

Topic:

The Road to Religious Freedom

Time:

2 class periods

Historical**Period:**

1600 to 1791

Core:

US I 6120 - 0401, 0402,
0403, 0602, 0603

Objectives: Students will:

1. Understand how freedom of religion evolved from the Colonial period to the drafting of the Bill of Rights.
2. Increase awareness and understanding of the importance of religious freedom.
3. Understand the principle of separation of church and state.

Procedure:

1. Reproduce Handouts 1-9 and set up nine learning stations throughout the room in random historical order.
2. Introduce activity by drawing a winding road on the blackboard. Explain that this line represents the road to religious freedom in the United States. At the beginning of the road write **intolerance**, in the middle write **tolerance**, and at the end write **freedom**. Discuss each of their meanings.
3. Note that while some colonists came to this country in search of religious freedom, they were intolerant of other religions. Explain that the concept of religious freedom evolved slowly and that many people suffered from religious intolerance.
4. Have students copy the road on blank pieces of paper. Divide students into pairs and assign them to visit and answer questions at each learning station, read the selection and decide whether it is an example of:
 - a. Religious intolerance
 - b. Religious tolerance
 - c. Religious freedomRecord each learning center selection on their roadmap.
5. When students are finished, have them put the selections in chronological order so they see the progression of dates from the 1600's to 1791. Pass out Handout 10 so they have a visual picture of this road.
6. Following student assignment, have students write a 75 word precis on "What is Religious Freedom?" (A precis is a concise summary of essential points, statements or facts.)

Handouts/Worksheets:

1. Theocracy in England
2. Theocracy in the Colonies
3. The Case of Roger Williams
4. The Case of Anne Hutchinson
5. The Case of Mary Dyer
6. William Penn's Colony
7. Northwest Ordinance
8. Article VI, United States Constitution
9. Amendment 1
10. Road to Religious Freedom

Author: Adapted from *Law and U.S. History* and *The Idea of Liberty* by Isadore Starr

HANDOUT 1

THEOCRACY IN ENGLAND

“All England was a church,” wrote historian John Green. Pomp, pageantry, ritual, and ceremony had bound up church and state. But a bitter battle was building between the established church and the Protestants.

In 1603, King James found himself confronted with a Parliament comprised mainly of Puritans. The Puritans proposed that England no longer be governed by the “divine right of kings,” but by a group of men elected to represent the wants of its people. The King’s indignant answer was to turn the ancient body of law, the “Star Chamber” (so called because of stars painted on its ceiling), into a secret court of judges without jury or rights to defense. The Star Chamber punished with torture and mutilated those who dared differ with the royal decrees.

In 1611, the Star Chamber grew more vengeful. This secret court cut off ears of those who dared speak up for any Puritan beliefs, branded a man on both cheeks with the letters “SL” for seditious libeler, and imprisoned others in filthy dungeons.

King James said of those who opposed his established church, “I will make them conform, or I will harry them out of the land.”

Assignment

1. What is meant by the “divine right of kings?”
2. What was the Star Chamber?
3. Do you feel it was a fair court? Why or why not?
4. What kinds of punishment were used?
5. What was the reason for these punishments?
6. What is a “seditious libeler?”
7. What did James mean when he said, “I will make them conform, or I will harry them out of the land?”
8. What is a theocracy?

THEOCRACY IN THE COLONIES

Most of the colonists who came to the New World in search of religious freedom were thinking only of freedom for themselves. Plymouth was for Separatists; Massachusetts Bay Colony, for Puritans. Men and women who refused to accept the official religious beliefs or doctrines were often thrown in jail or driven from the colony.

In Massachusetts in the 1600's, church and state were one. According to the terms of the Massachusetts Bay Charter, those living within its territory "shall practice no other form of divine worship than that of the Reformed (Puritan) religion." People could not be members of the colony unless they belonged to that church.

The Puritan ministers were all-powerful although they did not hold office. It was they who examined the candidates for church membership, who alone could vote and hold office. Anyone who broke any church law was arrested and was tried in a government court.

"Tobacco drinking" (smoking), tippling, card playing, dancing, and bowling caused the town fathers alarm. Sunday strolls or street kissing were subject to heavy fines. Christmas, reminiscent of "Popery," was banned.

Punishment was based on the theory that ridicule was more effective than imprisonment. Market squares had stocks, pillories, and ducking stools. Public floggings were common, and offenders were often forced to display on their clothing the initial letter of the crime committed. The town fathers were content to sacrifice freedom in their attempt to achieve unity. The Reverend Nathaniel Ward, speaking for all good Puritans, remarked, "All Families, Anabaptists, and other Enthusiasts shall have free liberty to keep away from us."

