

Supplementary Material

Chapter 3: The Founding Era – Individual Rights/Religion/Establishment

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Founding Era Debates on Banning Religious Test Oaths

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On August 20, 1787, Charles Pinckney of South Carolina proposed that the Constitution include a ban on test oaths. Several weeks later, without much debate, the convention agreed on the clause “no religious test shall ever be required as a qualification to any office or public trust under the United States.”

This prohibition on religious oaths was controversial. Many anti-Federalists insisted that a moral commonwealth could be led only by religious believers, typically Protestant religious believers. One widely circulated article condemned the Constitution for allowing the following persons to gain public office.

1st. Quakers, who will make the blacks saucy, and at the same time deprive us of the means of defense—2dly. Mahometans, who ridicule the doctrine of the Trinity—3dly. Deists, abominable wretches—4thly. Negroes, the seed of Cain—5thly. Beggars, who when set on horseback will ride to the devil—6thly Jews etc. etc.

Another anti-Federalist claimed, “Civil government can’t well be supported without the assistance of religion,” and “No man is fit to be the ruler of Protestants.” Yet another anti-Federalist, “A Friend to the Rights of People,” contended, “Without he can honestly profess to be of the Protestant religion.” Charles Turner, an anti-Federalist in Massachusetts, declared that “without the presence of Christian piety and morals the best Republican Constitution can never save us from slavery and ruin.”<sup>1</sup>

Federalists defended the ban on religious test oaths. Writing as “A Landholder,” Oliver Ellsworth of Connecticut declared,

. . . [Religious test laws] are useless, tyrannical, and peculiarly unfit for the people of this country.

. . . A test in favour of any one denomination of Christians would be to the last degree absurd in the United States. If it were in favor 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. . . .

. . . [T]est-laws are utterly ineffectual; they are no security at all; because men of loose principles will, by an external compliance, evade them. If they exclude any persons, it will be honest men, men of principle, who will rather suffer an injury, than act contrary to the dictates of their consciences. . . .

But to come to the true principle, by which this question ought to be determined: The business of civil government is to protect the citizen in his rights, to defend the community from hostile powers, and to promote the general welfare. Civil government has no business to meddle with the private opinions of the people. If I demean myself as

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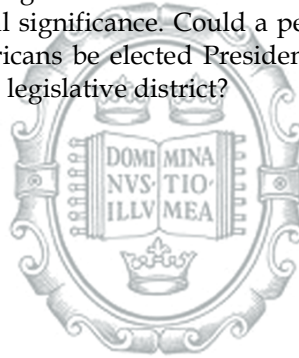
<sup>1</sup> Quoted in Isaac Kramnick and Robert Laurence Moore, *The Godless Constitution: The Case Against Religious Correctness* (New York: Norton, 1996), 33–36.

a good citizen, I am accountable, not to man, but to God, for the religious opinions which I embrace, and the manner in which I worship the supreme being. If such had been the universal sentiments of mankind, and they had acted accordingly, persecution, the bane of truth and nurse of error, with her bloody axe and flaming hand, would never have turned so great a part of the world into a field of blood.<sup>2</sup>

Tench Coxe of Pennsylvania maintained that the ban on test oaths would make the United States “an asylum of religious liberty.”<sup>3</sup>

Federalists combined principle and pragmatism when defending their decision not to impose religious qualifications for national officers. James Iredell first took the high ground at the North Carolina ratification convention. How “is it possible to exclude any set of men,” he declared, “without taking away that principle of religious freedom which we ourselves so warmly contend for?” Iredell then assured religious believers that the ban would have little practical effect. “But it is never to be supposed that the people of America will trust their dearest rights to persons who have no religion at all, or a religion materially different from their own,” he pointed out.<sup>4</sup>

The Federalist ban on test oaths stuck. The Constitution was ratified. No national official has been required to take an official religious oath. Consider whether Iredell was right to note that religious oaths are of little practical significance. Could a person whose religious beliefs are significantly different from most Americans be elected President of the United States? Could a Muslim win election to Congress in any legislative district?



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<sup>2</sup> Oliver Ellsworth, “The Landholder VII,” *Essays on the Constitution of the United States*, ed. Paul Leicester Ford (Brooklyn, NY: Historical Printing Club, 1892), 169–70.

<sup>3</sup> Kramnick and Moore, *The Godless Constitution*, 38.

<sup>4</sup> Jonathan Elliot, ed., *The Debates in the Several States on the Adoption of the Federal Constitution* (New York: Burt Franklin, 1888).