

First Amendment: Religious Liberty and Church-State Relations

Civics Literacy Coaches
Bureau of Standards and Instructional Support

Session Purpose:

Articulate the Founders' view of Separation of Church and State and their view of Religious Liberty.



Early Colonial Settlements Reflected European Practices

*The American Founders were only
influenced by the European
Enlightenment.*

New England Colonies



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New England Colonies

- Separatists (1620s).
- Puritans (1630s).
- Calvinists/Congregationalists.

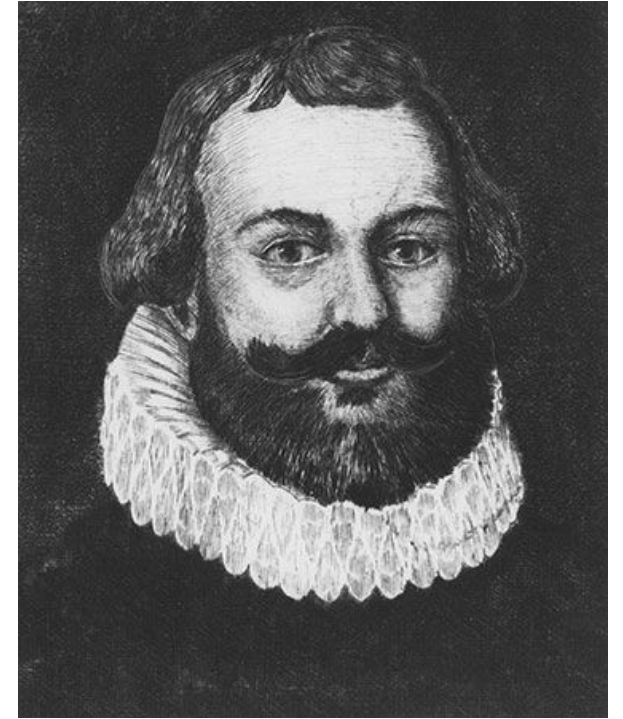


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New England Colonies

"For wee must consider that wee shall be as a citty upon a hill. The eies of all people are uppon us...wee shall be made a story and a by-word through the world."

John Winthrop,

A Model of Christian Charity, 1630



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New England Colonies

- Scripture's influence on laws.
- Capital Laws.
- Liberating effect.
- Civil Magistrates (government officials) were considered "Nursing Fathers," (Isaiah 49:23 KJV).