Assignment

1. What kinds of religious freedom were most of the colonists seeking?
2. Who were the most powerful leaders?
3. What kinds of punishment were inflicted?
4. How did this punishment compare to the punishment of the Star Chamber?

HANDOUT 3

THE CASE OF ROGER WILLIAMS

Roger Williams stood and faced the 50 men of the General Court who were about to question him. He had been accused of being a dangerous person. Not one lawyer in the Massachusetts Bay Colony would defend him.

One of the magistrates shouted, “You dare to say that the King of England does not own this land!”

“The land belongs to the Indians,” Roger Williams answered firmly. “It is wrong to take it without paying them for it.”

“And you dare to say that each man should worship God in his own way!”

“Aye, it is wrong for the State to make laws telling people how to worship. Such laws bring tyranny to America.”

“You also dare to say that others besides church members should have the right to vote!”

“The church and the government should be separated,” answered Roger Williams.

The elders and magistrates frowned, but Mr. Williams would not change his opinion. The trial lasted all that day and part of the next. Finally the sentence was given.

Assignment

1. What do you think the sentence was?
2. What do you think the sentence should have been?
3. How did Roger Williams feel about the land of the Massachusetts Bay Colony?
4. What did Roger Williams think about laws and worship?
5. What is meant by separation of church and state?
6. How do churches benefit from the state?
7. How is government influenced by religion?
8. Should church and state be separate? How would complete separation affect the churches? How would complete separation affect the government?

THE CASE OF ROGER WILLIAMS DECISION

Roger Williams was forced to leave Massachusetts within six weeks. Later, he bought land from the Indians and founded Providence, which became the capital of Rhode Island. In this colony, there was separation of church and state, religious freedom, and freedom of speech.

THE CASE OF ANNE HUTCHINSON

Mrs. Anne Hutchinson, of Boston,
Massachusetts Bay Colony,
For Moving Against Public Law and Order and
the Tranquility of the State

PROCLAMATION OF SESSIONS
at General Court, New Town, 2 November 1637

Henry Vane, Bart., Governor
John Winthrop, Dep. Governor

Will Hutchinson pried off the paper that was glued to his front door. Anne was pregnant and was staying in bed late. Will climbed the stairs, holding the paper as if it were burning his hand. This was terrible. Anne lay back on her pillow and fought down panic. She knew the trial would be open and shut. There would be no representative for the accused. She would be assumed to be guilty unless she could prove her innocence. She would be confronted with hostile witnesses but have no right to witnesses in her favor. There would be no jury of her peers, only the decision of the judges.

Anne went to see her friend, Mary Dyer. Well into the night the two women consulted their Bibles. That was what the other side would be doing! Anne would have to answer for those famous meetings in which she played the role of teacher.

On November 2, 1637, the bell in the New Town Court clanged. Down the center aisle came Anne Hutchinson and her minister, John Cotton. Directly behind came Mary Dyer, with her hand just touching Anne's shoulder.

Seated at one end of the bench as judge, Sir Henry Vane motioned to the bailiff to pound for order with his kevel (later gavel — a ship's wooden belaying peg).

A large golden-edged Bible lay open in the center of the table. The bailiff asked Anne to lay her right hand upon it and swear that the testimony she would give was "Truth, whole Truth, nought but Truth. So help you, God."

Mistress Hutchinson was accused of 82 "errors in conduct and belief." Four were major: (1) "consorting with those that had been sources of sedition," (2) breaking the Fifth Commandment, "Honor thy father and thy mother," (3) claiming revelation of God's Word directly, and (4) misrepresenting the conduct of the ministers.

Deputy Governor Winthrop clasped his hands and began, “You are accused of consorting with persons condemned for sedition.”

“Please, sir, who might these persons be?” asked Anne.

“The silenced Brother Wheelwright and others since cited for contempt of court, fined, disgraced, or banished.”

Anne replied, “I did not sign the petition in his favor. Also, it is difficult not to say good morning or good evening to one’s own brother-in-law.”

“Next, you have broken the Fifth Commandment, “Honor thy father and thy mother.” We, the ministers and magistrates are your fathers. We forbade you to hold meetings in which you instructed women. You obeyed not our commandment.”

“Agreed, sir, that you and all of you are somehow my one father. I put it to you. In Acts 18:26 wherein Aguila and his wife Priscilla took upon themselves to instruct Apollos in the meaning of the risen Christ.”

