

The U.S. Constitution and the Quaker Quest for a New Jerusalem

Good morning, Friends. Thank you for inviting me to be with you this morning. I have many uplifting memories of my time as a member of this Newtown Friends Meeting. It is good to be back here again, and to bring you loving greetings from Morningside Meeting Friends in Manhattan.

Some of you may remember that there is a United States Supreme Court case named *United States of America vs. Daniel A. Seeger*. It was decided in my favor way back in 1965 by a unanimous Supreme Court. Needless to say it was not the same Supreme Court which presides over us today.

At issue was a provision of the Universal Military Training and Service Act of 1948. The Act limited the right of conscientious objection to military service only to those who could affirm belief in a Supreme Being. I was a lapsed Catholic and teenage agnostic and could not make such a claim. Yet I was also a determined anti-war, anti-killing prospective draftee. A kind of bureaucratic wrestling match pitted me against the United States Department of Defense. I was clearly outmatched.

How I first became a pacifist, how I got enmeshed in the draft bureaucracy, how the Friends came to my rescue, and the saga of an eight-years long struggle from my local draft board to the Supreme Court is a fairly long story filled with many adventures, surprises and even comedy.

The basic argument, of course, was that by requiring this religious test to achieve the categorization of "conscientious objector" by the government, the 1948 law was clearly in violation of the separation of church and state principles of the First Amendment to the United States Constitution. We argued that the government was establishing a religious dogma, and then proceeding to prefer people of some religions over other religions and over those with no religion. The Court agreed, and the Supreme Being question was removed from the conscientious objector application.

I have talked about all this at least twice before in these First Day School sessions, although I hardly expect that those of you who were then here will remember it all. But I feel led to take a somewhat different tack this time; I hope it proves useful.

I more or less moved on from the case psychologically and emotionally once it was decided. I abandoned my very minor career as a physicist and joined the staff of the American Friends Service Committee, where my field of activity broadened to involve myriad peace and social justice causes inspired by a religious spirit.

The case did remain in my consciousness in one important way. The Vietnam War

heated up just as the case was decided; the American Friends Service Committee needed to operate a huge draft counseling program, aided by many Friends meeting members and other peace activists. Many of our draft counseling clients were of unorthodox religious persuasions, and my case was the key to getting them conscientious objector status.

My name is hardly a household word, but even to this day, so many years later, when I meet people slightly younger than myself who may have been war objectors in the Vietnam era, they often recognize my name and express appreciation for the fact that because of my case they did not have to go to jail or to Canada.

In any event, the matter of the case was recently yanked from the background of my thinking by an excited message from AFSC staff. There was a new exhibit about the *Seeger* case in the National Constitution Center on the mall in Philadelphia. They wanted me to come down there so they could take videos of me with the exhibit.

So, the AFSC got permission for us to enter the Constitution Center on a day when it was closed to the public so we could do this video-taping undisturbed. Do not rush to the Constitution center to see this exhibit. It is a very small exhibit in a very big museum. Nevertheless, while we were filming, the Constitution Center's administrators came to greet me as if I were a special guest.

The prospect of this visit to the Constitution Center did arouse mixed feelings in me, and some deep reservations. I owe much to the AFSC, and I felt I should cooperate with their wish for some publicity. But did I want to be a poster boy for the U.S. Constitution, even if in only a small way?

I had actually been thinking for some time about the Constitution and about how its provisions might relate both to Quaker values and to secular democratic practice.

Let us remember that the Religious Society of Friends was founded during the collapse of late medieval society. George Fox, a key founder of the Religious Society of Friends, did not hesitate to declare the bankruptcy of the then existing order. Church and state were not separate back in those times. There was a kind of aristocratic-ecclesiastical complex oppressing the common people.

Although George Fox's preaching reflected his wide reading of the Bible, the Book of Revelations provided some of his favorite texts. It is the one book of the Christian Scriptures which is unambiguously revolutionary. It declares that with the Second Coming of Christ the world will be turned upside down and a New Jerusalem of justice and peace will be established.

