



RELIGIOUS FREEDOM DAY | *Selected Primary Sources*

A PROCLAMATION OF MARK R. WARNER, GOVERNOR OF VIRGINIA, 2002¹

WHEREAS, James Madison presented Thomas Jefferson's celebrated Virginia Statute for Religious Freedom before the Virginia General Assembly on January 16, 1786, and upon its approval by the legislature, the cherished and uniquely American idea of religious freedom was formally declared for the first time; and

WHEREAS, the Virginia Statute for Religious Freedom became the model for the First Amendment of our Constitution, which states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"; and

WHEREAS, George Mason led the effort to draft the Virginia Declaration of Rights in 1776, which proclaimed that religion "can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience"; and

WHEREAS, George Washington, a native Virginian and the first President of the United States, said, "the liberty enjoyed by the people of the United States of worshiping Almighty God agreeable to their consciences is not only among the choicest of their blessings but also of their rights"; and

WHEREAS, religious freedom is a precious right, and armed with the knowledge that vigilance is the eternal price of liberty, we commit ourselves to protecting this freedom for the sake of all Virginians and Americans, now and in the future;

NOW, THEREFORE, I, Mark R. Warner, do hereby recognize January 16, 2002, as RELIGIOUS FREEDOM DAY in the COMMONWEALTH OF VIRGINIA, and I call this observance to the attention of all our citizens.

¹ The President of the United States, as well as the governors of various states, annually recognize Religious Freedom Day on January 16 through proclamations such as the above. To read more on the subject of religious liberty see <http://newhopefairfax.org/files/religiouslibertybibliography.pdf>.

THE VIRGINIA DECLARATION OF RIGHTS

June 12, 1776²

A DECLARATION of RIGHTS made by the representatives of the good people of Virginia, assembled in full and free Convention; which rights do pertain to them, and their posterity, as the basis and foundation of government.

1. THAT all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived, from the people; that magistrates are their trustees and servants, and at all time amenable to them.

3. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, of all the various modes and forms of government that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and that whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged conducive to the publick weal.

4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of publick services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge, to be hereditary.

5. That the legislative and executive powers of the state should be separate and distinct from the judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into the body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

6. That elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, the attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for publick uses without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

² Source for this reprint: *Ordinances Passed at a General Convention . . .* (Williamsburg, Va.: Alexander Purdie, 1776), 3–5. The Virginia Declaration of Rights, drafted by George Mason and unanimously adopted by the Virginia Convention on 12 June 1776, was the first statement of individual rights to be adopted by a state government at the beginning of the American Revolution. It inspired other states to add similar declarations to their state constitutions and eventually became a part of the Constitution of the Commonwealth of Virginia. Drawing in part on the English Bill of Rights of 1689, the Virginia Declaration of Rights was one of the most influential documents that contributed to the evolution of what became the United States Bill of Rights.

7. That all power of suspending laws, or the execution of laws, by any authority without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

8. That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favour, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

10. That general warrants, whereby any officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

13. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free state; that standing armies, in time of peace, should be avoided, as dangerous to liberty: and that, in all cases, the military should be under strict subordination to, and governed by, the civil power.

14. That the people have a right to uniform government; and therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

15. That no free government, or the blessing of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

16. That religion, or the duty which we owe to our CREATOR, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity, towards each other.

HANOVER PRESBYTERY | *Memorial I*

July-September, 1776³

To the Honourable the General Assembly of Virginia:⁴

The Memorial of the Presbytery of Hanover humbly represents,—That your memorialists are governed by the same sentiments which have inspired the United States of America; and are determined that nothing in our power and influence shall be wanting to give success to their common cause. We would also represent that dissenters from the Church of England, in this country, have ever been desirous to conduct themselves as peaceable members of the civil government, for which reason they have hitherto submitted to several ecclesiastical burdens, and restrictions, that are inconsistent with equal liberty. But now when the many and grievous oppressions of our mother country, have laid this continent under the necessity of casting off the yoke of tyranny, and of forming independent governments upon equitable and liberal foundations, we flatter ourselves that we shall be freed from all the incumbrances which a spirit of domination, prejudice, or bigotry, hath interwoven with most other political systems. This we are the more strongly encouraged to expect, by the Declaration of Rights,⁵ so universally applauded for that dignity, firmness and precision with which it delineates and asserts the privileges of society, and the prerogatives of human nature; and which we embrace as the *magna charta* of our commonwealth, that can never be violated without endangering the grand superstructure, it was destined to sustain. Therefore we rely upon this *Declaration*, as well as the justice of our honourable Legislature, to secure us the *free exercise of religion according to the dictates of our consciences*: and we should fall short in our duty to ourselves, and the many and numerous congregations under our care, were we, upon this occasion, to neglect laying before you a state of the religious grievances under which we have hitherto laboured; that they no longer may be continued in our present form of government.

