

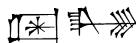
The Sacred Rights of Conscience



The Sacred Rights of Conscience

SELECTED READINGS ON
RELIGIOUS LIBERTY AND CHURCH-STATE RELATIONS
IN THE AMERICAN FOUNDING

Edited and with an Introduction by
Daniel L. Dreisbach *and* Mark David Hall

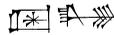


LIBERTY FUND

Indianapolis



This book is published by Liberty Fund, Inc., a foundation established to encourage study of the ideal of a society of free and responsible individuals.



The cuneiform inscription that serves as our logo and as the design motif for our endpapers is the earliest-known written appearance of the word “freedom” (*amagi*), or “liberty.” It is taken from a clay document written about 2300 B.C. in the Sumerian city-state of Lagash.

Introduction, editorial additions, and index

© 2009 by Liberty Fund, Inc.

All rights reserved

Printed in the United States of America

C 10 9 8 7 6 5 4 3 2

P 10 9 8 7 6 5 4 3 2

Library of Congress Cataloging-in-Publication Data

Sacred rights of conscience : selected readings on religious liberty and church-state relations in the American founding / edited and with an introduction by Daniel L. Dreisbach and Mark David Hall.

p. cm.

Includes bibliographical references and index.

ISBN 978-0-86597-714-3 (hardcover : alk. paper) —

ISBN 978-0-86597-715-0 (pbk. : alk. paper)

1. Freedom of religion—United States—History—18th century—Sources. 2. Church and state—United States—History—18th century—Sources. 3. United States—Church history—18th century—Sources. 4. Freedom of religion—United States—History—19th century—Sources. 5. Church and state—United States—History—19th century—Sources. 6. United States—Church history—19th century—Sources. I. Dreisbach, Daniel L.

II. Hall, Mark David, 1966–

BR516.S23 2009

323.44/2097309033—dc22

2009005093

Liberty Fund, Inc.
8335 Allison Pointe Trail, Suite 300
Indianapolis, Indiana 46250-1684

To my daughter, Moriah Esther Dreisbach.

—D.L.D.



To my Dad and Mom, David and Irene Hall, with love.

—M.D.H.

I believe there are many good men, of sound integrity, of unblemished morals, and truly lovers of their country in every denomination of christians. On this subject, it matters not with me, whether a man be a stated member of *this* or *that* church, whether he be in communion with that established in *Old* England, or in *New*; provided he be a good man, actuated by evangelical principles and motives, and will stand fast in the liberty wherewith Christ has made him free. I disdain the low singularities of a party. I desire that every man may think and judge for himself in religion, and enjoy all the sacred rights and liberties of conscience in full.

—SAMUEL SHERWOOD, Scriptural Instructions to Civil Rulers, and all Free-born Subjects, August 31, 1774

You are, with all convenient despatch, to repair to Canada, and make known to the people of that country, the wishes and intentions of the Congress with respect to them. . . .

You are further to declare, that we hold sacred the rights of conscience, and may promise to the whole people, solemnly in our name, the free and undisturbed exercise of their religion; and, to the clergy, the full, perfect, and peaceable possession and enjoyment of all their estates; that the government of every thing relating to their religion and clergy, shall be left entirely in the hands of the good people of that province, and such legislature as they shall constitute; Provided, however, that all other denominations of Christians be equally entitled to hold offices, and enjoy civil privileges, and the free exercise of their religion, and be totally exempt from the payment of any tithes or taxes for the support of any religion.

—Instructions of the Continental Congress to commissioners appointed to Canada, March 20, 1776

The importance of religion to civil society and government, is great indeed, as it keeps alive the best sense of moral obligation, a matter of such extensive utility, especially in respect to an oath, which is one of the principal instruments of government. The fear and reverence of God, and the terrors of eternity, are the most powerful restraints upon the minds of men. And hence it is of special importance in a free government, the spirit of which being always friendly to the sacred rights of conscience, it will hold up the gospel as the great rule of faith and practice.