To early Friends the implication was clear – if the existing order was so antithetical to Christian values that it was meant to be overturned eventually, why put up with it

now. So early Friends threw sand in the gears of political and social arrangements in many ways – refusing hat honor to the King and other aristocrats, refusing to take oaths in court, refusing to pay tithes, interrupting conventional religious worship services, advocating the equality of all persons, accepting the vocal ministry of women and of unlettered men in their own worship, and in general advocating for human equality and freedom of conscience. Early Friends did try to turn the world upside down in expectation of seeing the New Jerusalem. Later Friends, including Rufus Jones, while equally ambitious in their vision for a new society, took a more gradualist approach to social change.

It is interesting to reflect that John Locke's *Two Treatises on Government*, known to have deeply influenced American revolutionary leaders, was first widely circulated in 1723. So the Quakers anticipated some key democratic ideas by approximately 70 years. It would be overly simple to say that the attitudes of early Friends and the attitudes of John Locke and the founders of the United States were the same. Clearly the founders were not pacifists and did not adhere to the testimony of simplicity. But it is certainly plausible to regard the Quaker movement as giving early expression to some of the key perspectives which inspired the establishment of the United States, particularly on issues of democracy, liberty and equality.

Thus, the stirring affirmation that all people are equal and endowed by their Creator with the inalienable right to life, liberty and the pursuit of happiness with which the Declaration of Independence of 1776 begins is hardly antithetical to the idea of that of God in everyone, first promoted by Quakers one hundred years earlier.

However, the U.S. Constitution was drafted 11 years after the Declaration, that is, in 1787. I have come to believe that the founders rallied the people to the cause of revolution in 1776 by proclaiming the democratic values of the European Enlightenment, but later, in 1787, when drafting the Constitution, the founders sought to recreate for themselves here in America a version of the landed aristocracy which characterized the crumbling medieval society from which they had sprung.

In those days, before the industrial revolution, land was the chief basis of wealth. The estates of Mount Vernon, Monticello, and Montpelier, the properties of the first, third and fourth presidents, magnificent as they were, were dwarfed by great landholdings like the Fairfax Estate in Virginia, which covered five counties, and the Rensselaerswyck Estate of roughly a million acres in the Hudson Valley. Moreover, the profitability of the estates which were in the south was enhanced by the use of a system of slave labor unknown in Europe. I do not need to enumerate here the cruelties of this American enslavement system, although, as we know, steps are being taken in various parts of the country today to ensure that many of our fellow citizens are not troubled by this knowledge.

Somehow, the Constitution's bold proclamation of "We the people," magically did not

include women, enslaved black people, Native Americans, and propertyless white men -- in other words, most of the inhabitants of the new country. Ten of the first twelve American presidents were slaveholders. Having sworn to uphold the Constitution, they saw no contradiction between it and their presumption to own, buy and sell other human beings.

The system of chattel slavery was finally ended by the Civil War. The Constitution was amended in the War's aftermath in a way intended to bring into full citizenship former enslaved persons. But while the Constitution was improved with regard to the specific matter of the rights of African Americans, no attempt was made to address the inherent rigidity and backwardness of a charter which permitted so egregious an insult to human dignity as chattel slavery to persist for more than 70 years.

We are still waiting for the passage of an amendment proclaiming the rights and dignity of women.

The fact that the Warren Court which delivered the decision in the *Seeger* case had also handed down *Brown vs. the Board of Education* outlawing school desegregation deceived people of my generation into believing the Constitutional system incorporated a self-correcting mechanism which would permit an orderly evolution toward social harmony and justice, or, in Quaker terms, toward the New Jerusalem envisioned by Fox and the Valiant Sixty. The superficial civics lessons we were given in public high school encouraged this attitude. Educational censorship laws now being established in many places are intended to insure an even more relentless instruction in a thoroughly sanitized version of American history.

