a system that specified rights that individuals held to life, liberty, and property. And yet the Founders recognized that there was a limit to what they could do by the installation of this political system. They understood that without a fair degree of virtue in the people, without a sense of public and societal morality, *democracy might not endure*. And most of them believed that religion was an important source of that morality and that virtue. We only have to go back to Washington's Farewell Address as he was leaving the presidency to hear him as he said,

“Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports

And again he said,

Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle.”

So it was that the Founders of our Republic broke from the past with an experiment that they hoped would eliminate the conflicts of religion while still providing the conditions in which religion itself might exist and flourish. In evaluating the success of this experiment, it may prove useful to note in more detail the terms of the experiment. As I said earlier, the First Amendment forbade the establishment of a particular religion or a particular church. It also precluded the federal government from favoring one church or religious group over another.

That is what the First Amendment did. But it did not go further.

It did not preclude federal aid to religious groups so long as that assistance furthered a public purpose and so long as it did not discriminate in favor of one religious group against another.

These, then, were the terms of the novel experiment with church and state, according to each their rightful place in this new land of ours. And in retrospect, as I said earlier, some two hundred and some odd years later, it is clear that this experiment has proved a tremendous success.

There never has been and hopefully never will be an official church of the United States. But at the same time we have to recognize that Congresses from the First Congress on have aided religion on a non-discriminatory basis. It was, for example, our First Congress that established a congressional chaplaincy and authorized the President to create a military chaplaincy; the Second Congress created a separate chaplaincy for the Army; and the Third Congress that created another separate chaplaincy for the Navy.

Congress also ratified with Indian tribes treaties which, respectively, provided for the building of a church on an Indian reservation at government expense, and provided a priest and church, both at government cost, for the religious education of the Indians. It is interesting that a century later Congress decided that that was not such a good idea and so they changed the law to end such grants. But the important thing is that non-discriminatory religious aid coming from the Congress was not at all deemed in the First and subsequent Congresses a violation of the constitutional prohibition against the establishment of religion.

Congress has continued to legislate in these areas. However one views the policy choices it has made—sometimes we would agree and sometimes disagree—I think it's important that it was Congress who did this, because the Constitution quite clearly left this very sensitive policy area to the American people, to be determined through their representatives in the House and the Senate. Appropriately, down through the years, the actions of Congress have I think accurately reflected the sense of the American people on church-state relations.

In the absence of state coercion, religion in America has indeed thrived. The few early denominations in North America still claim substantial memberships. But now the Statistical Abstract of the United States reports that there are some 87 different religious denominations in this country, each claiming 50,000 or more adherents. And all religions are treated equally under our Constitution.

Furthermore, few can doubt that the religious beliefs of the American people have proved a constant source of individual virtue and community values. Indeed what de Tocqueville, who himself was a Frenchman and a Catholic, observed in 1835, remains true today. Religion has enabled Americans to use liberty and to preserve it. Clearly, we would be a much different America were it not for the influence of religious faith. The American political tradition reflects our religious traditions and more importantly our traditional religious values. We who are living today owe the Founding Fathers a debt of enduring gratitude for their novel — and successful — experiment with church and state.

But at the same time that we recognize the success of the novel experiment, at the same time that we express our debt to the Founding Fathers, we have to recognize that some ideas that have become increasingly influential in recent years are ideas that threaten religious freedom. Some people would interpret the First Amendment in a way that is extremely hurtful to the cause of religion. In its application, the principle of neutrality toward all religions has often been transformed by some into hostility toward anything religious.

In order to protect the religious liberty of the American people, this Administration has argued in behalf of principles that reflect the text of and intent behind the First Amendment. We have argued, for example, that government programs can benefit both the religious and the nonreligious; that public school facilities can be made available equally to all student groups, religious and nonreligious alike; that government should be able to distribute tax benefits to parents regardless of where they send their children to school, whether they be church-related, or other private, or public schools. And we have contended that government must be able to extend financial assistance to all eligible persons, whether they intend to use the aid for a religious or a secular vocation.

Furthermore, this Administration has argued for accommodation by government of the religious beliefs and conduct of our citizens. As the founding generation recognized, religious convictions properly flow from individuals and private associations of people and churches. But this does not mean that government must be indifferent, let alone hostile, to the convictions held by a large number of our people.

This position keeps faith with our written Constitution, and is particularly important today. For as government grows, the application of strict neutrality to the public sphere has had the practical effect of forcing the exercise of religious faith into smaller and smaller private spheres. The danger is that religion could lose its social and historical — indeed, its public character. There are nations, we should remind ourselves, where religion has just this status, where the cause of religion, and the expression had been reduced to something which people could only do behind locked doors.

And there is a further danger that I would suggest to you that we must be constantly aware of. And that is by gradually removing from public education and public discourse all references to traditional religion and substituting instead the jargon and ritual and morality of the cult of self, we run the risk of subordinating all other religions to a new secular religion which is a far cry from the traditional values which have been successful and which have nurtured the morality and the values which underlie the American people. As the Lutheran writer Richard Neuhaus has observed, there is no such thing as a “naked public square.” As religion is pushed out of that square, other value systems will rush in to occupy it. The American Constitution makes no guarantee that the public square should be Protestant, Catholic, or Jewish; Muslim or Buddhist; or religious or non-religious for that matter. But it does provide that the American people should be able, within the limits of the First Amendment, to determine the values of the public square. And it begs credulity to argue that the value system most reflecting the beliefs and sentiments of the American people has to be primarily secular and cannot be religious in nature.

One example, of course, is that today the morality of the American people has not been allowed to prevail on one of the most important issues of the day — the issue of abortion. Thus, to restore public values into the open debate of the legislative halls of this country, the Department of Justice has submitted a brief to the Supreme Court arguing that the abortion decision of 1973 wrongly pre-empted the policy choices of the people in each state and should be reversed.

Now I hope that you won't feel that I have taken you through too long an excursion into the Constitutional history of the United States. But I felt it was important to do so, so that we can speak out forthrightly and clearly on a very important doctrine in the Constitution that too often is neglected on the editorial pages of our newspapers and too often is forgotten by some people in positions of public trust. I feel it is important that this topic be brought up in groups

such as yours and in public groups all over the country. Not everyone will agree with these sentiments, but at least the issue of religious liberty deserves to be debated and deserves to be in the forefront of the American policy debate today.

As you meet in your conference here, I suggest that it is imperative that you and other liberty-loving Americans speak out for their religious freedom. The Knights of Columbus have a long and noble history of religious commitment. You have contributed greatly to the cause of religious liberty in America today.

And therefore I ask you to join this Administration in its efforts to protect religious freedom. The First Amendment also contains guarantees for freedom of speech. That freedom deserves to be exercised energetically and courageously, in defense of all of our freedoms, including our religious liberties. Our Founding Fathers' novel and successful experiment in church and state relations can be sustained and carried on to our children and their children — but only if together we rise to meet that challenge.

God help us all to fulfill our responsibilities in this regard.

Thank you.