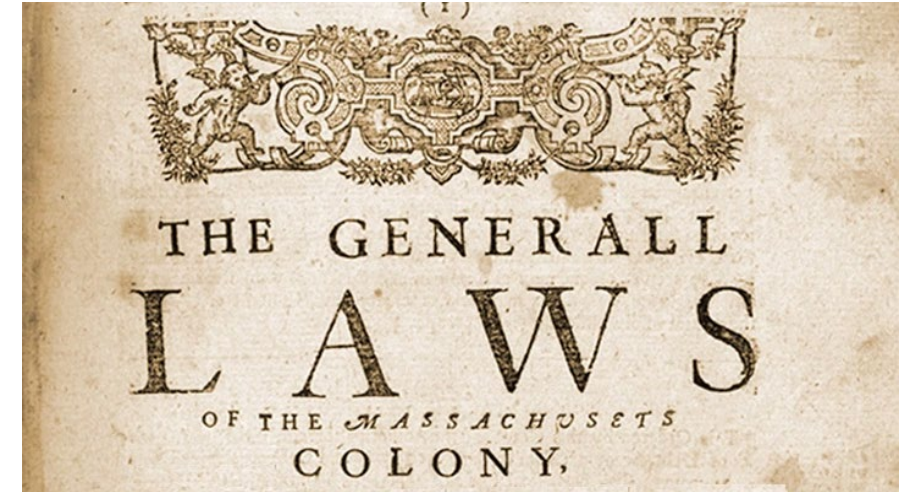


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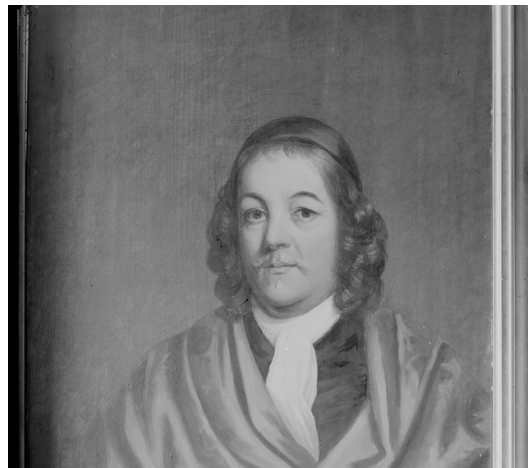


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New England Colonies: Jonathan Edwards

"Political prosperity requires the general practice of a strict morality. But this cannot be so well secured by any other means, as by a belief of Christianity...The civil magistrate does not pretend to reward virtue in general according to its moral excellency. He does indeed reward some particular acts of virtue, which are highly beneficial to the public."

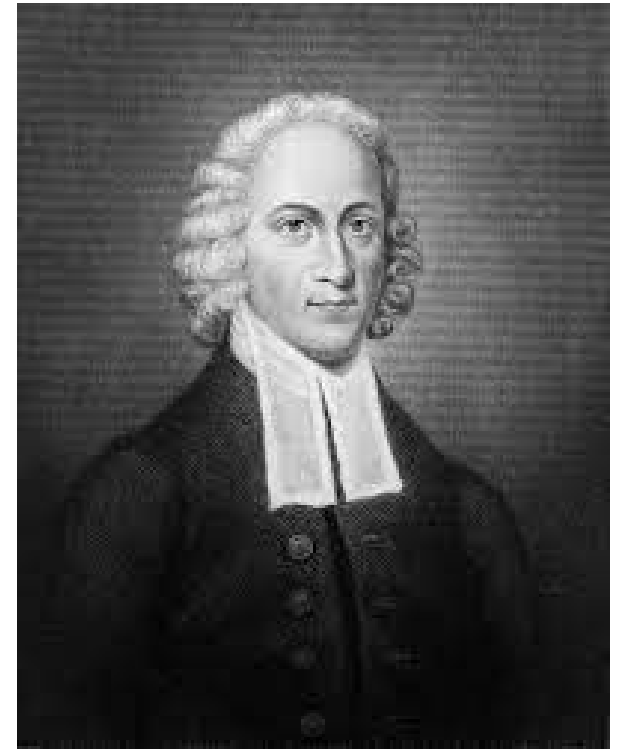


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New England Colonies

- More tolerant than often assumed.

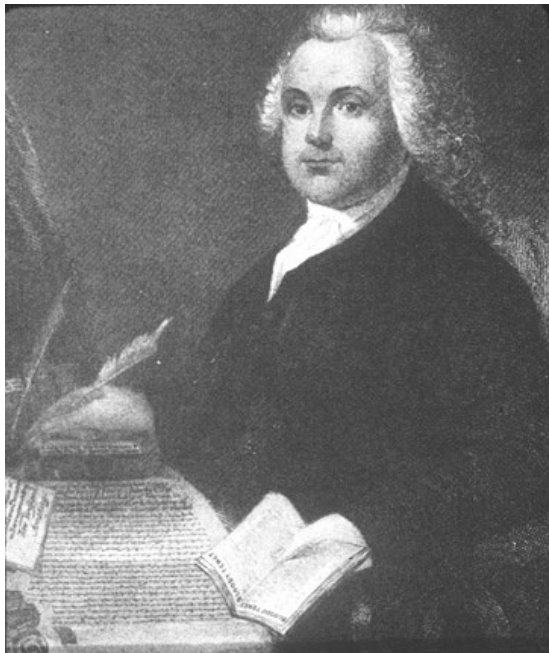


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Middle Colonies



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Middle Colonies (Pennsylvania)

- One of four states without an established church.
- Punish bad behavior and promote good behavior.
- Office holders had to believe in Jesus Christ.
- Delaware, New Jersey and Rhode Island also did not have established churches.