“You are also accused of claiming the revelation of God’s Word directly to yourself.”

Anne replied, “I have never claimed so in public, but only in privacy, in my own house.”

“Next error . . .”

Anne did not hear the rest. She sank to the floor. It had gotten bitterly cold. No time out had been taken for rest. She had been standing some five hours.

Assignment

1. What do you think was the decision of the Court? Why?
2. Would you have decided the same way? Why or why not?
3. How did Anne Hutchinson receive the notice she would be tried in Court?
4. In what way did her trial differ from a trial in America today?
5. What did Anne Hutchinson and her friend, Mary Dyer, read to prepare for the trial?
6. What was Anne’s defense for the first charge, “consorting with those that had been sources of sedition?”
7. Why was Anne accused of breaking the Fifth Amendment?
8. Why did Anne faint?

THE CASE OF ANNE HUTCHINSON DECISION

Anne was convicted and sent out of the colony. She moved to Roger Williams' colony in Rhode Island. Later, she moved to a Dutch settlement in New York and was killed in an Indian raid.

HANDOUT 5

THE CASE OF MARY DYER

It was a very bad time for Quakers in Boston in 1656. Imprisoned Quakers were having their ears cut off almost as a matter of routine. They also were being branded with the SL of “seditious libeler” on their cheeks. Arriving Quakers were hauled off ships, examined for “witch marks,” and put on ships heading for Barbados to be sold as slaves.

Despite the danger, Mary Dyer decided to go to Boston, wearing the Quaker habit of gray cloth gown, coat, and cap. She planned to make the ultimate test of the Puritan law.

At one time, she was stripped and whipped on the Common. Finally, she was thrown into prison, brought before a court, and sentenced to be hanged.

On a morning in 1659, Mary and two Quaker men, dressed in their gray habits and wearing their hats, were taken from their cells and led to the place of execution. A large crowd pushed and shoved for the best vantage point. The official in charge was the Reverend John Wilson. He bawled at the three of them, “Shall such folk as you come before Authority with your hats on?”

They would! The two men were summoned ahead of Mary. It pained her to see that they were given no chance to make their small prepared speech about religious liberty. Each time they tried to raise their voices there was, at Wilson’s command, a drumroll from the three soldier drummers stationed nearby.

Both of the victims died hard. Then Mary’s arms were bound behind her. Her face was covered with Mr. Wilson’s handkerchief. She heard the drumroll. Then John Wilson’s voice roared, “Stop!” Mary tried not to faint. Reverend Wilson advised her that it had been intended to give her a severe scare. The court did not want the notoriety of having to stop the mouth of a mere and foolish woman, but if Mistress Dyer were ever seen in the entire Massachusetts Bay Colony again, it would have no choice in the matter.

Mary, however, returned a half-year later to test the legality of the law that sentenced to death Quakers who visited the colony after being expelled. This time she was marched to the gallows, once more to the rumble of the drums. She stood blindfolded and called out, “My life not availeth me in comparison to the liberty of the truth.” Then she was hanged.

A woman had died in vain. Or had she? In England, one of King Charles II’s advisors brought the latest news of atrocities against Quakers in one of the American colonies. It was a long list of names; near the bottom, under “Hanged,” was the name of Mary Dyer. Now they were beginning to hang women!

The King said, “I will stop that vein.”

And he did. Thousands of Quakers were let out of jails in both England and New England, and stern edicts were published against their further persecution. The year 1660 was the beginning of the end of Puritan intolerance and the iron grip of theocracy.

Assignment

1. Compare the treatment of the Quakers by the Puritans in Boston in 1656 with the treatment of the Puritans in England by King James and his Star Chamber in 1611. Is there a difference?
2. Why did Mary Dyer decide to go to Boston even though she knew of the danger?
3. Our Bill of Rights protects us from “cruel and unusual punishments.” Do you think any cruel and unusual punishments were given to Mary Dyer? If so, which ones?
4. What does it mean to test the legality of the law?
5. Is there a difference between religious tolerance and religious freedom? How are they different?
6. Does the Bill of Rights protect the religious practice of illegal acts (human sacrifices, handling poisonous snakes, drinking deadly concoctions, etc.)?
7. If an unusual, strange group of worshipers wanted to build a church in your community, would you let them? Why? Why not? (A church whose members worshiped the Devil, for example.)

