

VIRGINIA BAPTISTS AND RELIGIOUS LIBERTY, 1765 TO 1802

G. Hugh Wamble

Virginia Baptists played an important role in the struggle for religious liberty between 1765 and 1802. The leadership during the legislative phase of this struggle came from others, the two most notable being Thomas Jefferson and James Madison. Baptists and other dissenters from Anglicanism, the official religion of the colony at the beginning of the period under review, provided the popular support and manpower for effecting change. Their experience demonstrated the evils of an establishment of religion and cultivated in them a passion for religious liberty.<sup>1</sup>

*Persecution to Toleration*

Despite the English Act of Toleration (1689), Separate Baptists and some Regular Baptists in Virginia suffered persecution and faced civil and social disabilities prior to the incorporation of religious liberty into constitutional and statutory law. The Act of Toleration, which ended religious oppression during the Restoration period, permitted Trinitarian Protestants to meet and practice their religion outside of the Church of England on condition that they (1) take oaths of loyalty to civil authority, (2) register their meeting-places and ministers, (3) refrain from meeting in places “with the doors locked, barred, or bolted,” and (4) hold orthodox religious beliefs such as set forth in the Anglican Thirty-Nine Articles of Religion.<sup>2</sup> The law exempted Baptists from teaching and practicing infant baptism, which they opposed; it also exempted Quakers from oath-taking, which they scrupled.<sup>3</sup> However, Protestant Non-conformists remained subject to payment of tithes, parish duties, and ecclesiastical courts.

As early as 1699 the Virginia legislature implicitly held the Act to be applicable to Virginia.<sup>4</sup> In 1738 the governor assured Presbyterians, then moving in large numbers from Pennsylvania and Maryland into Virginia’s western counties, that their ministers would be unmolested if Presbyterians took the prescribed oaths, registered their meeting-places, and

---

This article originally appeared in *Faith and Mission* 8, vol. 1 (Fall 1990): 64–84. It is reprinted here by permission.

<sup>1</sup> This article uses some research on which I previously relied in making two major addresses: (1) “Dissenters’ Experience and Jefferson’s Bill for Establishing Religious Liberty,” at a bicentennial celebration of Jefferson’s Bill at First Baptist Church Richmond, Virginia, on April 18, 1986; and (2) “Baptists, the Constitution, and the First Amendment,” before the Florida Baptist Historical Society, Stetson University, DeLand, Florida, on May 2, 1987.

<sup>2</sup> See H. Gee and W. J. Hardy, eds., *Documents Illustrative of English Church History* (London: MacMillan, 1986), 654–64, for the full text.

<sup>3</sup> In addition, the law accommodated Puritanism by permitting deviations from Article 20 (church government), 34 (church traditions), 35 (homilies), and 36 (consecration of bishops and ministers). See Philip Schaff, ed., *The Creeds of Christendom*, 4<sup>th</sup> ed., rev., vol. 3 (New York: Harper & Brothers, 1919), 500, 509–12, for the texts of these articles.

<sup>4</sup> Robert B. Semple, *A History of the Rise and Progress of the Baptists in Virginia*, rev. by G. W. Beale (Richmond, VA: Pitt & Dickinson, 1894), 50, note.

“behave[d] peaceably towards the government.”<sup>5</sup> Some Regular Baptists taking part in the same migration complied with the law and obtained licenses for meeting-places and minister in Northern Virginia, though sometimes with difficulty.<sup>6</sup> These religious dissenters escaped most of the hardships which dissenters in more populous areas of the colony faced, beginning in the late-1760s.

Originating during the religious progression begun during the Great Awakening in New England,<sup>7</sup> Separate Baptists entered North Carolina’s piedmont in the mid-1750s, planted the Sandy Creek Baptist Church in 1756, organized the Sandy Creek Baptist Association in 1758, and fanned out to Virginia, South Carolina, Georgia, and the western regions of these colonies in the next two decades.<sup>8</sup>

Separate Baptists established churches in Virginia’s southern counties in the early-1760s, the first being the Dan River church, founded in 1760.<sup>9</sup> In 1767 they constituted their first church north of the James River—Upper Spotsylvania Church.<sup>10</sup> During the next several years they grew rapidly.

Civil and church authorities seemingly thought that persecution would arrest the growth of Baptists and other dissenters. Persecution had the opposite effect. When persecution began in 1768, there were only five Separate Baptist churches in all of Virginia. In 1771, however, there were 12; in 1773, 34; in 1774, 51. By late-1774 Separate Baptist churches existed in every county where there were imprisonments of Baptists in preceding years. In fact, their churches existed in almost half of Virginia’s sixty counties.<sup>11</sup>

The major charge against these dissenters was “disturbing the peace.” The original Act of Toleration prohibited dissenters from disturbing religious worship in “any cathedral or parish church” or chapel.<sup>12</sup> Virginia authorities extended this prohibition to the public forum as well. The prosecuting attorney of Spotsylvania County charged that five Separate Baptist preachers were “great disturbers of the peace” who could not “meet a man upon the road” without ramming “a text of scripture down his throat.”<sup>13</sup> Baptist texts gave Anglican authorities indigestion.

A few examples are illustrative of the treatment which Baptists received. When Lewis Craig defended himself against the charge of preaching without a license, he was so persuasive

---

<sup>5</sup> Charles F. James, *Documentary History of the Struggle for Religious Liberty in Virginia* (Lynchburg, VA: J. P. Bell, 1900; reprint, New York: Da Capo Press, 1971), 23.

<sup>6</sup> Garnett Ryland, *The Baptists of Virginia, 1699–1926* (Richmond, VA: Virginia Baptist Board of Missions and Education, 1955), 33.

<sup>7</sup> C. C. Goen, *Revivalism and Separatism in New England, 1740–1800* (New Haven: Yale University Press, 1962).

<sup>8</sup> William L. Lumpkin, *Baptist Foundations in the South* (Nashville: Broadman Press, 1961).

<sup>9</sup> *Ibid.*, 48.

<sup>10</sup> *Ibid.*, 94.

<sup>11</sup> Ryland, *The Baptists of Virginia*, 85.

<sup>12</sup> Gee and Hardy, *Documents Illustrative of English Church History*, 663.

