

The Uncompromising Faith of America's Founders Is Alive Today

Enshrined in the First Amendment of the U.S. Constitution is the right to freedom of religion. This right is the freedom that is listed first in the Bill of Rights. At America's core, the ability of every individual to seek truth and choose their own religious beliefs—or none at all—affords everyone equal footing to live by their faith or live by the dictates of their conscience.

In 1791, Baptist minister John Leland wrote, "Every man must give an account of himself to God, and therefore every man ought to be at liberty to serve God in that way that he can best reconcile it to his conscience." Leland noted that government would not be able to answer for individuals at the ultimate day of judgment; therefore, he urged the government should "let men be free."

The Founding Fathers realized that without religious liberty there could be no true freedom, and therefore no person could be truly equal under the law. The founders believed so much that religious liberty could not in any way be parsed from freedom that they were willing to suffer and sacrifice it all to bring the free America they envisioned into reality. All 56 patriots who signed the Declaration of Independence took their duties so seriously that they made a promise to the people stating, "with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor." They signed the Declaration knowing that pledge could literally cost them their lives and fortunes.

As a result, 17 men lost property due to British raids and 12

had homes destroyed. Five lost their fortunes in helping fund the Continental Army and state militias battle the redcoats. Five were captured by the British as traitors and tortured before they died. One had two sons imprisoned on a British starving ship, one had a son killed in battle, one had his wife die from harsh prison treatment, and nine signers died in the Revolutionary War.

While Americans today face different challenges than the founders did, there are still brave Americans today taking a stand for their faith as they strive, at a price, to preserve religious liberty. People such as Gerald Groff and Lorie Smith, for instance, both of whom recently took stands of faith before the U.S. Supreme Court to fight against being forced to compromise their religious beliefs.

Groff was a postal carrier in Pennsylvania. After returning from overseas as a missionary, he took the job in 2012 because it allowed him to not work on Sundays. Groff considers "Sunday" to be the "Sabbath," and endeavors to follow the commandment "remember the Sabbath day, to keep it holy." Within a year, the U.S. Postal Service began requiring employees to take Sunday shifts for weekend deliveries. Groff applied for and received a religious accommodation to avoid working Sundays, making many adjustments to help the USPS as well. Groff agreed to work extra shifts during the week. He even transferred to another branch that did not deliver on Sundays and accepted a lower position to be able to abide by his faith. But when the USPS took away his religious accommodation and scheduled him to work Sundays, Groff was forced to choose between his faith and his job. With his uncompromising faith, Groff resigned in 2019.

Understanding the laws of the U.S. are designed to protect religious liberties, Groff took the USPS to court, claiming it failed to reasonably accommodate his religion. Both the district court and the U.S. Court of Appeals concluded Groff's accommodation was an "undue hardship" on the USPS. The courts

used the nearly 50-year-old “de minimus” test to reach that conclusion, which only requires a minimal excuse to refuse a religious accommodation. The case was then primed for a hearing at the U.S. Supreme Court.

Smith owns a small graphic design business creating websites near Denver. She founded the business to promote causes and ideas consistent with her beliefs. When she wanted to expand her business to create websites celebrating “marriage between one man and one woman,” one of her deeply held religious beliefs, the state of Colorado censored her under its “Anti-Discrimination Act.” Under Colorado’s law, the state was attempting to force Smith to use her artistic web design skills to also speak messages celebrating same-sex marriage. In addition, the law acted as a gag order preventing her from expressing on her website the reasons why she only creates messages celebrating certain ideas.

In 2016, Smith had to put her business expansion on hold as she filed a lawsuit in federal court to protect her religious liberty and free speech. Like Groff, both the lower court and the U.S. Court of Appeals sided against Smith. They ruled the Colorado law could require Smith to promote messages against her religious beliefs and conscience. Smith appealed to the U.S. Supreme Court to protect her First Amendment rights.

Last week, the nation’s high court sided in favor of both Groff and Smith. For Groff, SCOTUS overruled the “de minimus” test, placing more of the burden on employers to prove undue hardship caused by religious accommodations. In Smith’s case, her seven-year legal battle culminated in the high court ruling that the First Amendment protects her from Colorado’s law, saying the state cannot force her to create messages with which she disagrees.

Both cases are wins for religious liberty and for all Americans. The founders knew religious freedom was not just the right to believe but also the ability to exercise those

beliefs in every arena of life. Their uncompromising faith helped birth a nation that still stands today where people like Groff, Smith and unnamed others can weigh the cost, contend for their conscience and faith, and prevail.

Liberty Counsel founder and Chairman Mat Staver said, “The founders understood from the Judeo-Christian worldview that if a person could not live free and pursue truth, then they could not live a fully human life. This understanding gave them great courage to sacrifice everything to establish this great nation. They also knew that our rights come from God, not government, and that the sole purpose of government is to protect these inalienable rights whatever the cost. Yet, as we celebrate America’s 247th birthday, we must continue to fight hard to preserve and protect the priceless gift of our religious freedom and never forget the cost that was paid and is being paid for it.” {eo}

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