HISTORICAL BACKGROUND: THE RELATIONSHIP OF CHURCH & STATE IN AMERICA

Most governments in colonial America were closely tied to official churches. Americans followed the model inherited from Europe. In most colonies, religious minorities were persecuted for their beliefs and suffered violation of their essential liberties. The ideals of the American Revolution and Founding led to a movement to disestablish, or remove the preferential treatment for, those official churches. Disestablishment at the state level began with North Carolina in 1776. At the national level, the First Amendment protected religious liberty and limited government’s role to the protection of that right. Even so, the issue of the proper relationship between the government and religion in America continues to be debated into the twenty-first century.

Throughout the history of the American colonies, religious minorities experienced persecution for their religious beliefs. Roger Williams and Anne Hutchinson were banished from Massachusetts for their unorthodox beliefs. A few Quakers in Massachusetts were executed for their religious beliefs. Maryland severely curtailed the civil liberties and religious practices of Roman Catholics after the Glorious Revolution of 1689. In Virginia, the government and established Anglican Church persecuted Baptists during and for decades after the Great Awakening. Baptist preachers could only preach with a license and were arrested, fined, and physically assaulted. They were whipped and ritually dunked in a “mock baptism” to the point of near drowning. Such actions in early 1774 shocked a young James Madison, who wrote to a friend: “Persecution rages among some and to their eternal infamy . . . There are at this in the adjacent County not less than 5 or 6 well meaning men in close Goal [jail] for publishing their religious Sentiments . . . [I] pray for Liberty of Conscience to revive among us.”

In colonial America, dissenters could usually attend their own religious services but often had to pay taxes to support the official church and sometimes the law required them to attend the established church.

The principles of liberty and limited government led five states to disestablish their churches by the mid-1780s. In Virginia, the Declaration of Rights claimed the right of conscience, and taxes to the established church were suspended. In 1784, Patrick Henry proposed the Bill Establishing a Provision for Teachers [Ministers] of the Christian Religion for a general tax that would allow citizens to choose a Christian church to receive their support, or the money could go to a general fund to be distributed by the state legislature. Henry proposed the bill to support religion because religion promotes morality, virtue, and social order essential to self-government. Supporters included George Washington, Richard Henry Lee, John Marshall, and several Christian denominations. James Madison responded with his “Memorial and Remonstrance,” arguing for religious liberty and disestablishment, and won passage of the Virginia Statute for Religious Freedom (1786). The law stated: “That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief . . . and that the same shall in no wise diminish, enlarge, or affect their civil capacities.”

At the Constitutional Convention in 1787, the delegates did not create an established church. Instead, in Article VI, Section 3, the Constitution banned religious tests for national office. Federal employees thus did not have to belong to a specific church or profess a certain religious belief. In 1791, the states ratified the Bill of Rights, which prohibited Congress from establishing a religion at the national level. The first part of the First Amendment, known
as the Establishment Clause, read, “Congress shall make no law respecting an establishment of religion.” President George Washington thought religion was important for a self-governing people to be virtuous and moral. He thought his powers included proclaiming national days of thanksgiving as well as encouraging religious practice among several denominations and promising them government protection of their religious liberty and conscience.

The Constitution, moreover, specially banned Congress from establishing a religion and thus did not prevent states from legally having religious establishments. Connecticut did not disestablish its official church until 1818, and Massachusetts followed suit in 1833. The Bill of Rights was not applied to the states until after the Civil War.

President Thomas Jefferson took a different position than Washington regarding presidential authority to issue thanksgiving proclamations and refused to do so while president. In 1802, Jefferson wrote a letter to the Danbury Baptists in which he stated that the First Amendment built “a wall of separation between church and state.” In the letter, Jefferson defended freedom of conscience (much as Washington had) because, “Religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions.” In addition, Jefferson acknowledged that the First Amendment specifically stated that the national legislature could not establish a religion. The states were constitutionally allowed to have official churches, Jefferson recognized, but he hoped to see “the progress of those sentiments which tend to restore to men all his natural rights,” and the disestablishment of all established churches in the states.

The debate about the proper relationship of the government and religion at the local, state, and national levels would continue after the Civil War related to such issues as school prayer and the Pledge of Allegiance. Americans would also continue to debate the proper role of religion in the public square.
Massachusetts Constitution, Article III, 1780

“As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality: Therefore, to promote their happiness and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require . . . the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.”
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<th><strong>Thomas Jefferson, Notes on the State of Virginia, 1781</strong></th>
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<td>“The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty gods or no God. It neither picks my pocket nor breaks my leg.”</td>
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<th><strong>Patrick Henry, “A Bill Establishing a Provision for Teachers of the Christian Religion,” 1784</strong></th>
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<td>“Whereas the general diffusion of Christian knowledge hath a natural tendency to correct the morals of men, restrain their vices, and preserve the peace of society . . . It is judged that such provision may be made by the Legislature . . . for the support of Christian teachers.”</td>
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**George Washington Letter to George Mason, 1785**