<sup>13</sup> Ryland, *The Baptists of Virginia*, 85.

that a juryman, “Swearing Jack” (John) Waller as he was known because of his profanity, later embraced Baptist views. When Elijah Craig preached through the bars of the Orange County<sup>14</sup> jail, authorities put him in solitary confinement.<sup>15</sup> James Ireland, at age 22, experienced “a very uncomfortable night” in the Culpeper County jail as a mob tormented him with epithets, sticks, and stones; during a later imprisonment, he faced threats on his life.<sup>16</sup> Jailed in Culpeper County for itinerant preaching, Joseph Anthony preached to crowds outside the jail with such effectiveness that authorities offered to let him slip quietly out of the jail; in Pauline fashion, he refused to leave until the authorities publicly released him.<sup>17</sup> In Middlesex County in 1771, authorities forcibly dragged William Webber from the preaching stage and put him and several others in jail; the prisoners preached through the windows; when authorities called for a bond that they would not preach in Middlesex for a year, they refused; and authorities returned them to prison and put them on bread and water, a diet relieved by sympathizers.<sup>18</sup> During this episode “Brother [Thomas] Wafford was severely scourged, and brother Henry Street received one lash,” and all were frisked for fire-arms because of a suspicion that these dissenters were “carrying on a mutiny against the authority of the land,” a search which turned up nothing prejudicial to the prisoners.<sup>19</sup>

At least forty-five Baptists spent time in jail for religious activities which displeased civil authorities and Anglican clergymen who encouraged them to take actions against these dissenters.<sup>20</sup> Most of these were Separate Baptists, but some Regular Baptists—*e.g.*, Jeremiah Moore of Fairfax—also went to jail because of their religion. After having exercised his ministry for several years under provisions of the Act of Toleration, especially in Fauquier County and other parts of Northern Virginia, David Thomas, a Regular Baptist educated at the Hopewell Academy in New Jersey, encountered mob action, mischievous pranks (such as the throwing of

---

<sup>14</sup> *Ibid.*, 60.

<sup>15</sup> *Ibid.*, 63.

<sup>16</sup> *Ibid.*, 64–65.

<sup>17</sup> *Ibid.*, 66–67.

<sup>18</sup> *Ibid.*, 70–74.

<sup>19</sup> See John Waller’s letter from Urbanna Prison, August 12, 1771, in Ryland, *The Baptists of Virginia*, 70–71.

<sup>20</sup> From Ryland, *The Baptists of Virginia*, I have obtained the names of the following, alphabetically listed, who spent time in jail: Thomas Ammon, Joseph Anthony, Elijah Baker, Akam Banks, John Burrus, Thomas Chambers, James Chiles (Childs), Bartholomew Choning (Chewing), John Corbeley, Elijah Craig, Lewis Craig, Augustine Eastin, Richard Falkner, James Goolrich (Goodrich), James Greenwood, Samuel Harris (about whom there is some uncertainty with respect to imprisonment), Edward Herndon, James Ireland, Ivison Lewis, William Lovell, James Mackan (McKan), William Marsh, Thomas Maxfield, William McClannahan, Jeremiah Moore, John Pickett, James Pitman (layman), James Read, Nathaniel Saunders, John Shackelford, Joseph Spencer, Henry Street, John Tanner (of North Carolina), David Thomas, David Tinsley, Thomas Wafford, Jeremiah Walker, John Waller, James Ware (layman), Robert Ware, John Weatherford, William Webber, John Williams, Allen Wyley, and John Young. There may have been others who went to jail because of their religious practices.

live snakes and hornet's nest into his meetings), and armed ruffians set on interrupting his meeting; in Stafford County he narrowly escaped assassination.<sup>21</sup>

Writing to George Washington in 1789, Baptists' General Committee, organized in 1784, said that "mobs, bonds, fines, and prisons were our frequent repast."<sup>22</sup> Such experiences influenced their activities during the campaign to establish full religious freedom.

During the period of persecution, some dissenters sought all the legal protections and benefits which the Act of Toleration afforded. To invoke such benefits, however, they had to obtain licenses for themselves and their meeting-places—against several hardships. One hardship was a requirement that dissenters secure such licenses from the General Court which convened in Williamsburg only twice a year. Another hardship was a requirement that some Anglican minister certify to a dissenting applicant's orthodoxy within the meaning of the Anglican Thirty-Nine Articles.<sup>23</sup>

When dissenting preachers obtained licenses, they used the licenses in their defense. For example, released from the jail in Culpeper, which James Ireland called "my Palace in Culpeper," while awaiting trial, Ireland went to Williamsburg, got a country parson to examine him and certify his orthodoxy, obtained a license, engaged a lawyer to represent him at trial, and won the case when the lawyer threatened the authorities for illegally prosecuting him by virtue of the Act of Toleration.<sup>24</sup>

As Baptists were suffering persecution, the times were in their favor. In 1763 Anglican clergymen won a case in which they contended for payment in tobacco under an old law, but they received only token relief; the case cost them popular support.

Following the English Parliament's passage of the Stamp Act in 1765 and provoked by other measures directed against the colonies, English colonists became more vocal in advocating their rights and liberties. Dissenters, including Baptists, took advantage of opportunities which the times afforded. As American resentment escalated in the 1770s dissenters injected religious rights into the litany of rights asserted by colonists.

In the 1770s, for example, Virginia Baptists used petitions addressed to the government for several purposes: To object to requirements that licensed dissenting ministers attend militia meetings (1770),<sup>25</sup> to object to the denial of the Act of Toleration's benefits to Baptists and to ask for "the same indulgences, in religious matters, as Quakers, Presbyterians and other Protestant dissenters enjoy" (1772),<sup>26</sup> to object to difficulties and inconveniences encountered in obtaining licenses because the General Court convened only twice a year and also because it

---

<sup>21</sup> Ryland, *The Baptists of Virginia*, 31. See pages 15–27 on some of Thomas's activities and contributions, including his condensing of the Philadelphia Confession into seventeen shorter articles.

<sup>22</sup> *Ibid.*, 135.

<sup>23</sup> *Ibid.*, 67–68.

<sup>24</sup> *Ibid.*, 65–66.

<sup>25</sup> *Ibid.*, 92.