Southern Colonies



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Early Colonial Settlements

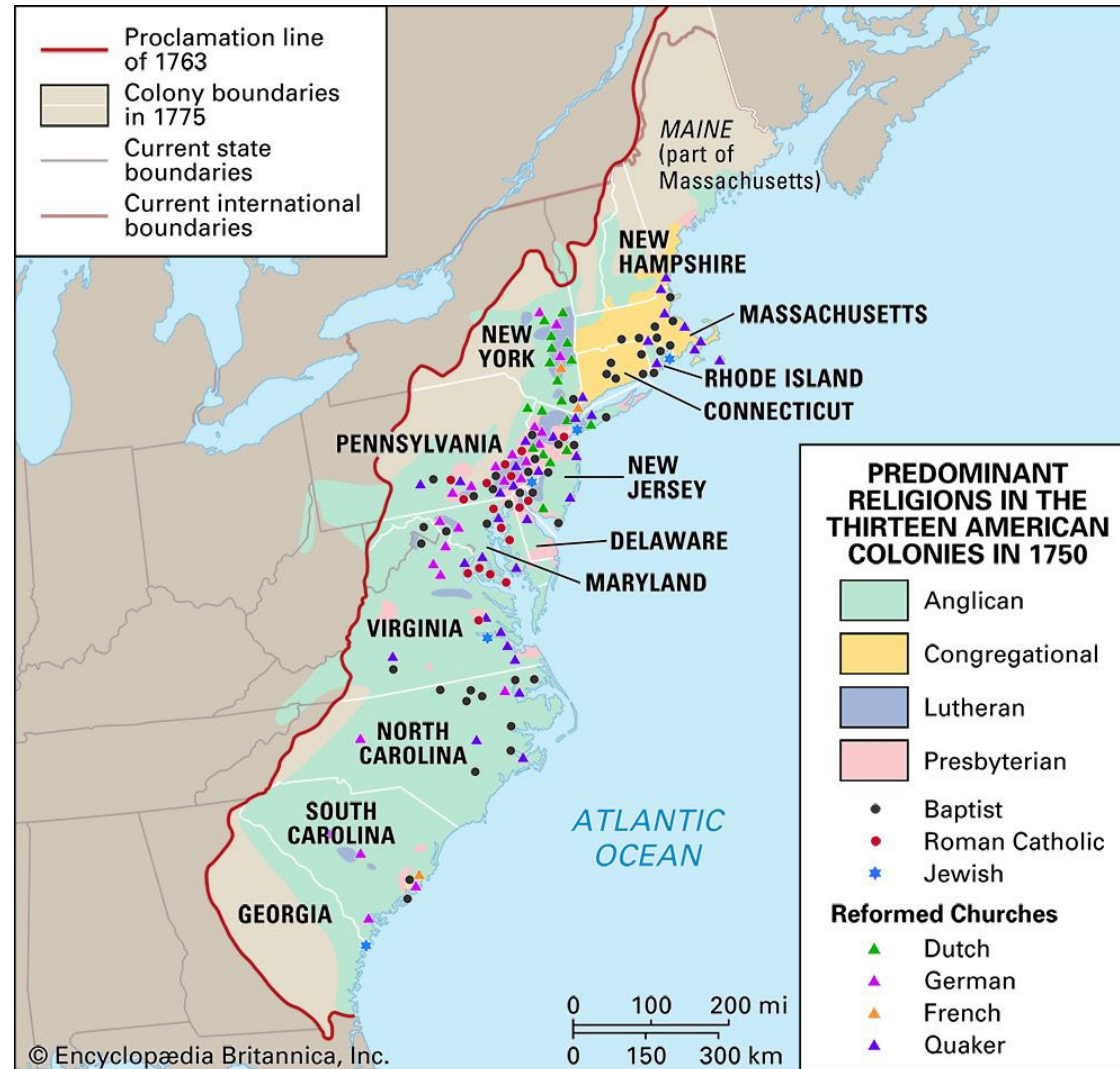


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Misconception: The American Founders were only influenced by the European Enlightenment.