Evidence of exhaustion and malfunction in government and related institutions has multiplied in recent decades. It has become clearer and clearer that our current way of life is collapsing in the midst of a nearly ruined planet and a grotesque maldistribution of wealth and power. As a new era, a new civilization, a New Jerusalem, is struggling to come to birth, it is useful and necessary to consider the elements which have contributed to the collapse of the present order.

One element, clearly, is the judicial philosophy of "originalism." According to this view, contemporary issues of law and justice must be determined, if at all possible, by inferring what was in the minds of the Constitution's framers regarding the issue. Thus we in the twenty-first century are to be imprisoned by the attitudes of the eighteenth century bewigged slaveholders who drafted the Constitution and who had no way of foreseeing the dramatic changes in economics, in social customs, in science, and in philosophical and spiritual insight which have occurred in the course of 200 years. The originalist approach directly contradicts the Quaker idea of continuing revelation, the idea that our grasp of Truth can grow, expand and enlarge.

A second issue which burdens our present situation is the notion, going way back to a

Supreme Court inference made in 1896, in the case of *Santa Clara County vs the Southern Pacific Railroad*, that corporations are persons with many of the same rights as natural persons, as human beings. This is an idiotic idea which makes about as much sense as declaring a soccer game to be a person.

This madness was further exacerbated by the *Citizens United* decision of 2010, which determined that limiting “independent political spending” from corporations violates the corporations’ First Amendment right to free speech. In effect, it decided that money is speech, and that limiting spending on campaigns is a violation of free speech. This makes wealthy people much more “equal” than ordinary people, and burdens us with a political system riven with a kind of legalized corruption.

Whatever the logic might have been in 1787, clearly the situation today that the less than 600,000 people in Wyoming should have equal representation in the United States Senate as the 40 million people in California makes little sense. The way the filibuster presently works, the opposition of representatives of 10% of the country can thwart the will of 90% of the people. As a Friend I might observe the irony that this aspect of the Senate’s procedures, which most closely resembles Quaker business practice in the power it gives to the minority, is an aspect of the American system which thwarts fairness in all sorts of realms, including taxation and voting rights.

We are hearing a lot about so-called “stolen” elections since 2020. We know these charges are false in the sense that they are being made. But we do have to ask ourselves when in the United States have their ever been truly free and fair elections? While the Voting Rights Act of 1964 laid to rest some of the most offensive aspects of the Jim Crow reign of terror which prevailed throughout the post-Civil War South – embracing about 1/3 of the country by population – the Supreme Court has steadily eroded the efficacy of the Act, and the electoral system has been overcome by gerrymandering and other techniques to insure minority rule.

For a short while I was a township official in a small community in Burlington County, New Jersey. In that County, where the number of voters registered as Democrats significantly outnumbered the number of voters registered as Republicans, there had never been a single Democrat elected to the County Board of Freeholders, the top governing body. In the rural part of the county where I was located, there were plenty of polling places and the farmers and other self-employed people could drop into the polling place, have a leisurely chit-chat with their neighbors who were poll workers, cast their vote, and saunter off to go about their business. In the urban parts of the county, there were many fewer polling places in proportion to the population, and long, long lines for people to stand on after a full days work. Mail-in ballots, drop boxes, and early voting threaten this sort of simple but convenient imbalance favoring rule by a conservative minority, which is why these practices are so vociferously opposed in some quarters.

It has been reported that three individuals own as much wealth as the poorest half of the population, the half who live in a state of constant economic anxiety. Figures like this can be disputed, but there is no avoiding the fact that inequality in the distribution of assets is extremely unjust and unjustifiable, and the problem is increasing rapidly. Moreover, it did not require the likes of Henry Ford, Donald Trump and Elon Musk to demonstrate that the billionaire class includes a disproportionate number of cranks and con men who have a correspondingly disproportionate impact on the culture and politics of the country.