<sup>26</sup> *Ibid.*

would license only one dissenting meeting-house in a county (1772),<sup>27</sup> to object to a 1772 proposal which would have permitted public worship only in the daytime (1774),<sup>28</sup> and to affirm their support of the “Common Cause” and to ask “that they may have free liberty to preach to the Troops at convenient Times without molestation or abuse” (1775).<sup>29</sup>

Particularly offensive to dissenters was the legislature’s proposal to extend the Act of Toleration to all dissenters—but to prohibit night meetings, closed meetings, slaves’ presence at meetings, and baptism of slaves without their owners’ permission. Baptists were the first to protest against this proposal.<sup>30</sup> In 1774 Presbyterians also petitioned against this proposal in a tightly-reasoned statement.<sup>31</sup> This legislative proposal seems to have been a major factor in opening Presbyterians’ eyes to the inherent inequities of toleration and in helping them to see how insecure religious privileges are when they exist only at legislators’ leave. The legislature took no final vote on this proposal, due to dissenters’ opposition and the political necessity of unifying Virginians on the brink of the Revolutionary War.

The Virginia government responded favorably to Baptists’ petition of 1775 in affirming their loyalty to the American cause and in seeking permission for “dissenting clergymen to celebrate divine worship, and to preach to the soldiers, or to exhort from time to time” as occasions permitted, in order to ease “such scrupulous consciences as may not choose to attend divine service as celebrated by the [Anglican] chaplain.”<sup>32</sup> Charles F. James, a noted researcher on this subject almost a century ago, suggested that the government’s response was the first step in putting dissenters on a par with the Church of England.<sup>33</sup> The process of securing religious liberty in Virginia was probably too complicated to justify identifying any single event as the first step, as if no other could be so regarded.

Dissenters tied religious liberty to political liberty for which Virginians were clamoring. Dissenters insisted on pressing for both religious liberty and political liberty at the same time. In 1776, for example, a Baptist petition from Prince William County observed that the present contention “for the civil rights and liberties of mankind against the enslaving schemes of a powerful Enemy” calls for “the strictest unanimity among ourselves . . . in this most critical conjunction in public affairs.”<sup>34</sup> They petitioned for three things which, they proposed, would remove “every remaining cause of animosity and diversion”—for permission (1) “to worship God in our own way, without interruption,” (2) “to maintain our own Ministers &c and no

---

<sup>27</sup> *Ibid.*, 92–93.

<sup>28</sup> *Ibid.*, 93.

<sup>29</sup> *Ibid.*, 96–97.

<sup>30</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 38–41.

<sup>31</sup> *Ibid.*, 43–47; H. J. Eckenrode, *Separation of Church and State in Virginia: A Study in the Development of the Revolution* (Richmond: Davis Bottom, Superintendent of Public Printing, 1910; reprint, New York: Da Capo Press, 1971), 39–40.

<sup>32</sup> Ryland, *The Baptists of Virginia*, 97.

<sup>33</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 53–54.

<sup>34</sup> Ryland, *The Baptists of Virginia*, 98.

other,” and (3) to marry, bury, “and the like, without paying the Parsons of any other denomination.” They also took the lead in gathering about 10,000 signatures on a 1776 petition which protested “the Burden of an Ecclesiastical Establishment” and asked for “Equal Liberty! That invaluable blessing,” so that “every religious Denomination being on a Level, Animositities may cease, and that Christian Forbearance, Love and Charity, may be practiced towards each other”; the legislature’s only interference, they suggested, should be “to support them in their just Rights and equal privileges.”<sup>35</sup> The phrase “Christian Forbearance, Love and Charity” they borrowed from Virginia’s new Constitution.

During the period 1765–1776, Baptists appealed for the privileges granted by the Act of Toleration but denied by colonial and local authorities under various laws. During this period Patrick Henry defended dissenters, and Baptists have applauded his efforts.<sup>36</sup> By the end of the period, however, they were moving beyond toleration and were contending for liberty.

### *From Toleration to Liberty and Equality*

Experience taught Virginia Baptists and other dissenters that liberty and equality go together and that, in the absence of equality, liberty is hope, not fact; promise, not reality.

As early as 1775 a meeting of Baptists in Goochland and Powhatan counties decided “to strive together for the abolition of the hierarchy or Church establishment in Virginia,”<sup>37</sup> a revolutionary proposal at the time.

A crucial step was the decision of the civil convention on June 12, 1776, then drafting a constitution for the new commonwealth of Virginia, to guarantee religious liberty, not religious toleration. Either George Mason or Patrick Henry—probably Mason—proposed that the constitution provide that “all men should enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience,” without civil restraint or punishment, provided religion-related activities did not disturb society’s peace, happiness, or safety.<sup>38</sup> James Madison, age 25, an Anglican who had studied under John Witherspoon at the College of New Jersey (now Princeton University), offered a substitute stating that “all men are equally entitled to the full and free exercise” of religion, that religion neither confers “peculiar emoluments or privileges” nor subjects one to penalties or disabilities.<sup>39</sup> He explained that his intent was to establish religious liberty as a natural right, in contrast to “toleration” as a privilege conceded by a religious establishment.<sup>40</sup> As finally approved, the Virginia Constitution (Declaration of Rights, art.16) provided:

---

<sup>35</sup> *Ibid.*, 99–100.

<sup>36</sup> Semple, *A History of the Rise and Progress of the Baptists in Virginia*, 41.

<sup>37</sup> William Taylor Thom, *The Struggle for Religious Freedom in Virginia: The Baptists* (Baltimore: The Johns Hopkins University Press, 1900; reprint, New York: Johnson Reprint Corp., 1973), 49.

<sup>38</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 62.

<sup>39</sup> Anson Phelps Stokes and Leo Pfeffer, *Church and State in the United States*, rev. ed. (New York: Harper & Row, 1964), 42.

<sup>40</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 63.

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.<sup>41</sup>

Except for Rhode Island's charter, granted by Charles II of England in 1662, Virginia's Constitution had the most liberal provision respecting religion then existing in the world.

This provision provided a norm for assessing prior statutes which remained in force by virtue of a "grandfather" rule. In the next several years the thrust of dissenters' agitation was that liberty requires equality and that numerous laws violated such principle.

In fall 1776 the Virginia legislature received several petitions from dissenters, among whom Baptist were very vocal.<sup>42</sup> Though phrasing differed from petition to petition, certain themes were common: Violence and compulsion support the Anglican establishment, other denominations are not on an equal footing with Anglicanism, dissenting ministers do not have privileges equal to those enjoyed and exercised by Anglican clergymen, and dissenters must pay taxes to maintain a church with which they do not agree.

