

Separation and Accommodation at the time of the First Amendment (1789)

Separationist Requirements:

Two states - VA and RI - gave full freedom of exercise of religion and no establishment of religion.

PA and RI never had an establishment

New York - requires that citizens "Abjure foreign allegiance and subjection in all matters ecclesiastical as well as civil" (i.e. no Catholics need apply).

Three states - NY, DE, and SC excluded ministers from all civil office

Four states - MD, VA, NC and GA excluded ministers from the legislature

South Carolina expressed its belief in religious "toleration"

Establishment Provisions:

Eight States - CT, GA*, MA, MD, NH, NJ*, NC*, SC* allowed religious establishments in 1789

(* = dropped by 1791 - thus only four in 1791 when Bill of Rights was ratified).

Of the four establishment states in 1791, CT, MA, NH allowed taxpayers to designate recipient churches. MD permitted establishments, but no tax was levied.

Five States - NH, MA, CT, MD, and SC require Protestantism for officers of the state

Four States - PA, DE, NC, SC required state officers to believe Bible was to be divine inspired.

Two states - PA and SC required state officers to believe in heaven and hell and one eternal God

Two states - DE and MD required state officers to profess Christianity

Delaware required state officers to profess the doctrine of the Trinity

Source: Leo Pfeffer, *Church, State and Freedom* (Boston: Beacon Press, 1953),
106, 115, 125-127