—PHILLIPS PAYSON, An Election-Sermon, May 27, 1778

That some of the natural rights of mankind are unalienable, and subject to no control but that of the Deity. Such are the SACRED RIGHTS OF CONSCIENCE. Which in a state of nature, and of civil society[,] are exactly the same. They can neither be parted with nor controled, by any human authority whatever.

—SAMUEL STILLMAN, An Election Sermon, May 26, 1779

The more I reflect upon the history of mankind, the more I am disposed to think that it is our duty to secure the essential rights of the people, by every precaution; for not an avenue has been left unguarded, through which oppression could possibly enter in any government[,] without some enemy of the public peace and happiness improving the opportunity to break in upon the liberties of the people; and none have been more frequently successful in the attempt, than those who have covered their ambitious designs under the garb of a fiery zeal for religious orthodoxy. What has happened in other countries and in other ages, may very possibly happen again in our own country, and for aught we know, before the present generation quits the stage of life. We ought therefore in a *bill of rights* to secure, in the first place, by the most express stipulation, the sacred rights of conscience.

—AN OLD WHIG, no. V (Philadelphia) *Independent Gazetteer*, 1787

There are other branches of knowledge, which will be of great advantage to men in power. It is, at least, desirable that they should have a tolerable acquaintance with *natural law*—that they understand the *natural* rights of men, which are the same, under every species of government, and do not owe their origin to the social compact. Such, in a peculiar manner, are the sacred RIGHTS OF CONSCIENCE.

—CHANDLER ROBBINS, An Election Sermon, May 25, 1791

Religion and civil government, are not one and the same thing: tho' both may, and are designed to embrace some of the same objects, yet the former, extends its obligations and designs immensely beyond what the latter can pretend to: and it hath rights and prerogatives, with which the latter may not intermeddle. Still, there are many ways, in which civil government may give countenance, encouragement, and even support to religion, without invading the prerogatives of the Most High; or, touching the inferior, tho sacred rights of conscience: and in doing of which, it may not only shew its friendly regard to christianity, but derive important advantages to itself.

—TIMOTHY STONE, Election Sermon,
May 10, 1792

I do therefore issue this my proclamation, recommending to all who shall be piously disposed to unite their hearts and voices in addressing at one and the same time their vows and adorations to the Great Parent and Sovereign of the Universe that they . . . render Him thanks for the many blessings He has bestowed on the people of the United States; . . . and particularly that He has blessed the United States with a political Constitution founded on the will and authority of the whole people and guaranteeing to each individual security, not only of his person and his property, but of those sacred rights of conscience so essential to his present happiness and so dear to his future hopes; that with those expressions of devout thankfulness be joined supplications to the same Almighty Power that He would look down with compassion on our infirmities; that He would pardon our manifold transgressions and awaken and strengthen in all the wholesome purposes of repentance and amendment. . . .

—JAMES MADISON, Proclamation, July 23, 1813

CONTENTS

List of Illustrations	xix
INTRODUCTION: The Pursuit of Religious Liberty in America	xxi

PART I

Antecedents of the Principles Governing Religious Liberty and Church-State Relations in America

CHAPTER ONE		Acts 5:27-29	13
Biblical and European Heritages	3	Romans 13:1-8	14
		II Corinthians 6:14-18	14
KING JAMES VERSION OF THE HOLY		I Peter 2:9-3:6	14
SCRIPTURES	4		
Genesis 1:26-27; 3:1-24	4	EUROPEAN INFLUENCES	15
Exodus 1:15-21; 18:13-27; 20:1-17	6	<i>St. Augustine</i> , City of God, 410-26	16
Leviticus 25:10	7	<i>St. Augustine</i> , On the Correction of the	
Leviticus 26:1-46	8	Donatists, c. 417	16
Deuteronomy 13:1-5; 17:1-20	9	<i>St. Thomas Aquinas</i> , On the Government of	
I Samuel 8	11	Princes, 1267	17
II Chronicles 7:14	12	<i>Martin Luther</i> , Temporal Authority: To	
Proverbs 14:34; 29:2	12	What Extent It Should Be Obeyed,	
Isaiah 49:22-23; 60:12	12	1523	19
Matthew 5:38-48; 22:15-22	12	The Schleithem Confession of Faith, 1527	21
Luke 22:38	13	<i>John Calvin</i> , Institutes of the Christian	
John 18:36	13	Religion, 1559	24