Anglican clergymen petitioned the legislature to maintain Anglicanism as the established religion. Among other things, they contended that the establishment contributed to society's well-being.<sup>43</sup> Parishes, these clergymen contend, had a "good faith" obligation to maintain their ministers. The established church, they said, had always been charitable toward dissenters and had never shown a "disposition to restrain them in the exercise of their religion,"<sup>44</sup> a claim which dissenters and their friends knew to be erroneous. Methodists, then in communion with Anglicanism, opposed disestablishment because of their belief that "very bad consequences" would inevitably follow.<sup>45</sup>

The legislature provided dissenters some relief, such as invalidating some criminal laws and exempting dissenters from taxes to support "the church as by law established." However, the legislature favored the regulation of "public assemblies of so societies for divine worship" and clergymen's conduct, the preservation of glebe lands (farms for supporting parish ministers), churches, and chapels for Anglican use, and parishes' honoring of contracts with Anglican clergymen. In 1777 and 1778 the legislature renewed its exemption of dissenters from taxation to support the established church. In 1779 it ended such taxation completely.

---

<sup>41</sup> Stokes and Pfeffer, *Church and State*, 42–43.

<sup>42</sup> See texts in James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 68–73.

<sup>43</sup> The English Act of Uniformity of 1662, the legal basis of the Anglican establishment in Virginia, said that "nothing conduceth more to the peace of this nation . . . nor to the honour of our religion, and the propagation thereof, than a universal agreement in the public worship of Almighty God." See full text in F. G. Healey, *Rooted in Faith: Three Centuries of Nonconformity, 1662–1962* (London: Independent Press LTD, 1961), Appendix II, 124–44.

<sup>44</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 77.

<sup>45</sup> *Ibid.*, 75–76.

Nevertheless, numerous inequities remained in laws “grandfathered” or continued in force when Virginia adopted its new constitution. For several years three inequities received dissenters’ major attention: (1) Anglican clergymen’s monopoly over marriages, (2) their monopoly over burials, and (3) the election of vestrymen with power to levy and collect taxes.

*Marriage.* As early as May 1776 a Baptist petition from Prince William County asked for the privileges of marrying and burying “without paying the Parsons of any other denomination.”<sup>46</sup> In 1778 Baptists’ General Association opposed Anglicans’ “exclusive right in officiating in marriages.”<sup>47</sup> The next year the Baptists noted that there were doubts about the validity of marriages solemnized by dissenting ministers and asked the legislature to enact a law to legalize them and thus to remove all doubt.<sup>48</sup> Several petitions of 1780 appealed for a revision of the marriage law.<sup>49</sup>

A law of 1780 permitted dissenting ministers, and Quaker and Mennonite groups, to officiate at marriages according to the “rules and usage” of their respective societies.<sup>50</sup> This law also validated marriages previously “celebrated by dissenting ministers.”

Dissenters objected to other provisions of this 1780 law. It permitted only four ministers of a dissenting group to officiate at marriages in a county, and restricted a dissenting minister’s function to the county in which he was licensed. Neither of these restrictions applied to Anglican clergymen. In the next few years both Baptists and Presbyterians attacked this law.

In late-1784 the legislature passed a law authorizing “any ordained minister of the Gospel in regular communion with any society of Christians . . . to celebrate the rights of matrimony according to the forms of the Church to which he belongs.”<sup>51</sup> With this law on the books, the controversy over marriage law ended.

*Vestries.* Petitions calling for the dissolution of vestries in the late-1770s came from persons in the general citizenry, but they reflected dissenters’ sentiments. In 1780 Baptists began to petition in their own name for such action.<sup>52</sup> In July 1780 the legislature dissolved some vestries in western counties where Presbyterians were numerous and replaced vestrymen with overseers of the poor,<sup>53</sup> undoubtedly to pacify Presbyterians.

---

<sup>46</sup> Ryland, *The Baptists of Virginia*, 98.

<sup>47</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 104.

<sup>48</sup> Ryland, *The Baptists of Virginia*, 104; James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 93, 114; Semple, *A History of the Rise and Progress of the Baptists in Virginia*, 89, reported that Henry advised that dissenting preachers should “proceed to solemnize the rights of matrimony without any law to authorize them . . . as being the most certain method of obtaining the law.” “It succeeded,” Semple said. But Semple had reservations about this approach in changing law. “It is, however, still questionable,” said Semple, “*whether this was doing evil that good may come*” (Semple’s emphasis).

<sup>49</sup> Ryland, *The Baptists of Virginia*, 105.

<sup>50</sup> Thom, *The Struggle for Religious Freedom in Virginia: The Baptists*, 70.

<sup>51</sup> *Ibid.*, 75.

<sup>52</sup> *Ibid.*, 67.

<sup>53</sup> *Ibid.*, 68.



Vestries remained in other counties, and conformity to Anglicanism remained a qualification for office.<sup>54</sup> Baptists repeatedly petitioned for their dissolution. In 1784 Presbyterians also submitted a petition calling for dissolving vestries. The Hanover Presbytery said that “preferences, distinctions and advantages granted by the Legislature [respecting vestries] exclusively to one sect of Christians, are regarded by a great number of your constituents as glaringly unjust and dangerous.”<sup>55</sup>

*Incorporation.* In the wake of such criticism, Episcopalians, as Anglicans were beginning to call themselves after the Revolutionary War made “Church of England” an unacceptable name, pushed for the incorporation of the Protestant Episcopal Church. The 1784 incorporation law came under dissenters’ criticism because of its basic inequality. Episcopalians sought incorporation in order for the government to transfer to Episcopalians titles to “the churches, glebe lands, donations, and all other property heretofore belonging to the Established church.”<sup>56</sup> They also asked for a law which permitted only Episcopalians to vote on vestrymen who held title to such properties.<sup>57</sup>

Initially, as I read the record, Presbyterians asked the legislature to convey certain lands to their school, Hampden-Sidney College.<sup>58</sup> The legislature understood them to favor the incorporation of Presbyterian societies.<sup>59</sup> When, however, the bill called for incorporating only the Protestant Episcopal Church,<sup>60</sup> Presbyterians then turned against it, calling it an attempt “to draw the State into an illicit connection & commerce” with Episcopalians.<sup>61</sup>

*Disestablishment.* The incorporation law, passed in early 1785,<sup>62</sup> was short-lived. After the enactment of Jefferson’s Bill for Establishing Religious Freedom, signed into law on January 19, 1786, Baptists attacked the incorporation law as “a Bitumen to Cement Church and State together, the foundation for Ecclesiastical Tyranny and the first steps towards an Inquisition.”<sup>63</sup> Madison also opposed the law on several grounds: (1) It assumed “the power of the Legislative Body to interfere in matters of Religion”; (2) it reflected clergymen’s wishes and ignored laymen’s will; (3) it gave clergymen legislative authority over the laity in churches; (4) it

---

<sup>54</sup> *Ibid.*, 70.