Rise of Religious Liberty in the Colonies and England

The American colonies were characterized by religious intolerance between 1607-1776 and there was no religious liberty in America until the First Amendment.

Religious Liberty

- New York Skyline 1771
Woodblock/Woodcut.
- 1649 Maryland
Toleration Act.
- In England:
 - 1689 Toleration Act.
 - 1696 Quaker Act.

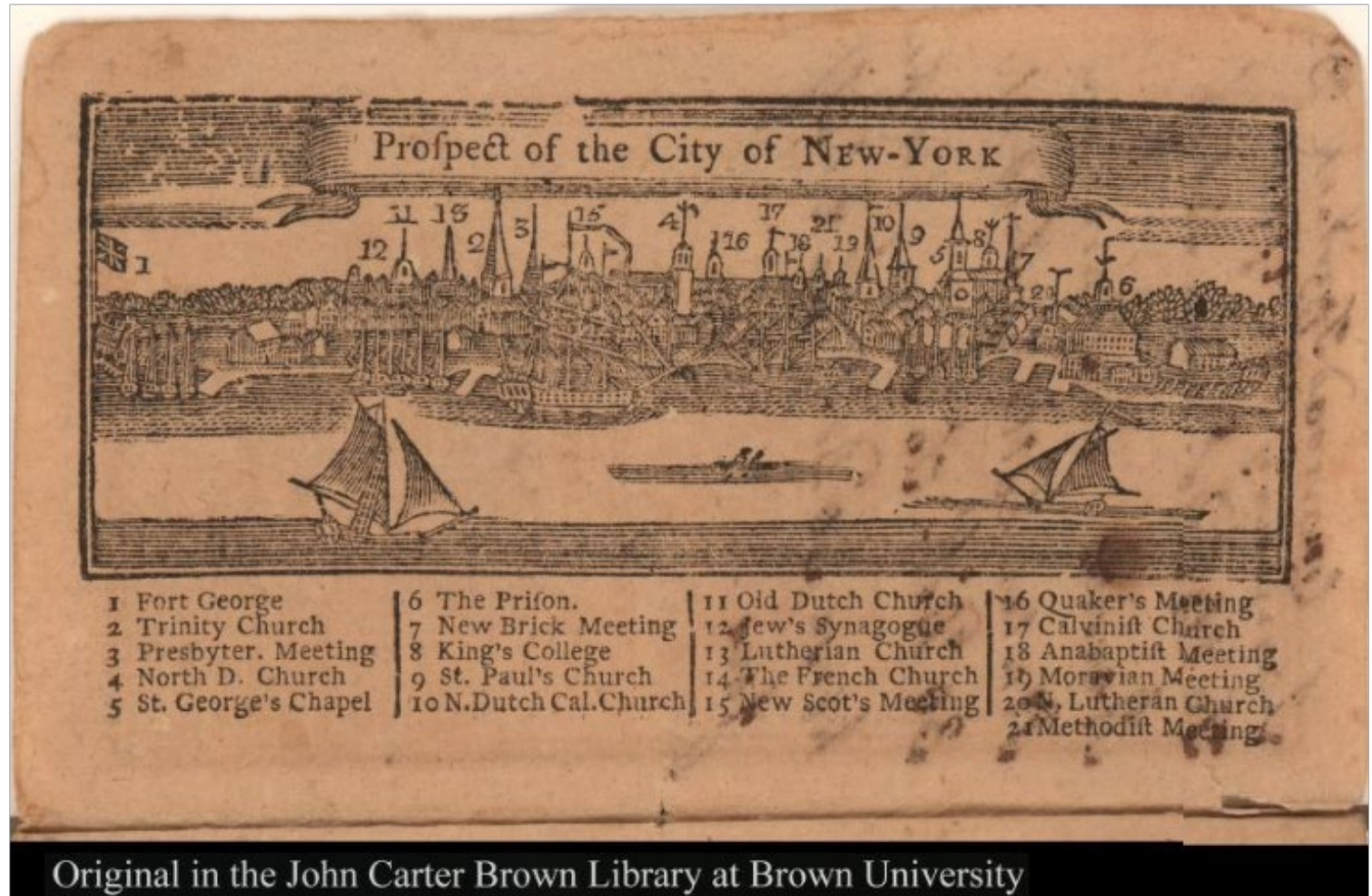


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Religious Liberty: Virginia Declaration of Rights