All wealth derives first from Mother Earth, the shared inheritance of human kind. The value added by human labor is socially derived and would not be possible without the system of laws which make doing business feasible. The voting population is presumably responsible for these laws. Thus, we are all complicit in the assemblage of great fortunes, and we all have a responsibility to see that such fortunes are used for the common good. Free markets may be preferable to a planned economy, but redistributive taxation policies which would allow for the sufficient reward and recognition of individual achievement while also providing a fair share for everyone are currently frustrated by the existing Constitutional order.

To be sure, the Constitution also confers many benefits on Americans, including the right of free speech and freedom of assembly, and the right not to be imprisoned without a trial before a judge. In many respects the United States Constitution represented a significant turning point in history. But its discrete good points should not blind us to the problems and obstacles the document presents to the realization of Quaker social values.

This is a somewhat terse account of the directions of my thoughts when I was suddenly invited to come to pose for photographs at the National Constitution Center, a very large Museum celebrating this very flawed document and the regressive jurisprudence with which it is encrusted. All these misgivings are, of course, controversial and a proper account of opposing views and a proper defense of my own would require much more time than we have here. But the present polarization of the electorate, with two such unlike presidential candidates neck-in-neck in the polls, shows a deep and wide-ranging loss of faith in our institutions.

In the face of this, a person such as myself, faces a profound paradox. On the one hand, I must agree with political leaders from Mitt Romney and Liz Cheney to Bernie Sanders that it is the Constitution alone which offers a measure of safety from a looming totalitarianism, while at the same time I also believe that it is the flaws in the document which have led us to our present impasse.

So, the original possibility that there was an approximate congruence between the aspirations of the United State founders and the earlier Quaker hope for a New Jerusalem has clearly not been realized in experience.

So how in today's world do we answer the classical spiritual questions: What can we know? What ought we to do? What can we hope for?

As Friends, in the face of this situation, we must do what Friends always have done – engage in anticipatory and hopeful striving after justice and peace, secure in the knowledge that over the long run Truth is indestructible. We are humble in our understanding that no one, including ourselves, has a complete grasp of or a monopoly on this indestructible Truth, so we adopt a posture of seeking and listening. Acts of compassion can gather up, heal and transform. Articulating the Truth as we see it can mitigate pain and perishing.

We acknowledge that we are intimately engaged in the universe. We are tightly linked to the stars, the galaxies, the periodic table, the sun, and the planets. The atoms and molecules which our bodies temporarily borrow were fashioned eons ago in the far reaches of the cosmos, and they will carry on enabling new forms of life after our use of them is finished. We avoid a false distinction between the sacred and the secular, seeing all of existence as a mutually interdependent web. We see each human life as sacred; yet how can we revere human life itself without also revering all that makes this human life possible? So our peaceableness leads us to oppose the violent, heartless, selfish and unremitting despoliation of the earth and its soils, plants and animals, as well as opposing the exploitation of our fellow human beings.

Is the universe a fixed process of unbreakable physical and chemical routines leading to a heartless process of evolutionary natural selection? Or has the universe always left a place open for the arrival of fuller and more intense being? Although fundamental physical laws may never be bent or broken, I doubt that the emergence of life, of mind, and of the human spirit could have been predicted by a deterministic analysis of the early universe.¹

So it appears that the universe is a drama of awakening, an awakening that was already under way before we human beings appeared on the scene. First came space, time and complexity, then life itself, then thought, faith, freedom, hope, compassion and care. Friends' spirituality is finely attuned to this unfolding cosmic drama, and to the understanding that to lead a good life is to align with and contribute to the balance, order, harmony and peace which is the natural destiny of the Creation.

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¹I am indebted for some of this thinking to *God After Einstein* by John F. Haught and to *Braiding Sweetgrass* by Robin Wall Kimmerer.