<sup>55</sup> William Henry Foote, *Sketches of Virginia: Historical and Biographical*, First Series (William S. Martien, 1850; reprint, Richmond: John Knox Press, 1966), 334.

<sup>56</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 124.

<sup>57</sup> Eckenrode, *Separation of Church and State in Virginia*, 78.

<sup>58</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 124.

<sup>59</sup> Eckenrode, *Separation of Church and State in Virginia*, 79.

<sup>60</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 128.

<sup>61</sup> Eckenrode, *Separation of Church and State in Virginia*, 81.

<sup>62</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 142.

<sup>63</sup> Ryland, *The Baptists of Virginia*, 128.

protected the tenure of “the most obnoxious & unworthy clergymen”; and (5) it tended to drive Episcopalian laymen “over to the Sects where there will be more consistency & liberty.”<sup>64</sup>

In 1787 the legislature repealed the Incorporation Act due, as Madison wrote to Jefferson, to “the most pointed opposition for the other sects.”<sup>65</sup> Baptists were in the forefront of this opposition. They promptly began to agitate for the return of glebes, farms dedicated to the financial upkeep of Anglican/Episcopal parish ministers, as vacancies occurred in parish ministries. For fifteen years they called, from time to time, for the complete disestablishment of religion. Finally, in 1802, the last of the glebes were legally returned to the government for disposition so as to serve public welfare.<sup>66</sup>

### *General Assessment Bill*

The issue of a general assessment for teachers of the Christian religion stirred dissenters to passionate action. The idea of a general assessment surfaced in the legislature at least as early as 1777. At that time Presbyterians opposed a general assessment as “contrary to our principles and interests” and as “subversive of religious liberty.”<sup>67</sup> While agreeing that dissenters should be exempt from supporting Anglicanism, petitioners from Caroline County favored a general assessment to support all ministers because of religion’s presumed benefits to society.<sup>68</sup> A Lunenburg petition of 1779 called for a general assessment to establish and maintain “the reformed Protestant religion, including the different denominations thereof.”<sup>69</sup>

As Jefferson’s Bill for Establishing Religion was set for third reading (final passage) in late-1779, the legislature laid it aside and took up a bill to preserve the Church of England. This measure would also have made the Christian religion the established religion of the Commonwealth, would have permitted free male persons to form churches to be regarded as the established religion, would have required all such churches and ministers to subscribe to a five-article doctrinal statement (which, incidentally, would have reduced Christian teachings to the lowest common denominator), and would have imposed a general assessment for the support of all religious teachers and places of worship.<sup>70</sup> Though this measure did not pass at the time, its substance was the basis of the bill introduced in 1783.

When the general assessment bill was up for action in 1784, all signs favored passage. Patrick Henry, perhaps the Commonwealth’s most popular orator and a skillful legislator, was a

---

<sup>64</sup> John F. Wilson and Donald L. Drakeman, eds., *Church and State in American History: The Burden of Religious Pluralism*, 2d ed. expanded (Boston: Beacon Press, 1987), 74–75.

<sup>65</sup> Eckenrode, *Separation of Church and State in Virginia*, 128–29.

<sup>66</sup> Ryland, *The Baptists of Virginia*, 130–33.

<sup>67</sup> Foote, *Sketches of Virginia*, 326; Eckenrode, *Separation of Church and State in Virginia*, 54.

<sup>68</sup> Eckenrode, *Separation of Church and State in Virginia*, 55; James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 90–91.

<sup>69</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 94.

<sup>70</sup> Eckenrode, *Separation of Church and State in Virginia*, 58–61.

sponsor. Even the Hanover Presbytery, which had great influence in the western counties, gave qualified support for a general assessment, provided it be on “the most liberal plan” and not the kind which had excited “anxious speculation.”<sup>71</sup> The Hanover petition has raised questions about whether the Presbyterians supported or opposed a general assessment; defenders of the Presbytery’s action explain the petition as an action designed to liberalize the scheme of a general assessment inasmuch as the passage of some kind of plan was thought to be a foregone assessment.<sup>72</sup> A year later Presbyterians unequivocally opposed the general assessment bill.<sup>73</sup> Their initial support may have been due to the influence of Patrick Henry, the bill’s advocate and one who had befriended Presbyterians on numerous occasions.

At a crucial stage in the legislative process in mid-November 1784, Henry became governor, leaving the legislature without an effective leader in guiding the assessment bill. Prior to this, passage of the bill appeared to be inevitable. Within two weeks Madison believed that passage was doubtful. After amendments, the perfected bill narrowly passed, but opponents, led by Madison, succeeded in deferring final action for eleven months, in order, as Madison explained, for “the people . . . [to] signify their opinion.”<sup>74</sup>

Signify their opinions, the people did. By Spring 1785 opposition to the bill was on the rise. Among dissenters, only some Presbyterian ministers seemed to favor it, being, as Madison put it, “as ready to set up an establishment which is to take them in as they were to pull down that which shut them out.”<sup>75</sup> However, Presbyterian laymen and some ministers opposed the proposal. In late-May the Hanover Presbytery came out against it. In August a convention of Presbyterians resolved against the measure, partly because it included only Christians and excluded Jews and others.<sup>76</sup>

By mid-Summer 1785 Madison’s famous “Memorial and Remonstrance,” a classic statement, was circulating as the major item in an educational campaign against the bill. This document enumerated fifteen reasons why the bill should not be passed.<sup>77</sup>

In October 1784 Baptists organized a General Committee consisting of representatives from several associations and authorized to initiate dealings with the legislature.<sup>78</sup> In August 1785 this committee urged counties to petition the legislature to defeat the assessment bill because taxation to support the gospel would be “destructive to religious liberty.”<sup>79</sup> John Leland

---

<sup>71</sup> *Ibid.*, 89.

<sup>72</sup> Foote, *Sketches of Virginia*, 338.

<sup>73</sup> *Ibid.*, 342–44.

<sup>74</sup> Eckenrode, *Separation of Church and State in Virginia*, 102.