Act of Supremacy, 1534	27	<i>William Penn</i> , The Great Case of Liberty	
Act of Uniformity, 1559	27	of Conscience, 1670	42
Thirty-nine Articles of the Church of		<i>John Locke</i> , A Letter on Toleration, 1689	47
England, 1562, and 1801 American		<i>John Locke</i> , The Second Treatise, 1690	47
Revisions	27	Toleration Act, 1689	51
<i>Richard Hooker</i> , Of the Laws of		<i>John Trenchard and Thomas Gordon</i> , Cato's	
Ecclesiastical Polity, 1590s	30	Letters: Letter 66, 1721	55
The First London Baptist Confession of		<i>Montesquieu</i> , The Spirit of the Laws, 1748	60
Faith, 1646	34	<i>William Blackstone</i> , Commentaries on the	
Westminster Confession of Faith, 1646,		Laws of England, 1769	62
and 1788 American Revisions	36	<i>Adam Smith</i> , The Wealth of Nations, 1776	76
<i>Thomas Hobbes</i> , Leviathan, 1651	39	Recommendations for Further Reading	79

PART II

Creating the Principles Governing Religious Liberty and Church-State Relations in Colonial America

CHAPTER TWO		Dutch West India Company Instructions,	
Fundamental Laws, Declarations of		1663	107
Rights, and Public Acts on Ecclesiastical		<i>Massachusetts General Court</i> , An Act Made	
Establishments and Religious Liberty		at a General Court, Held at Boston, the	
in Colonial America	83	20th of October, 1658	110
Articles, Laws, and Orders, Virginia,		<i>Massachusetts General Court</i> , A Declaration	
1610–11	84	of the General Court of the	
The Mayflower Compact, 1620	86	Massachusetts Holden at Boston in	
Providence Agreement, 1637	88	New-England, October 18, 1659.	
Fundamental Orders of Connecticut,		Concerning the Execution of Two	
1638–39	88	Quakers	110
The Laws and Liberties of Massachusetts,		An Act for the Suppressing the Quakers,	
1647	89	Virginia, 1659	113
Selected Laws of Rhode Island, 1647	103	Charter of Rhode Island and Providence	
An Act Concerning Religion, Maryland,		Plantations, 1663	114
1649	103	<i>William Penn</i> , Frame of Government of	
Provisional Regulations for the Colonists		Pennsylvania, 1682	116
of New Netherland, 1624	107	<i>William Penn</i> , Laws Agreed Upon in	
Dutch West India Company Instructions,		England, &c., 1682	116
1656	107	The Fundamental Constitutions of	
Flushing Remonstrance, 1657	107	Carolina, 1669	119
		Recommendations for Further Reading	121

<p>CHAPTER THREE</p> <p>Letters, Tracts, and Sermons on Religious Liberty and Duty in Colonial America 122</p> <p><i>John Winthrop</i>, A Modell of Christian Charitie, 1630 123</p> <p><i>John Winthrop</i>, Little Speech on Liberty, 1645 123</p> <p><i>John Cotton</i>, A Discourse about Civil Government, 1637–39 133</p> <p><i>Roger Williams</i>, Mr. Cottons Letter Lately Printed, Examined and Answered, 1644 146</p> <p><i>Roger Williams</i>, The Bloody Tenent, of Persecution, for Cause of Conscience, 1644 146</p>	<p><i>Roger Williams</i>, Letter to the Town of Providence, 1654 146</p> <p><i>Nathaniel Ward</i>, The Simple Cobbler of Aggawam in America, 1646 155</p> <p>The Cambridge Platform, 1648 165</p> <p><i>Elisha Williams</i>, The Essential Rights and Liberties of Protestants, 1744 173</p> <p><i>Charles Chauncy</i>, Civil Magistrates Must Be Just, Ruling in the Fear of God, 1747 179</p> <p><i>Samuel Davies</i>, State of Religion among the Protestant Dissenters in Virginia, 1751 195</p> <p><i>Samuel Adams</i>, The Rights of the Colonists, a List of Violations of Rights and a Letter of Correspondence, 1772 202</p> <p><i>Isaac Backus</i>, An Appeal to the Public for Religious Liberty, 1773 204</p> <p>Recommendations for Further Reading 212</p>
---	--

