

“Freedom & Liberty, Justice & Liberation”

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First Reading

“Equality in a Sea of Inequality” by Peggy Clarke

When this country was founded, the aspiration was high. The men who imagined it dreamed big, casting a vision of a world where all men were created equal, where rights were endowed by our creator, transcending culture and the expectations of the day; where life, liberty and the pursuit of happiness would be allowed and enjoyed without infringement. It was a radical and new vision, born from Enlightenment optimism, inspired by scientific discovery. It was an intoxicating vision, as bold as the Protestant Reformation that swept all of Europe.

And they had the hubris to believe they could make it happen. They staked their claim in the Declaration of Independence and institutionalized it in the Constitution. They elected their first President and when he stepped down, relinquishing power to return to the role of citizen, those founders believed they lived to see their vision realized. A new President ran for office and the Republic was up and running. It was done. A new world order.

Those men weren't distracted by the genocide they inspired, or the enslavement of other people they required for this nation to be born. They declared equality while swimming in a sea of inequality. When they declared “ALL men were created equal”, they meant white, Protestant men. They didn't mean women. They weren't including Black people who'd been enslaved, or those who were free. They didn't include Catholics, Jews, or people who didn't own land. They were so proud of their inclusivity, so inspired by their own cutting-edge philosophy, that they had no idea how narrow it was, how constrictive, how small a vision.

The men who wrote those words were calling into being a More Perfect Union. They were Establishing Justice. Insuring Domestic Tranquility. Securing the Blessings of Liberty. They believed that they, and the men of their generation, would will this new nation into being. They would establish the structures required for such a grand vision, they would test it, and then it would be done. They didn't realize it would require many more people, many different voices. They didn't know how many generations would have to be part of the creation of

that dream—how long it would take before the nation they imagined would be made manifest.

The soul of America has yet to be born.

Second Reading

Section 1 of the 14th amendment to the US Constitution, ratified in 1868

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Sermon/Homily: “Freedom & Liberty, Justice & Liberation”

Tomorrow is July 4, Independence Day in the US. A day for picnics and fireworks. One of the most memorable 4th of July celebrations I’ve attended was in Saratoga Spring, NY. It was a sunny and hot summer day when we gathered at the National Saratoga Historical Park. The Battle of Saratoga, which took place in the Fall of 1777, was a turning point in the Revolutionary War because the Americans defeated the stronger British army, boosting their morale and convincing the French that the American demand for independence was possible.

We gathered at Saratoga that July 4 to hear speeches, watch military reenactments, and enjoy fireworks in the evening. I remember looking out over a beautiful and pastoral field, trying to imagine how it was when the country was at war; the terror and the chaos. Six hundred eighty people died over the three weeks that was the Battle of Saratoga. Standing on a hill overlooking the battlefield, I had a deep sense of history and the sacrifices so many made for this country to exist.

July 4 is a national holiday to mark the passage of the Declaration of Independence by the Continental Congress in 1776. This declaration was based on the interdependence of the states; they came together to assert their independence. A declaration authored primarily by Thomas Jefferson, holding the ideals of independence, autonomy, and self-determination, while he owned slaves.

The new nation’s independence from Britain was hard fought and hard won with eight years of war, from 1775 to 1783. The creation of this new nation was also hard-fought.

The first written constitution was The Articles of Confederation and Perpetual Union, written in 1777 but not ratified until 4 years later in 1781.

In 1787, after the war, it was apparent that a new constitution was needed, one that addressed the rights, authority, and responsibilities of the federal government and those of the states. After three months of discussion presided over by George Washington, another slave owner, the Constitutional Convention proposed a new agreement with a strong federal government held accountable by an intricate system of checks and balances.

This agreement was once again hard won. Ratification of the new constitution required agreement by 9 of the 13 states. While five states ratified it quickly in 1787, others had concerns, such as protections for freedom of speech, religion, and the press. The issue of allowing or banning slavery was also contentious.