<sup>75</sup> *Ibid.*, 103.

<sup>76</sup> *Ibid.*, 107.

<sup>77</sup> Stokes and Pfeffer, *Church and State in the United States*, 55–60.

<sup>78</sup> Ryland, *The Baptists of Virginia*, 122.

<sup>79</sup> Thom, *The Struggle for Religious Freedom in Virginia: The Baptists*, 76.

(1754–1841), Massachusetts-born and a pastor in Virginia since 1777, was a leading spokesman for Baptists in this campaign.

Baptists were active in gathering petitions against the bill—signing petitions as citizens, not as Baptists. When the legislature convened in Fall 1785 it received sixty-two petitions from fifty-five counties—fifty-five in opposition to the bill and only seven in support. Only one county sent in a pro-bill petition, with no petition against the bill.<sup>80</sup> Anti-assessment signers outnumbered pro-assessment signers by about eight to one.<sup>81</sup>

Dissenters generated such formidable opposition that the assessment bill, which seemed sure of passage in late-1784, died in committee in late-1785.<sup>82</sup>

### *Jefferson's Bill*

The concerted political activity of dissenters, especially Baptists, against the assessment bill in 1785 created a climate favorable to the resurrection of Jefferson's Bill for Establishing Religious Freedom, which had lain dormant since 1779. Within a month of the swamping of the assessment bill, Madison called up Jefferson's Bill and put it on a fast track to passage. On December 17, 1785, it passed the House by a vote of 74 to 20.<sup>83</sup> After the Senate amended the preamble, the House accepted the amendments on January 16, 1786. Three days later the measure was signed into law.<sup>84</sup>

This laws contains several principles essential to genuine religion: (1) All persons ("men" in the act's language) "shall be free to profess" and propagate their own religious opinions; (2) religious opinions shall have no effect on "civil capacities," neither diminishing nor enlarging one's civil status; (3) frequenting and supporting "any religious worship, place or ministry whatsoever" are beyond the reach of legal compulsion; (4) no one is to suffer in body or goods—whether by force, restraint, or burden—on account of "religious opinions of belief"; and (5) these religious rights "are of the natural rights of mankind" and therefore beyond the power of some future legislature to repeal or narrow without infringing a "natural right."<sup>85</sup>

Virginia Baptists were also involved in events leading to the amending of the United States Constitution. As written by James Madison and approved by the Constitutional Convention in mid-1787, the proposed constitution contained only one provision respecting religion—namely, that the oath required before a person assumes civil office shall not include a

---

<sup>80</sup> *Ibid.*, 79.

<sup>81</sup> Cf. Eckenrode, *Separation of Church and State in Virginia*, 111–12, for details.

<sup>82</sup> *Ibid.*, 113; James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 139.

<sup>83</sup> *Ibid.*, 114; James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 140, says that the vote was 67 to 20.

<sup>84</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 140.

<sup>85</sup> See text in Anson Phelps Stokes, *Church and State in the United States*, vol. 1 (New York: Harper and Brothers, 1950), 392–94.

religious test: “but no religious test shall ever be required as a qualification to any office or public trust under the United States.”<sup>86</sup>

“When the constitution first made its appearance in Virginia, we, as a society,” Baptists’ General Committee wrote to George Washington on August 8, 1789, “had unusual strugglings of mind, fearing that the liberty of conscience (dearer to us than property and life) was not sufficiently secured.”<sup>87</sup> Baptists cautiously assessed the proposed constitution when it first appeared. At its meeting in Goochland County on March 7, 1788, the General Committee agreed that “the new Federal Constitution” did not make “sufficient provision for the secure enjoyment of religious liberty.”<sup>88</sup>

Though Madison, chief drafter of the Constitution, had a record of supporting religious rights, he initially opposed the inclusion of provisions respecting rights. As he wrote in a letter to Thomas Jefferson on October 17, 1788, he had always personally favored a Bill of Rights “provided it be so framed as not to imply powers not meant to be included in the enumeration.”<sup>89</sup> On the ground that the Federal Constitution is a grant of power (as distinguished from a state constitution as a limitation of power), Madison initially believed that a Bill of Rights was not essential. Moreover, on political grounds he feared that, because of differences among the states, any Bill of Rights approved by the Convention and ratified by the states would be narrower than he deemed desirable. Between 1776 and 1783 several states had adopted new constitutions which defined certain rights, but not in the same way: Virginia (1776), New Jersey (1776), Pennsylvania (1776), Delaware (1776), Maryland (1776), North Carolina (1776), Georgia (1777), New York (1777), Vermont (1777, even though Vermont did not become a state until 1791), South Carolina (1778), Massachusetts (1780), and New Hampshire (1783). In fact, members of the Constitutional Convention feared that differences over rights would jeopardize any chance of agreeing on the Federal Constitution in 1787. Writing to Jefferson, Madison said that he feared that “a positive declaration of some of the most essential rights could not be obtained in the requisite latitude”—and especially that “the rights of conscience . . . would be narrowed much more” by public definition than “they are likely ever to be [narrowed]” by “an assumed power” (the Federal Government).

Virginia Baptists’ commitment to religious rights—and to some other rights as well—caused them to oppose ratification when the proposed Constitution first made its appearance. By late-1787 Virginians, as Madison wrote to Jefferson, formed three parties on the issue of ratification: (1) George Washington and several other prominent Virginians favored ratifications “without attempting amendments”; (2) Governor Edmund Randolph and George Mason, both of whom had refused to sign the Constitution in Philadelphia because it lacked a Bill of Rights, favored “the substance of the government” but also favored “a few additional guards in favor of the rights of the States and of the people”; and (3) a third party, led by Patrick Henry, publicly called for amendments but fundamentally disliked “the essence of the [Federal] system,”

---

<sup>86</sup> U.S. Constitution, Article VI (3).

<sup>87</sup> Ryland, *The Baptists of Virginia*, 135; emphasis in letter.

<sup>88</sup> *Ibid.*, 133.

<sup>89</sup> Bernard Schwartz, ed., *The Bill of Rights: A Documentary History*, 2 vols. (New York: Chelsea House Publishers and McGraw-Hill Book Co., 1971), 1:625–27.

preferring the principles of the original Confederacy.<sup>90</sup> A “large majority” of persons in Northern Virginia, Madison said, were “much disposed to adopt the new Constitution;” anti-ratification sentiment was strongest in the “middle country and south side of the James River”—precisely in the area in which Baptists were strongest.