HANDOUT 6

WILLIAM PENN'S COLONY

“There is no hope in England. The deaf adder cannot be charmed,” said William Penn. So he immediately began figuring how the “deaf adder” of government could be charmed into giving him land in America. The King had owed Penn’s father a debt of honor: 16,000 pounds for back salary and loans, and a share of the profits from the West Indies Admiral Penn had captured for England. So William Penn carefully worded a petition to the King asking for the land. He was shrewd enough to know the King might want to get a troublemaker out of the country.

Penn appeared to accept the charter on March 4, 1681. He kept his hat on, Quaker fashion. The King promptly removed his own. When Penn looked at him in surprise, King Charles explained, “It’s the custom here for only one of us to keep his hat on, Friend William. And if you won’t take yours off, then I must.”

In planning the frame of government, Penn wrote the Charter of Liberties. There were to be free elections, with a council and assembly chosen by the colonists. The code of Forty Laws included freedom of worship and a trial by jury. Nobody could be put to death except for treason or murder. Every freeman or landowner who believed in God could vote (for Christians and Jews).

Assignment

1. In Penn’s Charter of Liberties, who could vote?
2. Who was included in this Charter who was not included in Lord Baltimore’s Charter?
3. Do you feel this is true religious freedom? Why or why not?

NORTHWEST ORDINANCE

Article I. No person . . . shall ever be molested on account of his mode of worship or religious sentiments . . .

One of the oldest laws of the United States is the Northwest Ordinance of 1787. This Ordinance was passed by the government of the Confederation of the United States of America. It provided for the governing of the Northwest Territory, which is now the states of Michigan, Illinois, Indiana, and Ohio. Many of the territorial plans of the West followed ideas from this law. It became the most democratic colonial policy the modern world had known.

Years after the Northwest Ordinance was adopted, Daniel Webster gave his sober opinion of its importance: "I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character than the Ordinance of 1787." This ordinance was the first American law to forbid the arrest of people because of their modes of worship.

Assignment

1. Do you think anyone should ever be arrested for "his mode of worship or religious sentiments?"
2. Do you think snake worshipers should ever be arrested? If so, when?
3. When should a person's religious freedom be limited?

HANDOUT 8

ARTICLE VI, UNITED STATES CONSTITUTION

... no religious Test shall ever be required as a Qualification to any Office of Public Trust under the United States.

Many of the colonies had religious tests for holding office. Pennsylvania required an officeholder to believe in one God and in a future state of rewards and punishments.

New York's Constitution of 1777 excluded all Catholics from state office by requiring a test oath calling for ecclesiastical as well as civil allegiance. Massachusetts adopted an identical policy.

New Jersey's Constitution of 1776 allowed "every privilege and immunity" only to Protestants.

The Constitutions of Maryland, New Hampshire, North Carolina, and Vermont contained provisions barring all but Protestants from the right to vote and to hold office.

Now the third clause of Article VI of the U. S. Constitution states nobody who can meet the other requirements for holding a position in the U. S. government may be kept out of this position because of religion.

Assignment

1. Should a person who does not believe in God have the same right to work for the state as someone who does believe?
2. Should all people have to belong to some religion?
3. Why do some people want other people to believe the same things they do?

**BILL OF RIGHTS
AMENDMENT I**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . .

These first 16 words of the First Amendment are an outgrowth of the colonial religious experience. The desire to escape religious persecution was one of the principal reasons for emigration to the New World. Although colonies that had been settled to avoid religious persecution were frequently hostile and intolerant of other beliefs, most colonies gradually passed laws tolerating all religious groups and separating church and state. The culmination of this move toward tolerance was the First Amendment, guaranteeing freedom of religion and free exercise of religious beliefs. However, five states still had official churches.

But this Amendment did not apply to the states. James Madison, author of the Amendment, proposed two Amendments: one, a restriction of the federal government; the other, a restriction of the states. The one to restrict the states was never passed by the Senate and was never submitted to the states. It was not until the passing of the Fourteenth Amendment in 1886 that freedom of religion was protected against state action.

There are two separate clauses in the First Amendment: The **Establishment Clause** and the **Free Exercise Clause**. The Establishment Clause prohibits the setting up of a national church. The Free Exercise Clause protects a citizen's freedom of religious beliefs and of activities that naturally flow from those beliefs.

Assignment

1. What two separate clauses concerning religious freedom does the First Amendment include?
2. What government did the First Amendment restrict?
3. Why do you suppose James Madison's amendment restricting state governments was not passed by the Senate?

ROAD TO RELIGIOUS FREEDOM