George Mason's Draft:

"That as religion, or the duty which we owe to our divine and omnipotent Creator, and the manner of discharging it, can be governed only by reason and conviction, not by force or violence; and therefore that all men should enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience, unpunished and unrestrained by the magistrate.... "

James Madison's Change:

"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 practise Christian forbearance, love, and charity toward each other. "



Religious Liberty

- Massachusetts Constitution of 1780 (oldest functioning constitution).
- End of Revolutionary Era.
- Every state offered significant religious protection.



Misconception: The American colonies were characterized by religious intolerance between 1607-1776 and there was no religious liberty in America until the First Amendment.

Disestablishment

The disestablishment debate in Virginia is representative of what was going on throughout all the states.

Disestablishment

- Pennsylvania Religious Test/Oath 1776.
- "I do believe in one God, the creator and governor of the universe, the rewarder of the good and the punisher of the wicked. And I do acknowledge the Scriptures of the old and New Testament to be given by Divine inspiration."



Disestablishment

- Virginia Statute for Religious Liberty.
- "...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 thereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right."



Disestablishment

- Elected officials supported and favored Christianity.



Image pulled from: churchstore.com



Misconception: *The disestablishment debate in Virginia is representative of what was going on throughout all the states.*

The First Amendment: Debate During Early Drafts and Enforcement

*The Founders desired the
strict separation of church and state
and the Founders only wanted
to protect Freedom of Worship.*

First Amendment Debates

- United States Constitution.
- Madison's original text of the First Amendment:
 - "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext be infringed."