Baptists were vulnerable to exploitation by anti-ratification spokesmen, such as Henry. For two decades they had actively challenged all aspects of a legal establishment of religion. On the same day that their General Committee found the proposed Federal Constitution deficient in safeguarding religious liberty, it decided to petition the legislature “for the sale of the vacant glebes as being public property.”<sup>91</sup> Thus, at the very time that Virginians were considering whether to ratify the Federal Constitution, Baptists were politically active in attacking laws and practices which they deemed harmful to religious freedom. Therefore, they instinctively viewed the new Constitution’s silence with respect to rights of conscience from the perspective of their experiences since the 1760s.

Writing on January 3, 1788, to James Madison, then in New York working with Alexander Hamilton and Jay Gould in writing *The Federalist*, Madison’s father reported that “the Baptists are now generally opposed” to ratification and urged his son to return to Virginia as early in March as possible.<sup>92</sup> On February 17, 1788, James Gordon informed Madison that several persons influential with the people, including John Leland and another Baptist preacher (Aaron Bledsoe),<sup>93</sup> were stirring up opposition to ratification.<sup>94</sup> A letter from Leland reached Madison while he was still in New York; it listed ten objections to the proposed Constitution, similar to objections which Patrick Henry was then voicing.<sup>95</sup> That Henry was a leading opponent of ratification is indisputable. Writing to Madison on June 12, 1788, John Blair Smith, a Presbyterian minister and president of Hampden-Sidney College, said that Henry “had found means to make some of the best people here [in western counties] believe that a religious establishment was in contemplation under the new government.”<sup>96</sup>

Two unresolved questions in Baptist History are: (1) Was John Leland an anti-ratification candidate from Orange County for the Ratification Convention? (2) Did Leland, on the basis of a meeting with and promise from Madison, withdraw and throw his support to Madison? There are three versions of a tradition that Leland was a candidate and later withdrew in favor of Madison. The first version appeared in the eulogy of Madison by John S. Barbour in Culpeper County after Madison’s death in 1836, about a half century after the purported event; Barbour credited Leland

---

<sup>90</sup> *Ibid.*, 615–16.

<sup>91</sup> Semple, *A History of the Rise and Progress of the Baptists in Virginia*, 102.

<sup>92</sup> John Leland, “Events in the Life of John Leland: Written by Himself,” in *The Writings of the Late Elder John Leland*, ed. L. F. Greene (New York: G. W. Wood, 1845; reprint, New York: Arno Press and The New York Times, 1969), 154.

<sup>93</sup> Cf. Semple, *A History of the Rise and Progress of the Baptists in Virginia*, 202–03, note.

<sup>94</sup> Leland, “Events in the Life of John Leland,” 114.

<sup>95</sup> *Ibid.*, 116.

<sup>96</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 156–57.

with Virginia's ratification of the Constitution,<sup>97</sup> a credit which Leland never claimed. The second version, appearing two decades later, was the recollection of Governor G.N. Briggs of Massachusetts on a conversation which he had with Leland when Leland was eighty-two years old. The third version appeared a generation later but offered no new evidence.

The most intriguing version is that of Briggs, simply because it contains so much detail, as follows:

At length, when Mr. Madison was about ready to return [from New York] to Virginia, a public meeting was appointed in the county of Orange, at which the candidates for the Convention—Madison on one side, and Leland on the other—were to address the people from the stump. Up to that time he [Leland] had but a partial acquaintance with Mr. Madison, but he had a high respect for his talents, his candour, and the uprightness and purity of his private character. On his way home from Philadelphia, Mr. Madison went some distance out of his direct road to call upon him. After the ordinary salutations, Mr. Madison began to apologize for troubling him with a call at that time, but he assured Mr. Madison that no apology was necessary. "I know your errand here," said he; "it is to talk with me about the Constitution. I am glad to see, and to have an opportunity of learning your views on the subject." Mr. Madison spent half a day with him and fully and unreservedly communicated to him his opinions upon the great matters which were then agitating the people of the State and the Confederacy. They then separated to meet again very soon as opposing candidates before the electors, on the stump. The day came and they met, and with them nearly all the voters in the county of Orange, to hear their candidates respectively discuss the important questions upon which the people were soon to act. "Mr. Madison," said the venerable man [Leland], "first took the stump, which was a hogshead of tobacco standing on one end. For two hours he addressed his fellow-citizens in a calm, candid, and statesmanlike manner, arguing his side of the case, and fairly meeting and replying to the arguments which had been put forth by his opponents in the general canvass of the State. Though Mr. Madison was not a particularly a pleasing or eloquent speaker, the people listened with respectful attention. He left the hogshead, and my friends called for me. I took it—and went in for Mr. Madison, and he was elected without difficulty. This," said he, "is, I supposed what Mr. Barbour alluded to."<sup>98</sup>

As intriguing as the foregoing report is, there are reasons for questioning its validity. First, Leland's autobiography makes no mention of his candidacy for the ratifying convention in Virginia or of any meeting with Madison on the subject.<sup>99</sup> Second, primary sources contemporary with events in 1788 contain no evidence to support any details of the tradition which arose long after the supposed withdrawal of Leland.<sup>100</sup>

---

<sup>97</sup> *Ibid.*, 155.

<sup>98</sup> *Ibid.*, 156–57.

<sup>99</sup> Leland, "Events in the Life of John Leland," 27–29, which cover the time period of the alleged meeting.

<sup>100</sup> Reuben Edward Alley, *A History of the Baptists in Virginia* (Richmond, VA: Virginia Baptist General Board, 1973), 109–18, contains an extended treatment of "the Leland story."

The candidates to the ratifying convention from Orange County were Madison, John Gordon (Madison's close friend), Thomas Barbour, and Charles Porter. Madison returned to Virginia in mid-March 1788. His itinerary was: March 18–20, Washington's guest at Mount Vernon; March 21, at Fredericksburg, where Madison received a letter from Joseph Spencer, suggesting an interview with Leland; late March 22, arriving after dinner at the home of Major Moore, about two miles southeast of Orange Courthouse; March 23, arrival at the home of his father at Montpelier, about five miles southwest of Orange Courthouse. Given the conditions of travel in 1788, Madison would have arrived at the eastern side of Orange County at an unknown hour on March 22. He, as Reuben Alley conjectured, may have turned off the main road to visit at Leland's home, and Leland may have accompanied Madison for a few miles as Madison traveled westward, perhaps going as far as Gum Spring.