PART III

Framing the Constitutional Principles Governing Religious Liberty and Church-State Relations in the American Founding

<p>CHAPTER FOUR</p> <p>The Continental and Confederation Congresses and Church-State Relations 215</p> <p><i>John Adams</i>, Letter to Abigail Adams, September 16, 1774 216</p> <p>Congressional Resolution Calling for a Day of Public Humiliation, Fasting, and Prayer, June 1775 217</p> <p>Rules and Orders for the Continental Army, June 1775 218</p> <p>Congressional Chaplains, 1775–88 218</p> <p>The Declaration of Independence, July 4, 1776 220</p> <p>Congressional Resolution Calling for a Day of Thanksgiving, November 1, 1777 222</p> <p>The Articles of Confederation and Perpetual Union, November 1777 224</p>	<p>Congressional Resolution Recommending the Promotion of Morals, October 1778 225</p> <p>Congressional Resolution Calling for a Day of Fasting, Humiliation, and Prayer, March 20, 1779 226</p> <p>Congressional Resolution Calling for a Day of Thanksgiving and Prayer, October 1780 228</p> <p>Texts Concerning the National Seal, August 1776 and June 1782 229</p> <p>Aitken’s Bible, January 21, 1781, and September 12, 1782 231</p> <p>Congressional Resolution Calling for a Day of Thanksgiving, October 18, 1783 235</p> <p>An Ordinance for the Government of the Territory of the United States, North-</p>
---	---

West of the River Ohio [Northwest Ordinance], July 1787	236	Memorial of the Presbytery of Hanover, Virginia, October 24, 1776	269
Recommendations for Further Reading	238	Memorial from Clergy of the Established Church, Virginia, November 8, 1776	270
—————			
CHAPTER FIVE			
State Constitutions, Laws, and Papers on Church and State in Revolutionary America	239	Memorial of the Presbytery of Hanover, Virginia, June 3, 1777	272
Virginia Declaration of Rights, 1776	241	<i>Worcestriensis</i> , Number IV, September 4, 1776	273
Pennsylvania Constitutions, 1776 and 1790	241	<i>Isaac Backus</i> , A Declaration of the Rights, of the Inhabitants of the State of Massachusetts-Bay, in New-England, 1779	276
South Carolina Constitution, 1778	243	<i>John Witherspoon</i> , Sermon Delivered at a Public Thanksgiving after Peace, 1782	278
Massachusetts Constitution, 1780	245	<i>Thomas Jefferson</i> , Notes on the State of Virginia, Query XVII and Query XVIII, 1782, 1787	290
A Bill Concerning Religion, Virginia, 1779	247	Petition for Equality by the Philadelphia Synagogue to Council of Censors of Pennsylvania, 1783	294
A Bill for Establishing Religious Freedom, Virginia, 1779 and 1786	250	<i>George Washington</i> , Circular to the States, 1783	296
A Bill for Punishing Disturbers of Religious Worship and Sabbath Breakers, Virginia, 1786	251	Memorial of the Presbytery of Hanover, Virginia, May 26, 1784	298
A Bill for Appointing Days of Public Fasting and Thanksgiving, Virginia, 1779	252	Memorial of the Presbytery of Hanover, Virginia, November 12, 1784	301
A Bill Establishing a Provision for Teachers of the Christian Religion, Virginia, 1784	252	Memorial of the Presbytery of Hanover, Virginia, November 2, 1785	304
Resolutions and Address by the Maryland House of Delegates, January 8, 1785	253	Petition in Favor of Religious Assessments from Westmoreland County, Virginia, November 2, 1784	307
<i>B. F. Morris</i> , State Constitutional Provisions and Proclamations Related to Religion	257	Petition Against Religious Assessments from Westmoreland County, Virginia, November 2, 1784	307
Recommendations for Further Reading	265	<i>James Madison</i> , A Memorial and Remonstrance Against Religious Assessments, 1785	309
—————			
CHAPTER SIX			
Petitions, Essays, and Sermons on Church and State in Revolutionary America	266	<i>Publius</i> [James Madison], The Federalist Papers, Number 10, 1787	314
Petition of the German Congregation of Culpeper, Virginia, October 1776	267	<i>Publius</i> [James Madison], The Federalist Papers, Number 51, 1788	314
Petition of Sundry Inhabitants of Prince Edward County, Virginia, October 11, 1776	268	<i>Thomas Reese</i> , An Essay on the Influence of Religion in Civil Society, 1788	316