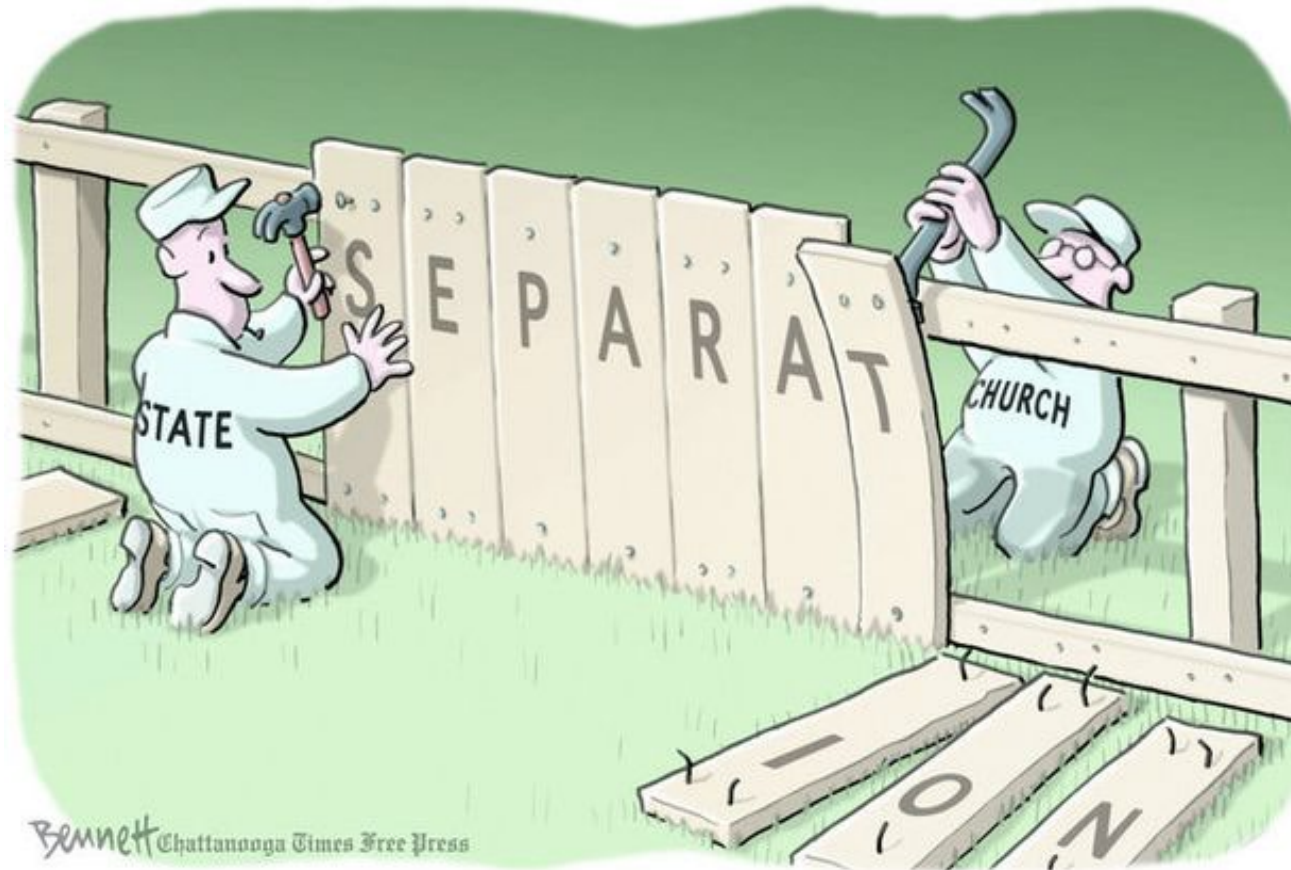


First Amendment Debates

- "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."
- Based on the language presented, does there appear to be a "wall"?



First Amendment Debates



First Amendment Debates

- Two phrases of the First Amendment:
 - Establishment Clause.
 - Free Exercise Clause.



First Amendment Debates

- President George Washington.
- Letter to Hebrew Congregation, August 1790.