The election returns from Orange County were: Madison, 202; Gordon, 187; Barbour, 56; and Porter, 34.<sup>101</sup> Madison led pro-ratification forces at Virginia's convention which began on June 2, 1788. George Mason opposed ratification in the absence of amendments to protect rights; Patrick Henry contended for amendments as a strategy of defeating ratification.<sup>102</sup>

On June 12, 1788, the convention ratified the Constitution by a vote of 89 ayes and 79 noes. The next day, however, it set up a committee to draft amendments to be proposed to the Federal Congress. This committee consisted of some of Virginia's best known leaders, including Madison, Henry, Mason, and John Marshall, later to become the Chief Justice of the Supreme Court. Within a day this committee drafted twenty proposals for a Federal Bill of Rights, the last of which said: "No particular religious sect or society ought to be favored or established, by law, in preference to others."<sup>103</sup>

After nine states ratified the Constitution, the Henry-dominated legislature in Virginia drew up congressional districts for the House of Representatives in a way calculated to frustrate Madison's expected candidacy. The district embraced eight counties—Albemarle, Amherst, Culpeper, Fluvanna, Goochland, Louisa, Orange, and Spotsylvania. Five (Amherst, Culpeper, Fluvanna, Goochland, and Spotsylvania) had voted solidly against ratification of the Federal Constitution; a sixth (Louisa) had split its votes. Only Albemarle County, where Jefferson resided, and Orange County, where Madison resided, had cast all votes for ratification.

In this district, skeptical of the Federal Constitution, Madison had to run against James Monroe. A major problem for Madison, as he wrote to George Washington on January 14, 1789, was an "industriously calculated" and erroneous rumor that Madison was "dogmatically attached to the Constitution in every clause, syllable, and letter" and therefore opposed to any amendment "either from conviction or from a spirit of accommodation."<sup>104</sup>

In this eight-county district were twenty-seven Baptist churches, making it a stronghold of Separate Baptists. One fourth of these churches were in Culpeper County alone<sup>105</sup>—where at least six Baptist preachers had been imprisoned between 1768 and 1774 (Ammon, Banks,

---

<sup>101</sup> *Ibid.*, 117.

<sup>102</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 151.

<sup>103</sup> Schwartz, *The Bill of Rights: A Documentary History*, 1:236, and 2:842.

<sup>104</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 162.

<sup>105</sup> *Ibid.*, 161.



Corbeley, Elijah Craig, Ireland, and Maxfield). Culpeper, as Madison wrote to Edmund Randolph on March 1, 1789, was the “the critical county” because of “multiplied falsehoods” being circulated against him.<sup>106</sup> Five Baptist churches were in Spotsylvania,<sup>107</sup> where the first recorded imprisonment of Baptist preachers occurred on June 4, 1768. When Madison wrote Washington in January 1789, he had already visited and sent letters to Culpeper and Louisa, where incidentally, there was a total of nine Baptist churches.<sup>108</sup>

To what extent Baptists supported Madison’s candidacy, I am not sure. In a letter to Madison in February 1789, Leland congratulated Madison on his election to Congress. “[I]f my undertaking in the campaign conducted nothing else toward it,” Leland wrote, “it certainly gave Mr. Madison one vote.”<sup>109</sup> The details of Leland’s involvement are not of record. However, Leland felt comfortable enough to write to Madison:

One thing I shall expect; that if religious liberty is in any wise threatened; that I shall receive the earliest Intelligence. I take the Liberty of writing thus to you lest I should not be at Home when you pass by on your way to Congress.<sup>110</sup>

That Baptists were strong in Madison’s congressional district is clear. From most of these counties had come petitions against the General Assessment Bill in 1785.<sup>111</sup> One petition was from “Several Baptist churches, assembled by their representatives in general association in the county of Orange, on the 17<sup>th</sup> of September,” 1785.<sup>112</sup> Orange County, according to Leland who lived there, was “strong Baptist country,” but five of the eight counties in this congressional district had more Baptist churches than were in Orange.

In the absence of explicit evidence, one can only infer that Baptists gave good support to Madison, especially if Leland, a chief spokesman for the General Committee, were involved in Madison’s campaign, as Leland’s above quoted letter suggests.

Four days after the inauguration of George Washington as the United States’s first president, Madison told Congress of his intention to propose amendments to the Constitution. On June 8, 1789, he introduced his proposals. They went through the parliamentary hopper, during which process there were several efforts to amend the language pertaining to religion. In Madison’s original proposal respecting religion there was no reference to speech, press, and assembly; however, he proposed other amendments touching on speech, press, peaceable assembly, and petition for redress of grievances.

The religion amendment went through seven versions before the wording now appearing in the First Amendment surfaced in Congress. This eighth version said that “congress shall make

---

<sup>106</sup> Ibid., 163.

<sup>107</sup> Ibid., 161.

<sup>108</sup> Ibid., 161–62.

<sup>109</sup> Alley, *A History of the Baptists in Virginia*, 118.

<sup>110</sup> Ibid.

<sup>111</sup> James, *Documentary History of the Struggle for Religious Liberty in Virginia*, 139.

<sup>112</sup> Ibid., 139–40.

no law establishing articles of faith, or a mode of worship” and used the wording respecting speech, press, and peaceable assembly later approved by Congress.<sup>113</sup>

The version finally approved by Congress on September 25, 1789, for submission to the states for ratification read:

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 people peaceably to assemble, and petition the government for a redress of grievances.

After ratification by enough states this became the language of the First Amendment.

### *Conclusion*

The experience of Virginia Baptists is a commentary on the meaning and value of First Amendment. It exposed the evils of an establishment of religion, sponsored and financed by government, propped up by government’s power, and employing government’s laws and means to penalize and punish those who employed speech, press, and assembly to express other religious views. Baptists’ experience earned for them a vested interest in maintaining religious liberty as set forth in the First Amendment.

G. Hugh Wamble (1923–1991) served for thirty-one years as Professor of Church History at Midwestern Baptist Theological Seminary in Kansas City, Missouri. An expert in the history of church-state issues, he published a number of articles for scholarly publications such as *Church History*, *Baptist History and Heritage*, *Review and Expositor*, and *Missouri Historical Review*.

---

<sup>113</sup> Schwartz, *The Bill of Rights: A Documentary History*, 2:1153.