The new constitution wasn't ratified until the next year in the Summer of 1788. And when the first US Congress convened in the Fall of 1789, it passed 12 amendments to the new constitution and sent them to the states to be ratified. Today, there are a total of 27 amendments to the constitution, and several that have been proposed and not ratified, such as the Equal Rights Amendment. Under discussion by anti-abortion advocates is a constitutional amendment banning abortion throughout the nation.

So, on this weekend when we celebrate Independence Day, what are we to take from this history? Here's a few things I noticed.

First, we could think of the constitution as a covenant between the states, an agreement about how they would be together in a new nation, about how we will be together as a nation now. And the creation of this covenant was not quick or easy, even with a group of men whose demographics were quite similar-white, Protestant, educated, landowners, and most were under 40 years old. They were the millennials of 1776. The men who crafted these formative documents never imagined inviting into their discussion the voices of women, free or enslaved blacks, Native people, or those who did not own land and labored for their livelihood. They declared equality in the midst of inequality, as Peggy Clarke said in our reading, never noticing the inequity or even that there were voices missing.

Covenants require that we listen, discuss, and compromise to come to an agreement about how we will be in relationship. Imagine if the founders had noticed and invited other voices. What if "we the people" included everyone?

This is the challenge we face today in a nation that is becoming more diverse and struggling with declarations of equality in the middle of inequality. How do we listen across differences, bridge those differences, and have some agreement about how we will be together in this community, this nation, this world? How do we handle disagreements and differences? How will we navigate differences when the beliefs of some restrict the rights of others? What are the norms and expectations about decision-making and compromise?

Second, our history teaches us that covenants are aspirational. The men who drafted the Declaration of Independence and the Constitution dreamed of a nation that did not exist, but they believed it could exist, and they believed they could help make it exist. The US Constitution is the oldest document of this type in the world. It is a dream that lives and is yet to be born.

And the dream those men had was limited by their experience and perspective. The Constitution established how the new country would be governed, who had power and how much. It was focused on financial matters, taxation, protecting property and land, freeing up commerce, and how to keep the federal government in check. It did not address matters of fairness or civil rights.

Third, we learn that covenants are subject to re-interpretation and change. We work hard to reach an agreement, and once we have it, things change-people, situations, circumstances. We grow and change, we invite other voices into the mix when we notice that not everyone has had their say, and the covenant needs to change to reflect that. As soon as the constitution was drafted, there were proposed amendments, and disagreements about if the amendments were needed or even belonged in the constitution in the first place.

How the Constitution is interpreted also changes. Earlier I read the 14th amendment, which was designed to place limits on states' power as well as protect civil rights, abolishing slavery. It was hard fought and hard won with a tragic civil war. We know that the 14th amendment didn't abolish racism, that continued with Jim Crow and now with the New Jim Crow. Racism, particularly racism against black people, shows up in many subtle and not so subtle ways. But, on paper anyway, any citizen was and is entitled to life, liberty, property, and equal protection under the law.

Some people describe ratification of the 14th amendment as the second founding because the nation that existed after its ratification was vastly different from the one that existed before. Blacks were given the rights of citizens and blacks, black men, anyway, were allowed to vote. Passage of the 14th amendment was the first time that the

protections for a citizen's liberties applied to the states as well as the federal government. In other words, states could not take away civil liberties guaranteed by the Constitution.

One way to look at our history is to say that we have struggled since the second founding in 1868 with passage of the 14th amendment after the Civil War, and that struggle has been to protect rights to those who were excluded in the first founding in 1776—the work for justice to include people of any race, gender, and class. This is the struggle we are still in today.

The 14th amendment's guarantee to liberty is known as “the substantive font of individual rights,” rights that are not explicit in the Constitution. In other words, any citizen's right to liberty guaranteed by the 14th amendment has been broadly and liberally interpreted as the guarantee to many rights, even those not named in the Constitution. This legal reasoning was used starting in the 1920's and through 2015 to guarantee many liberties, such as a parent's right to raise their children as they see fit, the right to marry who we choose, the right to procreate—or not, and the right of access to contraception. The 14th amendment was interpreted to guarantee the right to privacy in the most intimate decisions, privacy that could not be taken away by the states.

