

James Madison, Veto Messages, February 1811

Quite simply, these veto messages are significant, in addition to their contents, because they demonstrate how Madison has maintained his promise to avoid the slightest interferences with the liberties of conscience and religion. Madison's attitude toward the evils of religious establishment remains unchanged. By incorporating the Protestant Episcopal Church, the authority to make rules, govern proceedings and select ministers would be removed from the general church or society and placed in the hands of a few. Furthermore, giving legal effect to church rules and regulations would require submission to the state penal laws for their violation. This the Constitution forbids. On similar grounds, President Madison refused to appropriate federal funds for the use and support of religious societies, such as the Baptist Church in the Mississippi Territory.

VETO MESSAGES

February 21, 1811

To the House of Representatives of the United States:

Having examined and considered the bill entitled "an Act incorporating the Protestant Episcopal Church in the town of Alexandria, in the District of Columbia," I now return the bill to the House of Representatives, in which it originated, with the following objections:

Because the bill exceeds the rightful authority to which governments are limited by the essential distinction between civil and religious functions, and violates in particular the article of the Constitution of the United States which declares that "Congress shall make no law respecting a religious establishment." The bill enacts into and establishes by law sundry rules and proceedings relative purely to the organization and polity of the church incorporated, and comprehending even the election and removal of the minister of the same, so that no change could be made therein by the particular society or by the general church of which it is a member, and whose authority it recognizes. This particular church, therefore, would so far be a religious establishment by law, a legal force and sanction being given to certain articles in its constitution and administration. Nor can it be considered that the articles thus established are to be taken as the descriptive criteria only of the corporate identity of the society, inasmuch as this identity must depend on other characteristics, as the regulations established are generally unessential and alterable according to the principles and canons by which churches of that denomination govern themselves, and as the injunctions and prohibitions contained in the regulations would be enforced by the penal consequences applicable to a violation of them according to the local law.

Because the bill vests in the said incorporated church an authority to provide for the support of the poor and the education of poor children of the same, an authority which, being altogether superfluous if the provision is to be the result of pious charity, would be a precedent for giving to religious societies as such a legal agency in carrying into effect a public and civil duty.

February 28, 1811

To the House of Representatives of the United States:

Having examined and considered the bill entitled "An act for the relief of Richard Tervin, William Coleman, Edwin Lewis, Samuel Mims, Joseph Wilson, and the Baptist Church at Salem Meeting House, in the Mississippi Territory," I now return the same to the House of Representatives, in which it originated, with the following objection:

Because the bill in reserving a certain parcel of land of the United States for the use of said Baptist Church comprises a principle and precedent for the appropriation of funds of the United States for the use and support of religious societies, contrary to the article of the Constitution which declares that "Congress shall make no law respecting a religious establishment."

James Madison, Veto Messages (Feb. 21, 1811; Feb. 28, 1811), in 8 The Writings of James Madison, 1808-1819, at 132 (Gaillard Hunt ed., 1908).