It is well known, that in the frontier counties, which are justly supposed to contain a fifth part of the inhabitants of Virginia, the dissenters have borne the heavy burdens of purchasing glebes,⁶ building churches, and supporting the established clergy, where there are very few Episcopalians, either to assist in bearing the expense, or to reap the advantage; and that throughout the other parts of the country, there are also many thousands of zealous friends and defenders of our State, who, besides the invidious, and disadvantageous restrictions to which they have been subjected, annually pay large taxes to support an establishment, from which their consciences and principles oblige them to dissent: all which are confessedly so many violations of their natural rights; and in their consequences, a restraint upon freedom of inquiry, and private judgment.

³ Date uncertain. The approximate date signifies preparation/adoption by the Presbytery, not presentation to the Legislature.

⁴ Text as transcribed by William Henry Foote in *Sketches of Virginia, Historical and Biographical* (Philadelphia, PA: William S. Martien, 1850), pp. 323-.324 Footnotes added by the editor of this reprint.

⁵ The Presbytery is referring to the Virginia Declaration of Rights prepared by George Mason and adopted June 12, 1776.

⁶ Revenue producing lands which had been purchased by all Virginians, yet left in the hands of the Episcopalians in the act of incorporation.

In this enlightened age, and in a land where all, of every denomination are united in the most strenuous efforts to be free, we hope and expect that our representatives will cheerfully concur in removing every species of religious, as well as civil, bondage. Certain it is, that every argument for civil liberty, gains additional strength when applied to liberty in the concerns of religion; and there is no argument in favour of establishing the Christian religion, but what may be pleaded, with equal propriety, for establishing the tenets of Mahomed by those who believe the Alcoran: or if this be not true, it is at least impossible for the magistrate to adjudge the right of preference among the various sects that profess the Christian faith, without erecting a chair of infallibility, which would lead us back to the Church of Rome.

We beg leave farther to represent, that religious establishments are highly injurious to the temporal interests of any community. Without insisting upon the ambition, and the arbitrary practices of those who are favoured by government; or the intriguing seditious spirit, which is commonly excited by this, as well as every other kind of oppression; such establishments greatly retard population, and consequently the progress of arts, sciences, and manufactories: witness the rapid growth and improvements of the Northern provinces, compared with this. No one can deny that the more early settlement, and the many superior advantages of our country, would have invited multitudes of artificers, mechanics, and other useful members of society, to fix their habitation among us, who have either remained in their place of nativity, or preferred worse civil governments, and a more barren soil, where they might enjoy the rights of conscience more fully than they had a prospect of doing it, in this. From which we infer, that Virginia might have now been the capitol of America, and a match for the British arms, without depending on others for the necessaries of war, had it not been prevented by her religious establishment.

Neither can it be made to appear that the gospel needs any such civil aid. We rather conceive that when our blessed Saviour declares his *kingdom is not of this world*,⁷ he renounces all dependence upon State power, and as his *weapons are spiritual*,⁸ and were only designed to have influence on the judgment, and heart of man, we are persuaded that if mankind were left in the quiet possession of their unalienable rights and privileges, Christianity, as in the days of the Apostles; would continue to prevail and flourish in the greatest purity, by its own native excellence, and under the all disposing providence of God.

We would humbly represent, that the only proper objects of civil government, are the happiness and protection of men in the present state of existence; the security of the life, liberty and property of the citizens; and to restrain the vicious and encourage the virtuous by wholesome laws, equally extending to every individual. But that *the duty which we owe our Creator, and the manner of discharging it, can only be directed by reason and conviction*;⁹ and as nowhere cognizable but at the tribunal of the universal Judge.

Therefore we *ask no ecclesiastical establishments for ourselves*; neither can we approve of them when granted to others. This indeed would be giving exclusive or separate emoluments or privileges to one set (or sect) of men, without any special public services to the common reproach and injury of every other denomination. And for the reasons recited we are induced earnestly to entreat, that all laws now in force in this Commonwealth, which countenance religious denomination, may be speedily repealed—that all, of every religious sect, may be protected in the full exercise of their several modes of worship, and exempted from all taxes for the support of any

⁷ John 18:36

⁸ Perhaps an allusion to 2 Cor. 10:3-4.