<i>John Leland</i> , The Rights of Conscience Inalienable, 1791	335	<i>James A. Bayard, Jr.</i> , A Brief Exposition of the Constitution of the United States, 1833	364
Recommendations for Further Reading	345	Recommendations for Further Reading	365
—————		—————	
CHAPTER SEVEN		CHAPTER EIGHT	
References to God and the Christian Religion in the U.S. Constitution	346	The Religious Test Ban of the U.S. Constitution	366
<i>Benjamin Franklin</i> , Call for Prayer in the Constitutional Convention, June 28, 1787	348	<i>Benjamin Franklin</i> , Letter to Richard Price, October 9, 1780	368
U.S. Constitution, 1788	349	<i>Noah Webster</i> , On Test Laws, Oaths of Allegiance and Abjuration, and Partial Exclusions from Office, March 1787	368
<i>Publius</i> [James Madison], The Federalist Papers, Number 37, 1788	350	Records of the Constitutional Convention of 1787	370
<i>William Williams</i> , Letter to the Landholder, February 11, 1788	351	U.S. Constitution, Article VI, Clause 3, 1788	373
Essay by Elihu, February 18, 1788	352	<i>Jonas Phillips</i> , Letter to the President and Members of the Constitutional Convention, September 7, 1787	374
<i>Benjamin Rush</i> , Letter to Elias Boudinot(?), July 9, 1788	353	<i>James Madison</i> , Letter to Edmund Pendleton, October 28, 1787	375
<i>Benjamin Rush</i> , Letter to John Adams, June 15, 1789	355	<i>An American Citizen</i> [Tench Coxe], An Examination of the Constitution for the United States of America, 1788	375
Address of the Presbytery of the Eastward to George Washington, October 28, 1789	355	<i>A Landholder</i> [Oliver Ellsworth], No. 7, December 17, 1787	376
<i>George Washington</i> , Letter to the Presbyterian Ministers of Massachusetts and New Hampshire, November 2, 1789	357	<i>William Williams</i> , Letter to the Landholder, February 11, 1788	379
<i>Timothy Dwight, Jr.</i> , A Discourse, in Two Parts, 1812	358	<i>Publius</i> [James Madison], The Federalist Papers, Number 52, 1788	380
<i>Timothy Dwight, Jr.</i> , President Dwight's Decisions of Questions Discussed by the Senior Class in Yale College, in 1813 and 1814, 1833	359	<i>Publius</i> [James Madison], The Federalist Papers, Number 57, 1788	381
<i>Alexander M'Leod</i> , A Scriptural View of the Character, Causes, and Ends of the Present War, 1815	359	<i>James Madison</i> , Letter to Edmund Randolph, April 10, 1788	381
<i>James R. Willson</i> , Prince Messiah's Claims to Dominion over All Governments: and the Disregard of His Authority by the United States, in the Federal Constitution, 1832	360	<i>Luther Martin</i> , The Genuine Information, 1788	382
		Essay by Samuel, Boston, January 10, 1788	382