“Altho, no man’s sentiments are more opposed to any kind of restraint upon religious principles than mine are; yet I must confess, that I am not amongst the number of those who are so much alarmed at the thoughts of making people pay towards the support of that which they profess, if of the denomination of Christians; or declare themselves Jews, Mahomitans or otherwise, and thereby obtain proper relief. As the matter now stands, I wish an assessment had never been agitated, and as it has gone so far, that the Bill could die an easy death; because I think it will be productive of more quiet to the State, than by enacting it into a Law; which, in my opinion, would be impolitic, admitting there is a decided majority for it, to the disquiet of a respectable minority.”

**James Madison, Memorial and Remonstrance Against Religious Assessments, 1785**

“Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any establishment, may force him to conform to any other establishment is all cases whatsoever?”
NORTHWEST ORDINANCE, 1787

“Article I: No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territory.

Article III: Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”

OLIVER ELLSWORTH, LANDHOLDER, No. 7, 1787

“A [religious] test in favour of any one denomination of Christians would be to the last degree absurd in the United States. If it were in favour of either Congregationalists, Presbyterians, Episcopalians, Baptists, or Quakers, it would incapacitate more than three-fourths of the American citizens for any public office; and thus degrade them from the rank of freemen.”
John Leland, “Right of Conscience Inalienable, and Therefore Religious Opinions Not Cognizable by the Law,” 1791

“Is conformity in matters of religion essential to the happiness of civil government? Not at all. Government has no more to do with the religious opinions of men than it has with the principles of mathematics.”

The First Amendment, 1791

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”
**MAP OF DISESTABLISHMENT IN THE UNITED STATES**

**Directions:** Based upon the information provided for each state, color the map on the next page according to the information below and then answer the questions that follow.

Green: Never created an established church during the colonial era before 1776.
Blue: Disestablished the official church between 1776 and 1800.
Yellow: Disestablished the official church after 1800.

Connecticut: 1818
Delaware: Never created an established church
Georgia: 1798
Maryland: 1810
Massachusetts: 1833
New Hampshire: 1819
New Jersey: Never created an established church
New York: 1777
North Carolina: 1776
Pennsylvania: Never created an established church
Rhode Island: Never created an established church
South Carolina: 1790
Virginia: 1786

**LEGEND**
GA—Georgia
SC—South Carolina
NC—North Carolina
MD—Maryland
DE—Delaware
PA—Pennsylvania
NJ—New Jersey
NY—New York
CT—Connecticut
RI—Rhode Island
MA—Massachusetts
NH—New Hampshire
1. Why did states disestablish their churches at different times in history?

2. How do you explain that certain states continued to have established churches after the First Amendment was ratified?

3. Did the principles of the American Founding lead toward a movement for establishment or disestablishment of official churches? Why? Refer to the quotes in Handout B or the map in Handout C to support your answers.
“Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism who should labour to subvert these great Pillars of human happiness, these firmest props of the duties of Men and citizens. The mere Politician, equally with the pious man ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity . . . And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle. 'Tis substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free Government. Who that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?”

2. Is there a strong separation of church and state, or is religion encouraged in a republic? Explain your answer with evidence from the text.
"GENTLEMEN,

The affectionate sentiments of esteem and approbation which you are so good as to express towards me, on behalf of the Danbury Baptist Association, give me the highest satisfaction.

My duties dictate a faithful and zealous pursuit of the interests of my constituents, and in proportion as they are persuaded of my fidelity to those duties, the discharge of them becomes more and more pleasing.

Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should “make no law respecting an establishment of religion, or prohibiting the free exercise thereof,” thus building a wall of separation between church and State. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his social duties.

I reciprocate your kind prayers for the protection and blessing of the common Father and Creator of man, and tender you for yourselves and your religious association, assurances of my high respect and esteem.”

Directions: Read the excerpt and write a 5-10 sentence paragraph addressing the questions below.

**Critical Thinking**

1. What does Thomas Jefferson mean by “a wall of separation?”
2. Does the document support the separation of church and state to keep religion out of the public square, or does it seek to protect religious liberty? Explain your answer with evidence from the text.
### Scenario 1
A local public school reads a non-denominational prayer that no player is hurt and that all players exhibit good sportsmanship at a high school football game.

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### Scenario 2
A civic group wants to place a Ten Commandments plaque outside a state courthouse to promote civic virtue and morality.

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### Scenario 3
Congress passes an act allowing taxpayer money to support vouchers for students to attend Catholic schools.

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### Scenario 4
Congress passes an act stating that Presbyterianism will be the official Church of the United States.

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**Directions:** Assess how Washington and Jefferson might have responded to each scenario below based on their views.