⁹ From paragraph XVI of the Virginia Declaration of Rights.

church whatsoever, further than what may be agreeable to their own private choice, or voluntary obligation. This being done, all partial and invidious distinctions will be abolished, to the great honour and interest of the State; and every one be left to stand or fall according to merit, which can never be the case, so long as any one denomination is established in preference to others.

That the great Sovereign of the Universe may inspire you with unanimity, wisdom and resolution; and bring you to a just determination on all the important concerns before you, is the fervent prayer of your memorialists.

Signed by order of the Presbytery.

John Todd, *Moderator.*
Caleb Wallace, *P. Clerk.*

THE VIRGINIA STATUTE FOR RELIGIOUS FREEDOM

January 16, 1786

An Act for establishing religious Freedom.¹⁰

Whereas, Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion, who being Lord, both of body and mind yet chose not to propagate it by coercions on either, as was in his Almighty power to do, that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the Ministry those temporary rewards, which, proceeding from an approbation of their personal conduct are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependence on our religious opinions any more than our opinions in physics or geometry, that therefore the proscribing any citizen as unworthy the public confidence, by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages, to which, in common with his fellow citizens, he has a natural right, that it tends only to corrupt the principles of that very Religion it is meant to encourage, by bribing with a monopoly of worldly honours and emoluments those who will externally profess and conform to it; that though indeed, these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on

¹⁰ Source of text: Record of the General Assembly, Enrolled Bills, Record Group 78, Library of Virginia. Historical Notes: Next to the Declaration of Independence, Thomas Jefferson took greatest pride in his authorship of the Virginia Statute of Religious Freedom, which, as his friend James Madison said, “extinguished forever the ambitious hope of making laws for the human mind.”

Jefferson wrote this statute in 1777 when he had returned from the Continental Congress to begin a wholesale revision of Virginia’s laws. At the time, “the free exercise of religion, according to the dictates of conscience” was an established right in Virginia. Yet Jefferson’s statute was bitterly opposed and led to what he later called “the severest contest in which I have ever been engaged.”

The bill was first proposed in 1779, and the statute finally passed in 1786, in Jefferson’s absence, thanks to the political skills of James Madison. The enrolled bill as passed by both houses of the assembly is authenticated by the signatures of Archibald Cary, Speaker of the Senate of Virginia, and Benjamin Harrison, Speaker of the House of Delegates. The act has since become a part of the Virginia Constitution. The statute is one of the chief sources for the First Amendment of the United States Bill of Rights and its principles and language have inspired supporters of religious freedom around the world.

supposition of their ill tendency is a dangerous fallacy which at once destroys all religious liberty because he being of course judge of that tendency will make his opinions the rule of judgment and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that Truth is great, and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them: Be it enacted by General Assembly 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, but that all men shall be free to profess, and by argument to maintain, their opinions in matters of Religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities. And though we well know that this Assembly elected by the people for the ordinary purposes of Legislation only, have no power to restrain the acts of succeeding Assemblies constituted with powers equal to our own, and that therefore to declare this act irrevocable would be of no effect in law; yet we are free to declare, and do declare that the rights hereby asserted, are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.

Exd: ARCHIBALD CARY S.S.
Exd. BENJ HARRISON Sp HD

THE BILL OF RIGHTS

Congress of the United States,

begun and held at the City of New York on
Wednesday the fourth of March one thousand seven hundred and eighty nine.

The Conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its Powers, that further declaratory and restrictive Clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its Institution.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution.

Amendment I¹¹

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

¹¹ Source of text: Records of the General Assembly, Executive Communications, Record Group 78, Library of Virginia. Historical Notes: On September 25, 1789 Congress approved twelve proposed amendments to the Constitution of the United States and submitted them to the states for ratification or rejection. During the debates over ratification of the Constitution in 1788 and 1789, many people had objected that the lack of a Bill of Rights might leave the new national government free to oppress the people of the states. As a result, in the summer of 1789 James Madison, of Virginia, introduced a series of amendments in the House of Representatives. The suggested amendments drew on many sources, among them the *English Bill of Rights* of 1689, the *Virginia Declaration of Rights of 1776*, the *Virginia Statute for Religious Freedom of 1786*, and suggestions that the state conventions made when considering ratification of the Constitution.

This, along with nine others, received approval of the eleventh state, Virginia, on 15 December 1791, and thereupon became the first amendment to the Constitution, part of what was known ever after as the Bill of Rights.