A Friend to the Rights of the People, New Hampshire, February 8, 1788	383	<i>George Mason</i> , Objections to This Constitution of Government, c. September 16, 1787	407
Letter by David, March 7, 1788	383	<i>Richard Henry Lee</i> , Proposed Amendments, October 1, 1787	407
<i>Aristocrotis</i> , The Government of Nature Delineated; or An Exact Picture of the New Federal Constitution, 1788	385	<i>John Leland</i> , Objections to the Constitution, February 28, 1788	408
Debate in Connecticut Ratifying Convention, January 9, 1788	388	<i>John Francis Mercer</i> , A Farmer, No. 1, February 15, 1788	409
Debate in Massachusetts Ratifying Convention, January 19, 23, 30, and February 4, 1788	388	<i>John Francis Mercer</i> , A Farmer, No. 7, April 11, 1788	410
Debate in Virginia Ratifying Convention, June 6, 10, and 12, 1788	391	<i>Thomas Jefferson</i> , Letter to James Madison, December 20, 1787	412
Debate in North Carolina Ratifying Convention, July 30, 1788	394	<i>James Madison</i> , Letter to Thomas Jefferson, October 17, 1788	413
Proposed Amendment, South Carolina Ratifying Convention, May 23, 1788	400	Selected Amendments Proposed by the State Ratifying Conventions	415
<i>Joseph Story</i> , Commentaries on the Constitution of the United States, 1833	400	<i>James Madison</i> , Speech in the First Congress Introducing Amendments to the U.S. Constitution, June 8, 1789	418
Recommendations for Further Reading	404	Debates in the First Congress on the Religion Clauses, 1789	426
		U.S. Constitution, Amendment I, 1791	433
		<i>Joseph Story</i> , Commentaries on the Constitution of the United States, 1833	433
		Recommendations for Further Reading	438
—————			
CHAPTER NINE			
The First Amendment to the U.S. Constitution	405		

PART IV

Defining and Testing the Constitutional Principles Governing Religious Liberty and Church-State Relations in the New Nation

CHAPTER TEN			
Religion and the Public Policy and Culture of the New Nation	441	An Act to Regulate the Time and Manner of Administering Certain Oaths, June 1, 1789	442
OATHS OF OFFICE, 1788–91	442	<i>B. F. Morris</i> , Christian Life and Character of the Civil Institutions of the United States, 1864	443
U.S. Constitution, 1788	442		

U.S. Constitution, Fourth Amendment, 1791	445	An Act for the Punishment of Certain Crimes against the United States, April 30, 1790	473
RELIGION AND THE PRESIDENCY	446	Military Chaplains and Regulations, 1791, 1806	473
<i>George Washington</i> , inaugural address, April 30, 1789	446	An Act Regulating the Grants of Land Appropriated for Military Services, and for the Society of the United Brethren, for Propagating the Gospel among the Heathen, June 1, 1796	475
<i>John Adams</i> , inaugural address, March 4, 1797	448	TREATIES	475
<i>Thomas Jefferson</i> , inaugural address, March 4, 1801	449	Treaty of Peace and Friendship between the United States of America and the Bey and Subjects of Tripoli, of Barbary, 1797	475
<i>James Madison</i> , inaugural addresses, March 4, 1809, and March 4, 1813	452	Treaty with Kaskaskia Indians, 1803	476
<i>George Washington</i> , presidential proclamations, October 3, 1789, and January 1, 1795	453	Recommendations for Further Reading	477
<i>John Adams</i> , presidential proclamations, March 23, 1798, and March 6, 1799	455		
<i>James Madison</i> , presidential proclamations, July 9, 1812, July 23, 1813, November 16, 1814, and March 4, 1815	458	CHAPTER ELEVEN	
<i>George Washington</i> , Letter to the United Baptist Churches of Virginia, May 10, 1789	461	Religion and Politics in the Election of 1800	478
<i>George Washington</i> , Letter to the Hebrew Congregation in Newport, Rhode Island, August 18, 1790	464	PAMPHLETS	480
<i>Alexander Hamilton</i> , Draft of Washington's Farewell Address, July 1796	465	[<i>William Linn</i>], <i>Serious Considerations on the Election of a President: Addressed to the Citizens of the United States</i> , New York, 1800	480
<i>George Washington</i> , Farewell Address, 1796	468	<i>Grotius</i> [DeWitt Clinton], <i>A Vindication of Thomas Jefferson; against the Charges Contained in a Pamphlet Entitled, "Serious Considerations," &c.</i> , New York, 1800	493
<i>George Washington</i> , Letter to the Philadelphia Clergy, March 3, 1797	470	PRIVATE CORRESPONDENCE	513
<i>John Adams</i> , Letter to the Officers of the First Brigade of the Third Division of the Militia of Massachusetts, October 11, 1798	471	<i>Thomas Jefferson</i> , Letter to Benjamin Rush, September 23, 1800	513
CONGRESSIONAL CHAPLAINS AND ACTIONS OF CONGRESS	471	<i>Thomas Jefferson</i> , Letter to Dr. Joseph Priestley, March 21, 1801	514
Congressional Chaplains, 1789	472	<i>Thomas Jefferson</i> , Letter to Moses Robinson, March 23, 1801	516
An Act to Provide for the Government of the Territory Northwest of the River Ohio [Northwest Ordinance], August 7, 1789	473		

