

**Testimony before the Committee on Oversight and Government Reform  
Congress of the United States  
House of Representatives**

February 16, 2012

C. Ben Mitchell, PhD

Good morning Mr. Chairman and members of the Committee. I am C. Ben Mitchell, Graves Professor of Moral Philosophy at Union University in Jackson, Tennessee and an ordained minister and former pastor in the Southern Baptist Convention. I am also a consultant on biomedical and life issues for the Ethics & Religious Liberty Commission of the Southern Baptist Convention.

I am both honored and humbled to testify in support of the protection of religious freedom and liberty of conscience. I am *honored* because I have the privilege of following in the legacy of my Baptist forebears who were such stalwart defenders of religious freedom. I am *humbled* because many of those forebears suffered and died so that you and I could live in a nation with religious freedom from state coercion.

I stand in the rich legacy of individuals like Roger Williams (c. 1603-1683), a one-time Baptist and the founder of Providence Plantation which later became the state of Rhode Island, who declared in no uncertain terms that the violation of a person's religious conscience was nothing less than "the rape of the soul."<sup>1</sup> Williams understood that forcing a person through the power of the state to violate his or her own conscience is a monstrous harm.

Moreover, every American is a legatee of the freedoms secured in our Constitution partly through the influence of the Reverend John Leland (1754-1841), who was a Baptist minister in Massachusetts and Virginia and who became a friend of James Madison, Thomas Jefferson, and other American founders. It was Leland who helped frame the free exercise clause of our First Amendment.

In a sermon Leland preached in 1791, he proclaimed, "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. If government can answer for individuals at the day of judgment, let men be controlled by it [government] in religious matters; otherwise let men be free." He continued, "religion is a matter between God and individuals, religious opinions of men not being the objects of civil government nor any way under its control."<sup>2</sup>

Finally, I must appeal to a 20<sup>th</sup> century Texas Baptist minister, George W. Truett (1867-1944), pastor of the historic First Baptist Church of Dallas. In a sermon preached from the steps of the U. S. Capitol on May 16, 1920, Reverend Truett recounted a discussion at a London dinner between an American statesman, Dr. J. L. Curry, and a member of the British House of Commons, John Bright. Mr. Bright asked Dr. Curry, "What distinct contribution has your America made to the science of government?" Curry responded immediately, "The doctrine of

religious liberty.” After a moment’s reflection, Mr. Bright offered a reply, “It was a tremendous contribution.”<sup>3</sup>

I have two reasons for citing these historical examples. On the one hand, it is to remind us that what American University law professor Daniel Dreisbach and his co-editor Mark David Hall have called “the sacred rights of conscience,” which we Americans enjoy, were secured at an extraordinary cost. On the other hand, it is to remind us that as Truett said later in his sermon, religious liberty was, at least largely, “a Baptist achievement,” for the common good. Every American is a beneficiary of this legacy; we are all freeloading on their sacrifice.

That is why I am here to decry the contraception, abortifacient, and sterilization mandate issued by the Department of Health and Human Services on January 20, 2012. The policy is an unconscionable intrusion by the state into the consciences of American citizens. Contrary to portrayals in some of the popular media, this is not only a Catholic issue. All people of faith—and even those who claim no faith—have a stake in whether or not the government can violate the consciences of its citizenry. Religious liberty and the freedom to obey one’s conscience is also not just a Baptist issue. It is an American issue that is enshrined in our founding documents.

The Obama Administration’s most recent so-called “accommodation” for religious organizations is no accommodation at all. It is a bait and switch scheme of the most egregious sort.

C. Ben Mitchell, PhD, is Graves Professor of Moral Philosophy at Union University in Jackson, Tennessee.

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<sup>1</sup> Roger Williams, “The Bloody Tenent of Persecution,” in Daniel L. Dreisbach and Mark David Hall (eds), *The Sacred Right of Conscience: Selected Readings on Religious Liberty and Church-State Relations in the American Founding* (Indianapolis: Liberty Fund, 2009), p. 151.

<sup>2</sup> John Leland, “The Rights of Conscience Inalienable,” in *Political Sermons of the American Founding Era: 1730-1805*, 2 vols. Foreword by Ellis Sandoz, 2nd ed. (Indianapolis: Liberty Fund, 1998), Vol. 2. For a profile of John Leland see the PBS series, *God in America*. <http://www.pbs.org/godinamerica/people/john-leland.html>

<sup>3</sup> George W. Truett, “Baptists and Religious Liberty,” reprinted in *Baptist History and Heritage*, 33, no. 1 (Winter 1998), p. 69.

## C. Ben Mitchell, Ph.D.

C. Ben Mitchell is Graves professor of moral philosophy at Union University in Tennessee and editor of *Ethics & Medicine: An International Journal of Bioethics*.

Prior to joining the Union faculty, he taught bioethics and contemporary culture for a decade at Trinity Graduate School in Deerfield, Illinois, a suburb of Chicago, where he was also director of the Center for Bioethics & Human Dignity from 2006-2008. He taught at The Southern Baptist Theological Seminary from 1997-1999.

He received his doctorate in philosophy with a concentration in medical ethics (with honors) from the University of Tennessee in Knoxville. His program included a year-long clinical residency at the University of Tennessee Medical Center at Knoxville, Vanderbilt Medical Center in Nashville, and a summer-long residency at the East Tennessee Mental Health Institute. He also received a Master of Divinity Degree from Southwestern Baptist Theological Seminary in Fort Worth, Texas and a Bachelor of Science degree from Mississippi State University.

Mitchell has done additional study in genetics for non-scientists at the Cold Spring Harbor Laboratories, Cold Spring Harbor, New York and has twice been visiting scholar at Green College, the medical college of Oxford University.

He was a consultant with the Center for Genetics & Public Policy at Johns Hopkins University and Co-Director for Biotechnology Policy and Fellow of the Council for Biotechnology Policy in Washington, D.C. He also served as a Fellow of the Institute for Biotechnology and a Human Future at Illinois Institute of Technology, Chicago-Kent School of Law; a Fellow of the Center for Policy on Emerging Technologies, Washington, DC; and as a Senior Fellow of the *Kairos Journal*.

He was a member of the Templeton Oxford Summer Symposium on Religion and Science (2003-2005).

In addition to his academic work, Mitchell also consults on matters of public policy and has given testimonies before policymaking groups including the U. S. House of Representatives, the Institutes of Medicine, and the Illinois Senate. He has published in major news media, including the *Washington Post* and is interviewed regularly on radio and television, having appeared on National Public Radio, Fox News, MSNBC, and others.

His most recent volume is *Biotechnology and the Human Good* (Georgetown University Press, 2007), co-authored with Edmund Pellegrino, Jean Bethke Elshtain, John Kilner, and Scott Rae.

Mitchell has over thirteen years of pastoral experience, having pastored churches in Mississippi, Kentucky, Texas, and Tennessee.

Committee on Oversight and Government Reform  
Witness Disclosure Requirement – “Truth in Testimony”  
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Name: C. BEN MITCHELL, PhD

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1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2008. Include the source and amount of each grant or contract.

NONE

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2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

NONE

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3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2008, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

NONE

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I certify that the above information is true and correct.

Signature:

C. Ben Mitchell

Date:

15 February 2012

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