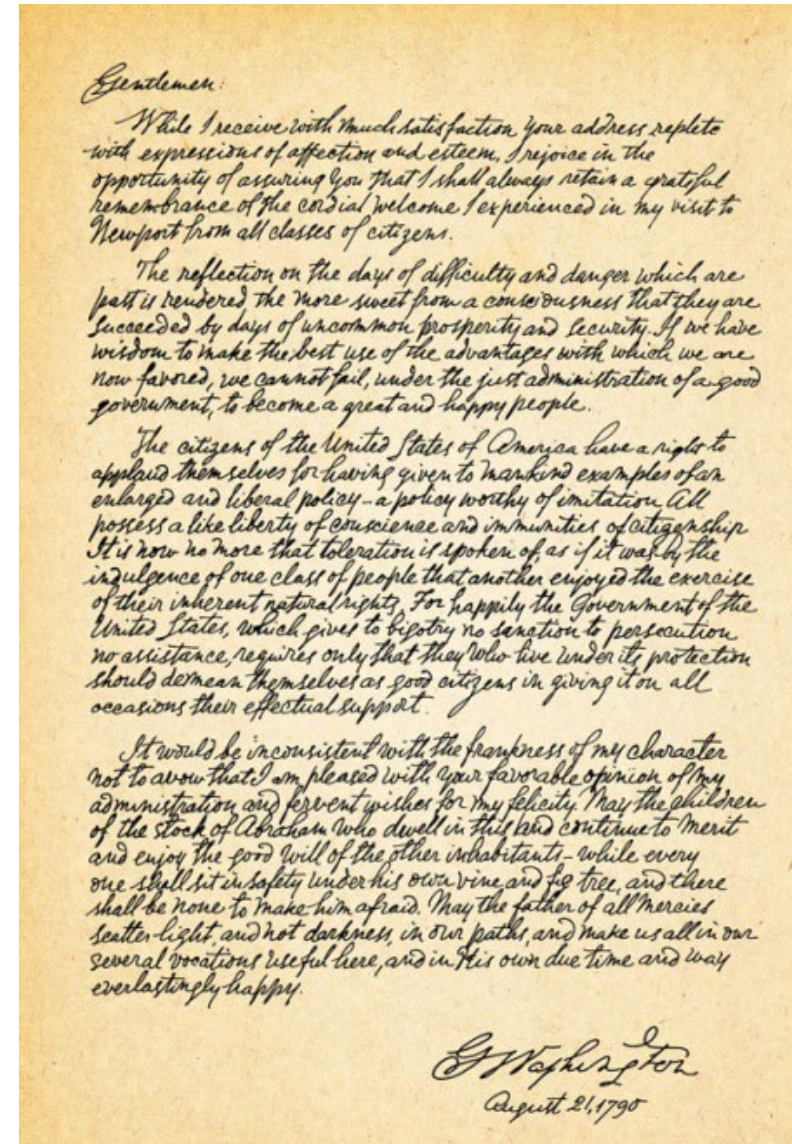


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First Amendment Debates: President Thomas Jefferson

Letter to Danbury Baptist Association (January 1802)

"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 & State..."

Letter from Danbury Baptist Association (October 1801)

"...But, sir, our constitution of government is not specific... religion is considered as the first object of legislation; and therefore what religious privileges we enjoy (as a minor part of the state) we enjoy as favors granted, and not as inalienable rights..."



Misconception: The Founders desired strict separation of church and state and the Founders only wanted to protect Freedom of worship.

Modern Understanding of Separation between Church and State

*The United States Supreme Court is the
final authority on the U.S. Constitution.*

Understanding When the Founders' Original Intent Began to Change

- Everson v. Board of Education (1947).
- Engel v. Vitale (1962).
- American Legion v American Humanist Association (2019).



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Misconception: The United States Supreme Court is the final authority on the U.S. Constitution.

Misconceptions Revisited

Misconceptions

- *American Founders were only influenced by the European Enlightenment.*
- *American colonies were characterized by religious intolerance between 1607-1776 and there was no religious liberty in America until the First Amendment.*



Misconceptions

- *The disestablishment debate in Virginia is representative of what was going on throughout all the states.*
- *The Founders desired the strict separation of church and state and the Founders only wanted to protect Freedom of Worship.*



Misconceptions

- *The United States Supreme Court is the final authority on the U.S. Constitution.*