<i>Abigail Adams</i> , Letter to Thomas Jefferson, July 1, 1804	516	THE METAPHOR AND AMERICAN LAW	532
<i>John Adams</i> , Letter to Benjamin Rush, June 12, 1812	518	<i>Reynolds v. United States</i> , 1879	532
Recommendations for Further Reading	519	<i>Everson v. Board of Education</i> , 1947	533
		<i>Wallace v. Jaffree</i> , 1985	534
		Recommendations for Further Reading	536
—————		—————	
CHAPTER TWELVE		CHAPTER THIRTEEN	
Thomas Jefferson and the “Wall of Separation”	520	Christianity, the Common Law, and the American Order	537
ROOTS OF THE METAPHOR	522	ESSAYS AND LETTERS	539
<i>Richard Hooker</i> , Of the Laws of Ecclesiastical Polity, 1590s	522	<i>Thomas Jefferson</i> , Whether Christianity Is Part of the Common Law? [1764?]	539
<i>Roger Williams</i> , Mr. Cottons Letter Lately Printed, Examined and Answered, 1644	523	<i>Thomas Jefferson</i> , Letter to Dr. Thomas Cooper, February 10, 1814	543
[<i>James Burgh</i>], <i>Crito</i> , or Essays on Various Subjects, 1767	524	<i>Thomas Jefferson</i> , Letter to Major John Cartwright, June 5, 1824	547
JEFFERSON AND THE “WALL OF SEPARATION” METAPHOR	525	[<i>Joseph Story</i>], Christianity a Part of the Common Law, 1833	551
<i>Danbury Baptist Association</i> , Letter to Thomas Jefferson, October 7, 1801	526	Is Christianity a Part of the Common-Law of England? 1836	552
<i>Thomas Jefferson</i> , Letter to Attorney General Levi Lincoln, January 1, 1802	527	JUDICIAL OPINIONS	559
<i>Levi Lincoln</i> , Letter to Thomas Jefferson, January 1, 1802	527	<i>People v. Ruggles</i> , 1811	559
<i>Gideon Granger</i> , Letter to Thomas Jefferson, December 1801	528	<i>Updegraph v. Commonwealth</i> , 1824	561
<i>Thomas Jefferson</i> , Letter to Messrs. Nehemiah Dodge, Ephraim Robbins, and Stephen S. Nelson, January 1, 1802	528	<i>State v. Chandler</i> , 1837	570
UNDERSTANDING JEFFERSON’S METAPHOR	530	Recommendations for Further Reading	587
<i>Thomas Jefferson</i> , Second Inaugural Address, March 4, 1805	530		
<i>Thomas Jefferson</i> , Letter to the Reverend Samuel Miller, January 23, 1808	531	CHAPTER FOURTEEN	
		Reflections on the American Church-State Experiment	588
		<i>James Madison</i> , Detached Memoranda, c. 1817	589
		<i>James Madison</i> , Letter to Robert Walsh, March 2, 1819	594
		<i>James Madison</i> , Letter to Jacob de la Motta, August 1820	595