AGAINST THE UNION OF CHURCH AND STATE

Statement of the General Assembly of the Presbyterian Church
in the United States of America, 1830.¹²

A Resolution

That said Presbyteries invite the attention of the General Assembly, to certain slanderous reports extensively circulated against the Presbyterian and other denominations, involving the charge of an attempt on the part of these denominations to unite Church and State, and thus subvert the civil institutions of our country, and intimate their desire that this Assembly would take order on the subject, and by some public act disabuse themselves and their constituents of such unfounded and injurious imputations.

The Committee Report

In the opinion of your committee no public act is necessary on the part of this Assembly to refute a charge wholly unsupported by testimony and facts; nor any exposition of their principles in relation to civil magistracy and the claims of the church demanded, other than that contained in our acknowledged ecclesiastical standards, and published to the world. For the better information, however, of any who may be in danger of imposition from unfounded statements, the Assembly would refer to the following exhibition of their principles as contained in the accredited constitution of the church.

God, the supreme Lord and King of all the world hath ordained civil magistrates to be under him over the people, for his own glory and the public good, and to this end hath armed them with the power of the sword, for the defence and encouragement of them that are good, and for the punishment of evil-doers.

It is lawful for Christians to accept and execute the office of magistrate, when called thereunto; in the managing whereof, as they ought especially to maintain piety, justice, and peace, according to the wholesome laws of each commonwealth, so, for that end, they may lawfully, now under the New Testament, wage war upon just and necessary occasions.

Civil magistrates may not assume to themselves the administration of the word and sacraments; or the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. Yet, as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord, without giving the preference to any denomination of Christians above the rest in such a manner, that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger. And, as Jesus Christ hath appointed a regular government and discipline in his church, no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of any denominations of Christians of all their people,

¹² From *Minutes of the General Assembly of the Presbyterian Church in the United States of America From A. D. 1821 to A. D. 1835 Inclusive* (Philadelphia: Presbyterian Board of Publication. No. 265 Chestnut Street), pp. 299-300.

in such an effectual manner as that no person be suffered, either upon pretence of religion or infidelity, to offer any indignity, violence, abuse, or injury, to any other person whatsoever; and to take order, that all religious and ecclesiastical assemblies be held without molestation or disturbance.

It is the duty of the people to pray for magistrates, to honour their persons, to pay them tribute and other dues, to obey their lawful commands, and to be subject to their authority, for conscience' sake. Infidelity or difference in religion, doth not make void the magistrate's just and legal authority, nor free the people from their due obedience to him; from which ecclesiastical persons are not exempted; much less hath the Pope any power or jurisdiction over them in their dominions, or over any of their people; and least of all to deprive them of their dominions or lives, if he shall judge them to be heretics, or upon any other pretence whatsoever.¹³

Synods and councils are to handle or conclude nothing, but that which is ecclesiastical and are not to intermeddle with civil affairs, which concern the commonwealth, unless by way of humble petition, in cases extraordinary; or by way of advice for satisfaction of conscience, if they be thereunto required by the civil magistrate.¹⁴

That God alone is Lord of the conscience; and hath left it free from the doctrine and commandments of men, which are in anything contrary to his word, or beside it in matters of faith or worship. Therefore they consider the rights of private judgment, in all matters that respect religion, as universal and unalienable. They do not even wish to see any religious constitution aided by the civil power, further than may be necessary for protection and security, and at the same time, be equal and common to all others.¹⁵

Such are the constitutional principles of the Presbyterian church in these Linked States. They were our fathers' principles before and during the revolution, which issued in the consummation of our liberty and independence, and *under* the influence of which they prayed, and fought, and bled by the side of the father of our country. They have been the principles of their descendants ever since. They are *our* principles still, adopted from conviction, to whose support we have pledged ourselves under the most solemn sanctions, and by the preservation of which we believe that the common interests of evangelical religion and civil liberty will be most effectually sustained.

In closing this statement, the Assembly would affectionately and earnestly exhort the members of their communion, that in the fulfillment of their civil and religious duties, they watch against all unhallowed feelings, and that they suffer reproach meekly, not rendering railing for railing, nor evil for evil, but by patient continuance in well doing, they commend themselves to every man's conscience in the sight of God.

¹³ Westminster Confession of Faith, chapter XXIII, "Of the Civil Magistrate."

¹⁴ *Ibid.*, chapter XXXI, "Of Synods and Councils," § IV.

¹⁵ *The Form of Government*, "Preliminary Principles," § I.