The Sacred Rights of Conscience: The Development of Religious Liberty in America, 1610-1820


Reader Abstract: The theme of this reader is religious freedom in the context of the founding of the United States. The four sessions move chronologically, from the colonial period, the Confederation, the Constitution, and finally, the post-Constitution interpretation of the First Amendment. The readings are selected to demonstrate the debates between significant figures of each era and highlight the different perspectives and implications of religious liberty in a political context.

Session I: Religious Liberty and Church-State Relations in Colonial America

Chapter 2, 84-102

“Articles, Laws, and Orders, Virginia, 1610-11,” pages 84-86.
“Providence Agreement, 1637,” page 88.
“The Laws and Liberties of Massachusetts,” 1647, pages 89-103.

Chapter 2, 110-120

“Legislation Concerning Quakers, 1659,” pages 113-114.

Chapter 3, pages 131-132


Chapter 3, 155


Chapter 3, 173-179

**Session Abstract:** The readings here are variously selected from the colonies, with particular emphasis on those colonies founded as the result of religious persecution. The first selection of readings demonstrate the strict laws mandating the observance of specific religious practices. This is followed by documents relating episodes of persecution for heretics, followed by documents for the founding of new colonies as a sanctuary for the persecuted. As students move through the readings, they will follow the evolution of thought on religious liberty as a fundamental value and the episodes that served as the catalyst for this evolution.

**Session II: Disestablishment, or not, in the States**

*Chapter 5, 241-253*


*Chapter 6, 270-278*

“Memorial from Clergy of the Established Church, 1776,” pages 270-272.
“Memorial of the Presbytery of Hanover, 1777,” pages 272-273.

*Chapter 6, 290-298*


*Chapter 6, 307-313*

“Petitions For and Against the Assessment from Westmoreland County, 1784,” pages 307-308.

*Chapter 6, 314-316*
Session Abstract: This session deals with the revolutionary period through the Confederation Period. Building from the previous readings, the selections demonstrate how religious liberty had become an established value among the colonists, demonstrated in the various state constitutions. The subsequent readings add layers of complications to the ideal of “religious liberty,” dealing with questions of state support of religion, in the form of subsidies for ministers, official state religions, common law penalties for violations of religious practice, and religious requirements for holding office.

Session III: Religion and the Constitution

Chapter 4, 229-238

“Texts Concerning the National Seal, 1776, 1782,” pages 229-231.
“Congressional Resolution Calling for a Day of Thanksgiving, 1783,” pages 235-236.
“Northwest Ordinance, 1787,” pages 236-238.

Chapter 8, 368-382

“Benjamin Franklin, Letter to Richard Price, October 9, 1780,” page 368
“U.S. Constitution, Article VI, Clause 3, 1788,” page 373.
“An American Citizen [Tench Coxe], An Examination of the Constitution of the United States, 1788,’ pages 375-376.
“A Landholder [Oliver Ellsworth], 1787,” page 376-378.
“William Williams to the Landholder, 1788,” page 376.
“Publius [James Madison], The Federalist Papers, Number 52, 1788,” page 380.
“Publius [James Madison], The Federalist Papers, Number 57, 1788,” page 381.

Chapter 8, pages 388-391


Chapter 8, page 400

“Proposed Amendment, South Carolina Ratifying Convention, 1788,” page 400.
Chapter 9, pages 412-437

“Selected Amendments Proposed by the State Ratifying Conventions,” pages 415-417.

Session Abstract: This session deals with the religious debates during the drafting and ratification of the Constitution. Building from the previous session, the readings make clear that although the value of “religious liberty” was held in universal esteem, there was no clear agreement as to what that value entailed. The problems debated in the reading include the non-subsidized endorsement of a certain religion by a government, the matter of religious tests and oaths for political officeholders, the final ratification and the First Amendment, along with Joseph Story’s commentaries on the First Amendment.

Session IV: Religious Liberty and Church State Relations in the New Republic

Chapter 10, 442-445

“U.S. Constitution, 1788,” page 442.

Chapter 10, 453-464


Chapter 10, 468-476

“George Washington to Clergy, 1797,” page 470.
“John Adams to the Officers of the First Brigade, 1798,” page 471.
“Congressional Chaplains, 1789,” pages 471-472.
“An Act for the Punishment of Certain Crimes, 1790,” page 473

Chapter 12, 525-531

“Postmaster Granger to Thomas Jefferson, December 1801,” page 528.
“Thomas Jefferson to Nehemiah Dodge et al, January 1, 1802,” page 528.
“Thomas Jefferson to Samuel Miller, 1808,” page 531.

Chapter 14, 589-595

“James Madison to Jacob de la Motta, 1820,” page 595.

Session Abstract: The readings here show that even after the First Amendment was ratified, the matter of upholding the guarantee of religious liberty continued to be a contentious issue. The first readings demonstrate that although religious liberty was politically upheld, Christianity was endorsed and observed by the president, establishing religious precedents that would be carried as tradition. Subsequent readings demonstrate the beliefs among founding figures as to the importance of religion in civil society, demonstrating the felt need for government support of religion by some that might be seen as consistent with the separation of church and state. The final readings highlight the threat of the gradual encroachment of religion into politics early in the new republic.