<i>Thomas Jefferson</i> , Letter to Jacob de la Motta, September 1, 1820	596	<i>Alexis de Tocqueville</i> , Democracy in America, 1835	614
<i>James Madison</i> , Letter to Edward Livingston, July 10, 1822	596	Recommendations for Further Reading	621
<i>Jasper Adams</i> , The Relation of Christianity to Civil Government in the United States, 1833	597	—————	
<i>John Marshall</i> , Letter to Jasper Adams, May 9, 1833	611	APPENDIXES	
<i>Joseph Story</i> , Letter to Jasper Adams, May 14, 1833	611	Historical Chronology, 1607–1833	625
<i>James Madison</i> , Letter to Jasper Adams, September 1833	612	Summary of Deliberations in the First Federal Congress on the First Amendment Religion Provisions, 1789	637
		Selected Bibliography	641
		Index	651

ILLUSTRATIONS

<p><i>The Holy Bible, Conteyning the Old Testament and the New</i>, title page, 1611</p>		<p><i>Civil Magistrates Must Be Just, Ruling in the Fear of God</i>, by Charles Chauncy, book page, 1747</p>	
Martin Luther, by Charles Edward Wagstaff	5	Samuel Davies	180
John Calvin	20	<i>An Appeal to the Public for Religious Liberty</i> , by Isaac Backus, book page, 1773	197
Sir William Blackstone	25	Congressional Thanksgiving Day Proclamation, November 1, 1777	205
<i>Commentaries on the Laws of England</i> , by William Blackstone, title page, 1771	62	Congressional Fast Day Proclamation, March 20, 1779	223
<i>Embarkation of the Pilgrims</i> , by Robert W. Weir	63	<i>The Holy Bible</i> , title page, Philadelphia, 1782	227
Mayflower Compact, 1620	85	Endorsement of Robert Aitken's Bible, Philadelphia, 1782	230
An Act Concerning Religion, Maryland, 1649	87	Northwest Ordinance, 1787	232
William Penn	105	Isaac Backus	237
Roger Williams, by Arthur W. Heintzelman	117	John Witherspoon, by Charles Willson Peale, 1783–84	277
<i>The Bloody Tenent of Persecution, for Cause of Conscience</i> , by Roger Williams, title page, 1644	147	James Madison's Memorial and Remonstrance, June 1785	279
Cambridge Platform, title page, 1648	150	John Leland	310
Fort George with the City of New York, by I. Carwithan, c. 1730	166	Benjamin Franklin, by Joseph Wright	337
Prospect of the City of New York, <i>New York Pocket Almanac</i> , 1771	169	George Washington, by Gilbert Stuart	348
<i>The Essential Rights and Liberties of Protestants</i> , by Elisha Williams, book page, 1744	169	Joseph Story	356
		George Mason, by Louis Mathieu Didier Guillaume, 1858	401
	174	John Adams, by Thomas Spear	407
			455

Letter, George Washington to the Hebrew Congregation in Newport, R.I., August 18, 1790	462	Grotius [DeWitt Clinton], <i>A Vindication of Thomas Jefferson . . .</i> , title page, 1800	495
George Washington's Farewell Address, draft, July 1796	466	Thomas Jefferson, by Gilbert Stuart	515
George Washington's Farewell Address, 1796	469	Letter, Thomas Jefferson to . . . a Committee of the Danbury Baptist Association, January 1, 1802	529
William Linn, <i>Serious Considerations on the Election of a President . . .</i> , title page, 1800	481	James Madison, by Asher B. Durand, 1833	589
The Providential Detection, c. 1800	487	Jasper Adams	599
		Alexis de Tocqueville, by Chassereau	615