Benjamin Rush

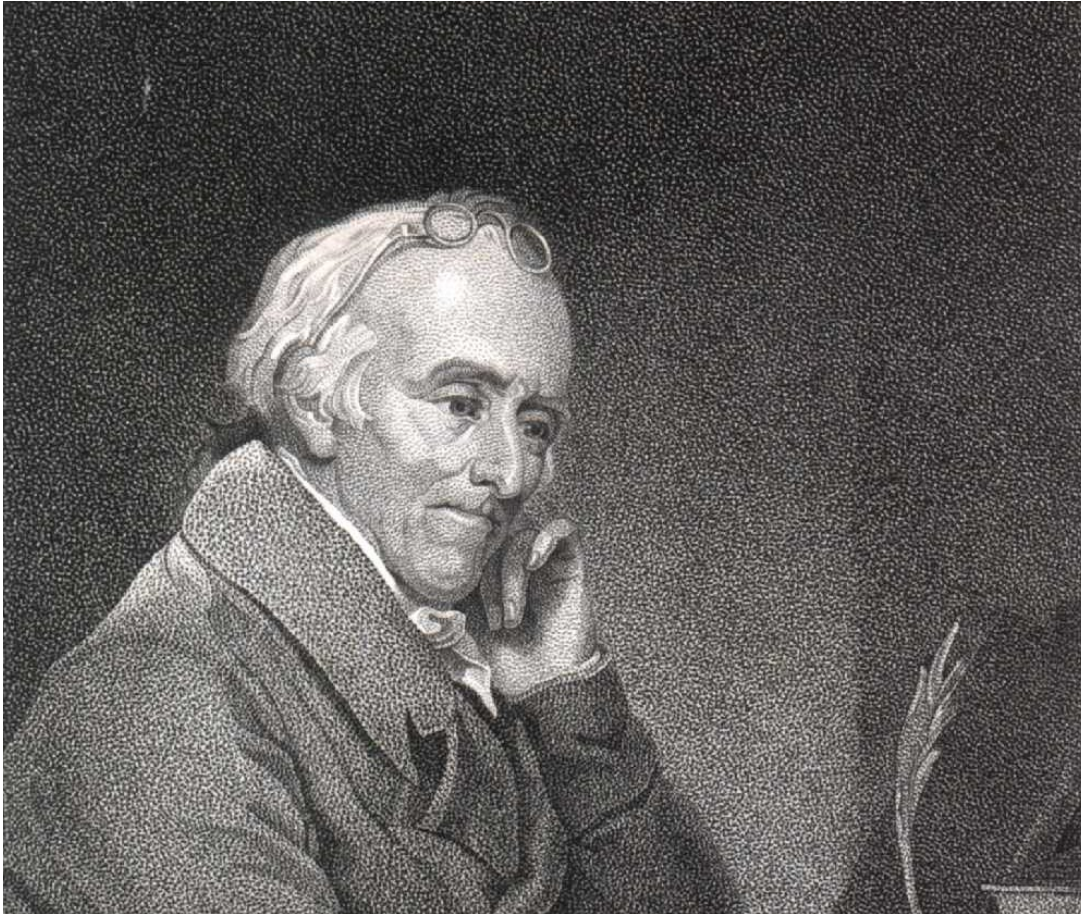


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- "The only foundation for a useful education in a republic is to be laid in Religion. Without this there can be no virtue, and without virtue there can be no liberty, and liberty is the object and life of all republican governments."



Optimistic Closure

- *Historical facts and truths must be presented in the classroom.*
- *Facts must be grounded in primary source documentation.*
- *Founders expected religion to be promoted because they believed it was essential to civic virtue.*



Connected Standards

- **K-5 Standards**

- SS.1.CG.2.4: Recognize symbols and individuals that represent the United States.
- SS.2.CG.1.2: Explain how the U.S. government protects the liberty and rights of American citizens.
- SS.5.CG.1.4: Describe the history, meaning and significance of the Bill of Rights.
- SS.5.CG.3.2: Analyze how the U.S. Constitution and Bill of Rights limit the power of the national government and protect citizens from an oppressive government.



Connected Standards

- **7-8 Standards**

- SS.7.CG.1.2: Trace the principles underlying America's founding ideas on law and government.
- SS.7.CG.1.3: Trace the impact that the Magna Carta, Mayflower Compact, English Bill of Rights and Thomas Paine's Common Sense had on colonists' views of government.
- SS.7.CG.2.3: Identify and apply the rights contained in the Bill of Rights and other amendments to the U.S. Constitution.
- SS.7.CG.2.4: Explain how the U.S. Constitution and the Bill of Rights safeguard individual rights.
- SS.8.CG.2.5: Analyze how the Bill of Rights guarantees civil rights and liberties to citizens.
- SS.8.CG.3.1: Trace the foundational ideals and principles related to the U.S. government expressed in primary sources from the colonial period to Reconstruction.



Connected Standards

- **9-12 Standards**

- SS.912.CG.1.1: Examine how intellectual influences in primary documents contributed to the ideas in the Declaration of Independence, the U.S. Constitution and the Bill of Rights.
- SS.912.CG.1.4: Analyze how the ideals and principles expressed in the founding documents shape America as a constitutional republic.
- SS.912.CG.1.5: Explain how the U.S. Constitution and its amendments uphold the following political principles: checks and balances, consent of the governed, democracy, due process of law, federalism, individual rights, limited government, representative government, republicanism, rule of law and separation of powers.
- SS.912.CG.2.6: Explain how the principles contained in foundational documents contributed to the expansion of civil rights and liberties over time.
- SS.912.CG.3.2: Explain how the U.S. Constitution safeguards and limits individual rights.
- SS.912.CG.3.14: Explain the judicial decision-making process in interpreting law at the state and national levels.
- SS.912.CG.4.1: Analyze how liberty and economic freedom generate broad-based opportunity and prosperity in the United States.



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Student Success is our STANDARD
Florida Department of Education