The originalist or conservative interpretation of the 14th amendment is that it guarantees only the rights mentioned in the Constitution, or those in place at the time the amendment was passed. The Supreme Court recently dismantled the liberal interpretation of the 14th amendment in its decision to overturn *Roe v Wade* saying that since abortion wasn't legal in 1868, it should not be legal now. The majority opinion said that the right to abortion is not protected in the Constitution, so states can ban it.

A conservative view, I would say a reactionary view, says that interpretation of the Constitution should be narrow, based on tradition, and does not change. Because this view is dominant now, many of us are concerned about other rights that may also be dismantled with the same narrow reasoning: the right to contraception, the right to marry who we wish, the right to raise our children as we see fit.

This tension between liberal and conservative is portrayed in the media as a political battle, and it is. But I see it as a much bigger fundamental difference in how we experience the world and whether we expect change. Do we adapt to changing circumstances and new information, or do we demand a lens of tradition alone? How can we do so knowing that our history tells of a vision limited by biases and the exclusion of so many?

The last lesson I take from the history of our democracy is that covenants need accountability. How will we handle times when the covenant is breached or broken? When a president refuses to participate in a peaceful transition of power after an election. When a court refuses to honor legal precedent, or erodes the separation between church and state. When leaders lie, spin, mislead. What about when civil liberties have been denied, what do we do then?

These are big questions, ones that we are wrestling with as a nation. We're also wrestling with these questions in our Unitarian Universalist Association.

You might say that the Constitutional Convention for Unitarian Universalism was in 1961 when the Unitarians and Universalists voted to merge into one denomination. Delegates to the newly formed denomination created an association of congregations called the Unitarian Universalist Association, or the UUA, and established the structure, power, and authority of the association.

The covenant of the UUA is written in the Bylaws, our constitution, if you will. Article II of the Bylaws outlines the purpose of the UUA as well as the 7 principles and 6 sources. You can find those here: <https://www.uua.org/beliefs/what-we-believe/principle>

We are a liberal faith, which isn't a political statement at all. It means that, as a liberal tradition, we expect people to change, we expect our beliefs and values to change, and we can expect our congregations and our association to change.

The UUA Bylaws not only expect change, but they require it. The Bylaws say that Article II is to be reviewed every 15 years. The purpose, principles, and sources created in 1961 were significantly changed in 1984, and those changes were driven primarily by the voices of women, voices that had been excluded before.

Those principles, purposes and sources have served us since 1984 and are under review by the Article II Commission now. We can expect a proposed new Article II next January. This revision will be the result of several years of listening to many voices, some that had been silenced and marginalized. The Commission will craft a new aspiration for how we want to be in relationship with each other and in the world. They have leaned into our liberal tradition and embraced change. And they are considering accountability and how we can return to right relationship when our covenants are broken.

Right now, there are both liberal and conservative voices in the UUA, and there is tension because of this. Conservative voices are concerned about changes to the

sacred text of our principles. Liberal voices are calling for principles that include the perspectives of those we did not hear in our past. Just like the history of our nation, the history of our faith is dominated by educated, middle-class white men. Some of us think it is time for a second founding of Unitarian Universalism, one that recognizes all of us and includes the many voices of our faith. How can we be a voice for justice in this changing, multicultural world if we don't practice justice in our own congregations and association?

We can expect tension when there is change. I hope that we navigate this tension in covenant, knowing that we are interdependent, and that we need each other. Just like our nation, many have sacrificed for our faith tradition to exist.

Unitarian Universalism has an inclusive, life-giving message to offer to a world that desperately needs it. A message that recognizes the inherent worth of individuals and the depth of our interconnectedness; independence, and interdependence both. May the power of our covenant support us as we work together to bring our powerful message to the world.

Happy 4th of July.